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# Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable CARTE P. GOODWIN, a Senator from the State of West Virginia.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, this is the day that You have made, and we will rejoice and be glad in it. Thank You for the beauty of the Earth and the glory of the skies. Thank You for the love which from our birth over and around us lies.

Be near today to our Senators. Infuse them with reverence for You. May their lives be adorned with civility, integrity, humility, and faithfulness. May a spirit of respect and forbearance characterize all they do and say, as they hunger for Your truth and thirst for Your righteousness. Lord, distill upon them the dews of quietness and confidence that in simple trust and deeper reverence they may be found steadfast and abounding in Your power.

We pray in Your sovereign Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable CARTE P. GOODWIN 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. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, September 22, 2010.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARTE P. GOODWIN, a Senator from the State of West Virginia, to perform the duties of the Chair.

DANIEL K. INOUYE,
*President pro tempore.*

Mr. GOODWIN thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

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

## MEASURES PLACED ON THE CALENDAR—S. 3813, S. 3815, AND S. 3816

Mr. REID. Mr. President, there are three bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3813) to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes.

A bill (S. 3815) to amend the Internal Revenue Code of 1986 to reduce oil consumption and improve energy security, and for other purposes.

A bill (S. 3816) to amend the Internal Revenue Code of 1986 to create American jobs and to prevent offshoring of such jobs overseas.

Mr. REID. Mr. President, on these bills, would it be in order now to ask unanimous consent that on S. 3815, Senators HATCH and MENENDEZ be added as original cosponsors?

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

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar.

## SCHEDULE

Mr. REID. Mr. President, following any leader remarks, there will be a period of morning business until 4 p.m. today, with the time until 10 a.m. equally divided and controlled between the two leaders or their designees. The time from 10 a.m. to 4 p.m. will be controlled in alternating 30-minute blocks of time, with the majority controlling the first block and the Republicans controlling the next. Following morning business, the Senate will resume consideration of the motion to proceed to S. 3454, the Defense authorization bill.

## THE DISCLOSE ACT

Mr. REID. Mr. President, the debate this morning will be related to the Citizens United case. That is the case where the Supreme Court changed more than 100 years of precedent in the United States, which in the past had totally prevented corporations from being involved in Federal elections. The Supreme Court stood that rule on its head and denied stare decisis, which certainly surprised nearly everyone. They became involved, it appears, in the political process by a 5-to-4 majority, now allowing corporations, including corporations that have foreign interests, to become involved in our process. They really have opened the door. We have these nameless, faceless individuals spending huge amounts of money—corporate money and other money—where there is certainly no transparency whatsoever. These ads are being run on television and radio around the country. No one knows where the money comes from, how much it is. In fact, I repeat, there is no transparency. That is what the debate is about today. We have had a vote on this once before. I have the right to call it up again, and I will do so at the appropriate time, but it is important that the American people know how

outrageous the Supreme Court's decision was.

Would the Chair now announce morning business.

## 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 until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time until 10 a.m. equally divided and controlled between the two leaders or their designees and the time from 10 a.m. to 4 p.m. controlled in alternating blocks of time, with the majority controlling the first block and the Republicans controlling the next.

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

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

The ACTING PRESIDENT pro tempore. The Senate is in morning business, and the Senator is recognized.

## THE DISCLOSE ACT

Mr. DURBIN. Mr. President, when I reflect on the current state of frustration most Americans feel about our political system, I know there are many reasons, not the least of which is the state of our economy. When people are uncertain about their economic future, they are certainly unhappy with political leaders because that is whom they look to first and foremost for some assurance that our economy is moving forward and creating opportunity for them in the future. Where there is uncertainty, it is understandable that it translates into frustration with politicians and our political process.

But I would tell you that as I reflect on the many years I have been involved in public life, there is one aspect of this which really needs to be addressed, honestly and openly discussed, and that is how we finance our political campaigns in America. I think this is at the heart of the current weakness of our political system and a real challenge to its future.

I can tell you that most every individual who sits down to make the decision about entering public life has that sobering moment when they reflect on the fact that this isn't just a matter of how hard you work or how good you are or what your ideas might be. It has a lot to do with how much money you can raise. And if you can't raise enough money to deliver your message through radio or TV or social networking and all the different varieties of reaching the voters, even the very best candidates don't stand a chance.

I came to the Senate succeeding my mentor and great friend Paul Simon, who was a Senator from Illinois. Paul Simon would have run successfully if he had tried for another term in the Senate, but Paul announced that he just didn't want to go through that arduous battle of raising money—literally sitting on the telephone hour after weary hour trying to get through to people to beg for money. That is the plight of most people who decide to be political candidates. So those who do engage in that process and accept that challenge know it is going to consume at least half of their waking moments as a candidate—raising money so that you will be on television in the important close of the campaign. You know as well that you are going to be calling a number of people, some of whom are very gracious and giving without any demand for return and some who just want to call you back at a later time when something important to them comes up. That item of importance may be at the highest level of principle, but it may not be as well. It may be something very personal to them about their business or their family that brings them to ask a favor. That is the nature of the political process.

Now insert into that process the new decision by the Supreme Court, which has decided that not only individuals have the power under our Constitution and Bill of Rights to express themselves through the expenditure of money but that now corporations do as well. This Citizens United decision by the Supreme Court—a Court which many had praised as being a conservative Court bound by precedent—broke precedent, established new standards, and basically allows corporations and special interests across America to spend unlimited amounts of money in political campaigns. Now the hardest working candidate of either political party, working night and day to raise money, can be overwhelmed and eclipsed overnight by a special interest group or corporation that decides to spend millions of dollars to tell their side of the story. And trust me, these corporations won't get up and say: We had a narrow amendment in our self-interest to try to maximize our profits, and the incumbent Senator voted against it. That isn't how they will tell the story. They will tell the story about how this politician had basically turned his back on the people who elected him or takes a position they do not appreciate. How does the average person—the average candidate—overcome that kind of attack? The Citizens United decision by this Supreme Court has turned our political system upside down.

Here is a quote that accurately describes what we are trying to achieve with the DISCLOSE Act, which we are going to call up for a vote. The DISCLOSE Act addresses the Citizens United decision by the Supreme Court. We are going to be voting on this for the second time. The first time we voted on it, not a single Republican would join us in an effort for disclosure—disclosure by these special interest groups and corporate groups that are buying these political ads. Let me quote from a Member of the Senate. This Member of the Senate said:

> What we ought to have is disclosure. I think groups should have the right to run those ads, but they ought to be disclosed and they ought to be accurate.

Who said that? The Senator from Kentucky, who has just come to the floor. The minority leader said that in the context of the McCain-Feingold campaign finance bill in 2002.

The Senator from Kentucky, the Republican minority leader, is not the only Republican who would seem to support the principle behind the DISCLOSE Act. The Senator from Alabama, Mr. SESSIONS, the ranking member of the Senate Judiciary Committee, said earlier this year:

> I don't like it when a large source of money is out there funding ads and is not accountable. To the extent we can, I tend to favor disclosure.

The Senator from Texas, Mr. CORNYN, chairman of the Senate's Republican campaign committee, apparently agrees with that sentiment. Here is what he said earlier this year:

> I think the system needs more transparency so people can more easily reach their own conclusions.

I agree. I agree with these statements by Senator MCCONNELL, Senator SESSIONS, and Senator CORNYN, and I think the statements they have made give them good reason to vote for the DISCLOSE Act, which they initially opposed and I hope, in reconsideration, might favor.

The DISCLOSE Act would bring greater transparency to the source of campaign ads flooding the airwaves before an election so that voters can make good decisions for themselves as to whether the ads are truthful.

As a voter, I would want to know who paid for the political ad, and I do not want foreign companies trying to buy our elections. Shouldn't we know if some foreign corporation is buying ads to defeat an American politician? Shouldn't we have that disclosure? That is what the DISCLOSE Act says, and those who oppose it oppose that kind of disclosure.

As a taxpayer, I don't want big companies with more than $10 million in Federal contracts to be able to buy ads to curry favor with those Congressmen and Senators who happen to want to help them without disclosing who they are. Is it too much to ask that someone who has a vested interest in government contracts and buys ads to influence the outcome of an election to elect a Senator or Congressman who will vote their way at a minimum disclose who they are?

As a shareholder of a company, I want to know what political activities the management of that company is spending my company's money on. If the board of directors or one member

or the CEO decides to spend several million dollars defeating a candidate, should the people who own the company, the shareholders, at least know that and be in on the decision?

The DISCLOSE Act would help with all these goals. It would make CEOs and other leaders take personal responsibility for their ads. It would require companies and groups to disclose to the FEC within 24 hours of conducting any campaign-related activity or transferring money to other campaign groups. It would prevent foreign companies from contributing to the outcome of our election. It would mandate that corporations, unions, and other groups disclose their campaign activities to shareholders and members in their annual and periodic reports. It would bar large government contractors from receiving taxpayer funds and then using that money to buy campaign ads. It would restrict companies from sponsoring a candidate. It is all common sense.

Let me be clear. I personally think we should go further to change the way we finance campaigns. I am the author and lead sponsor of the Fair Elections Now Act, which would allow viable candidates who qualify for the fair elections program to raise a maximum of $100 from any donor. These candidates would receive matching funds and grants in order to compete with those high-rolling candidates who have personal wealth. That would change the system fundamentally, to move toward a system of public financing. Those who criticize it should take heart from the States that have brought it to a referendum, which have said repeatedly that they would much rather have public financing and take the special interests out of politics even if it meant imposing a tax—as we do, for example, with corporations doing business with the Federal Government—a tiny tax, which would generate enough money for the campaigns across the Congress and get us out of this money chase we are currently in. It would change the system of politics fundamentally. It would put the average citizen back in the picture, and I think it would begin to restore confidence.

Until we change the way we finance campaigns, I do not believe we can restore confidence in our political system to a level that it should be. But in the wake of the Citizens United decision, we are moving in the opposite direction. Allowing companies to spend freely and directly on political campaigns—we should at least have the transparency that is being asked in the DISCLOSE bill. Is it asking too much to require a group or company to at least mention who is sponsoring an ad so the American people know who is paying for it? I don't think it is. Once upon a time, many Republicans agreed with me.

I will close with one more quote from the Senator from Kentucky, the minority leader, from an interview years ago on ''Meet the Press.'' Here is what he said: ''Republicans are in favor of disclosure.'' We hope they will be in favor of the DISCLOSE Act, which calls for disclosure. You can't state a position much more clearly than the Senator did. I hope they still feel that way. I hope Senate Republicans will join us in a meaningful disclosure method for campaign finance reform that will move us in the direction of giving the voters more information so they can decide which candidates they want to support and know who is supporting different causes and candidates.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DURBIN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. I am not sure what the parliamentary situation is, but I am going to proceed under my leader time.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

## THE DISCLOSE ACT

Mr. MCCONNELL. Mr. President, here we go again, back to the DISCLOSE Act. Americans are speaking out. They want us to focus on the economy, on preventing tax hikes, on creating jobs. What do Democrats do? They turn to the so-called DISCLOSE Act, a bill they say is about transparency in elections but which was drafted behind closed doors, without hearings, without testimony, and without any markups; a bill which is supposed to be about free speech but which picks and chooses who gets the right to engage in political speech and who does not; a bill that is back on the floor for no other reason than the fact that our friends on the other side have decided this week is politics-only week in the Senate. Let's be clear from the outset. That is all this is—pure politics.

Over the past couple of elections, our friends on the other side have gotten a lot of help from their union allies and other outside groups—so much so, in fact, that they were able to outspend their opponents 2 to 1 in 2006 and 3 to 1 in 2008. That is our friends on the other side of the aisle. But now, after spending the last year and a half enacting policies Americans don't like, they want to prevent their opponents from being able to criticize what they have done. They hear Americans speaking out, they see some energy on the other side, and they don't want to take the kind of criticism they have leveled at Republicans for the past 4 years, so they are trying to rig the system to their advantage. That is it. It is quite simple—just to rig the system to their advantage.

The only question here is why our friends on the other side would want to propose something like this when Americans are screaming at them to focus on the economy instead. Just look at the surveys. What are Americans most concerned about? It is no secret that Americans want Congress to focus on jobs and the economy. Yet, over the last 2 months, in the midst of what Democrats are remarkably calling ''recovery summer,'' the President has devoted two of his weekly radio addresses to the Nation to making a personal pitch for this bill.

Today in the Senate, in the middle of the worst recession in memory, the Democratic leadership has decided to spend the next 2 days on the same failed partisan campaign spending bill aimed at giving Democrats a political edge. It is truly astonishing. It seems as if the more Americans say they want Democrats to focus on jobs, the more determined they are to press ahead with some piece of legislation aimed either at killing private sector jobs or, in the case of this bill, preserving their own jobs.

Here we are, in the middle of a recession, with 27 States yesterday reporting increases in unemployment, 14 million Americans looking for work, and a national debt that is putting the very future of the American dream in jeopardy, here we are voting on a bill that amounts to little more than an incumbency protection act for Democrats in Congress. If Americans are looking for one final piece of evidence in this Congress that Democrats have lost perspective and lost touch with Americans, then this is it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

## HONORING CONLEY INGRAM

Mr. ISAKSON. Mr. President, I rise for a moment to pause and pay tribute to the life and accomplishments of a citizen of my home community, Judge Conley Ingram. In fact, in a few days a number of members of our community, his friends and associates over his career in law and community service, will join to celebrate his life and achievements and his birthday. He is a remarkable person whom I admire greatly because he has been a mentor to me and the example I have tried to follow. Unfortunately, I will not be able to attend that particular program, but today on the floor of the Senate, I wanted to memorialize a true storied jurist of the State of Georgia, probably amongst the top three or four from our State in the history of our State. He is a man who stands shoulder to shoulder with men such as Griffin Bell, the former Attorney General of the United States, and former Assistant Attorney General Larry Thompson.

Conley Ingram has done about everything you can do as an attorney and a lawyer. When he graduated from Emory University 59 years ago and went into the service, he taught at the Judge Advocate School in Charlottesville, VA. From there, he went on to be city attorney, special assistant attorney general, juvenile court judge of the County of Cobb, and went on to become

superior court judge in the County of Cobb. He then founded his own law firm and ran it for a number of years until he became a justice of the Supreme Court of the State of Georgia. After leaving there, he went with the storied firm of Alston & Bird and became probably the Nation's most recognized arbitrator and mediator of any attorney in the country. And not to finish and not to quit, for the last 12 years he has been a senior special superior court judge in Cobb County, GA, serving all the time the citizens of our State.

But his greatest service is the example he shows. He has been selected our Community Citizen of the Year. He received excellence awards for the legacy he has left not just for his work on the bench, not just his work as a lawyer, but his work for the betterment of the community, whether it is the Boys Club or the Girls Club, whether it is his church, or whether it is his neighborhood.

But for me, there is one special thing to say about Judge Conley Ingram: He is a man who takes time for everybody. He is a man who is willing to help. He is a man who would rather find common ground in the interest of both parties than have a winner-take-all philosophy of life.

Probably the greatest blessing of Conley Ingram's life is his wife Sylvia, whom my wife Dianne and I cherish as a dear friend.

So this week in which our community will celebrate the many accomplishments of the 59 years of the practice of law of Judge Conley Ingram and his life in general, I am proud to stand on the floor of the Senate and say: Conley, thank you, not just for what you have done for me but what you have done for so many people in our great State and for this great country, the United States of America.

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

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

## THE DISCLOSE ACT

Mr. MERKLEY. Mr. President, I rise to speak about an issue of critical importance to the future of our democracy. I have in my hand the majority opinion titled ''Citizens United.''

This Supreme Court decision, decided on the narrowest of grounds, is of profound importance to our Nation and how the voices of citizens get heard or get drowned out. This decision, Citizens United, is a dagger poised at the heart of American democracy.

Our Nation is unique in world history in that it was founded not on nationality of royal bloodlines but on a simple idea, a simple yet revolutionary idea that the country's people are in charge.

As was so often the case, Abraham Lincoln said it better than most. He said, the United States is a ''government of the people, by the people, for the people.'' What that means is that we elected officials work for the people. They elect us. They are in charge.

But this formula, government by and for the people, cannot survive if our elections are not open, free, and fair, and Citizens United ends open, free, and fair elections in America. This decision says that unlimited secret and foreign funds can be spent on elections in the United States of America. Let me restate that. This decision, Citizens United, says unlimited secret funds can be spent on elections in the United States of America.

This is not just some hypothetical. Reports estimate that over the last few weeks, $24 million has been spent in secret spending, with no ability to trace who put it into campaigns. The results are negative attack ads barraging candidates in State after State after State, under, I am sure, pleasant-sounding names such as Citizens for a Strong America or Citizens for Blue Skies or Citizens for a Better Nation, front groups that are using this secret money, allowed by this decision, to drown out the voice of the American citizen in elections across this land.

Government is not by and for the people if corporations and even foreign corporations and giant government contractors are able to hijack our electoral process to run millions of dollars of attack ads against any candidate or legislator who dares put the public interest ahead of the company's bottom line.

Our Constitution, through the first amendment, puts the highest protection on political speech, recognizing how important it is that citizens be able to debate the merits of candidates and ideas. But the essence of the first amendment is that competing voices should be heard in the marketplace of ideas. The Citizens United decision gave the largest corporations a stadium sound system to drown out the voices of our citizens.

Let me give you some sense of this. Take a single corporation in 2008, Exxon Corporation. Exxon Corporation made a lot of money in 2008. If it had spent just 3 percent of the total net revenue it had that year, that would exceed all the spending by Presidential candidates for the 2008 election. Three percent of a single corporation's net revenues would drown out all the dollars spent by citizens in the Presidential race in the 2008 election. That is the stadium sound system I am talking about.

Think about the scale. My Senate race was far and away the most expensive election in Oregon history. Two candidates together spent about $20 million. To translate that back to a single corporation, Exxon, that would be the amount of money in net profits they made every 10 hours. You get some sense, then, of the challenge.

If you like negative ads, you will love the impact of Citizens United. Imagine what corporations will do to put favored candidates in office. The sheer volume of money could allow corporations to handpick their candidates, providing unlimited support to their campaigns, and take out anyone who dares to stand for the public interest.

The DISCLOSE Act we are debating is not a perfect solution to this attack on American democracy. But it does change one critical feature; that is, secret spending becomes publicly disclosed spending.

My colleagues on both sides of the aisle have spoken time and time again about the importance of public disclosure and democracy. One of my colleagues from Texas said:

> I think the system needs more transparency so people can reach their own conclusions. In other words, people should know who is funding that campaign ad.

One of my colleagues from Tennessee:

> To me, campaign finance reform means individual contributions, free speech, and full disclosure. In other words, any individual can give whatever they want as long as it is disclosed every day on the Internet. Otherwise you restrict free speech and favor super rich candidates, candidates with famous names, the media and special interest groups, all of whom can spend unlimited money.

That is a strong statement by my friend and colleague from Tennessee in support of disclosure. The Republican floor leader, speaking in 1997:

> Public dealerships of campaign contributions and spending and spending should be expedited so voters can judge for themselves what is inappropriate.

How can a voter judge the content of the ad if they do not know what money is behind it? So disclosure is something that has been a bipartisan concept. Folks have referred to it as sunshine is the best disinfectant. So this bill brings transparency. The DISCLOSE Act makes the CEO of a company stand by its words. The CEO would have to say, at the end of the ad, that they approved this message, just like political candidates have to do right now.

It is common sense. If a company is willing to spend millions working against a candidate, voters, our citizens, have a right to know who is involved instead of allowing them to hide behind shadowy front groups. Similarly, this bill would require 527 groups, which exist solely to influence elections, to be transparent about who is funding them. Voters have a right to know where ads and campaign dollars come from.

A second issue this act takes on is the pay-to-play issue; that is, the concept that groups that are competing for government contracts and winning those contracts have a particular conflict of interest when it comes to spending large volumes on campaigns. So this gets rid of that conflict of interest. It says it bars government contractors from running campaign ads or

paying for other campaign activities on behalf of a Federal candidate.

We understand this conflict of interest. We have the Hatch Act. We understand Federal employees have a conflict of interest. We also understand government contractors have a conflict of interest. This bill also takes on the issue of foreign-owned corporations. It says that if a company is 20 percent foreign owned, it is not eligible to allow these massive expenditures on behalf of particular political candidates or causes.

Do we want to leave the door open to foreign corporations spending unlimited sums here in America to change the course of our Nation? I do not think so. I do not think any red-blooded American wants foreign corporations dictating the future of the United States of America. That is what this act is about.

Essentially, what the Citizens United decision did, it created a ''supercitizen'' who can operate in secret with unlimited funds to influence American elections. A few years ago, I was with my son on the first floor of the Lincoln Memorial, down under the stairs. I saw a quote that had been posted on the wall. It said something to the effect of: The greatest threat to the success of our Republic is that the citizens have an equal voice.

I said that is an interesting quote coming from a President in wartime, in a civil war, dealing with slavery. So I asked the ranger: Say, do you know the background of that quote? Because I was surprised President Lincoln did not say the biggest threat was the war or slavery or reuniting the sides or preserving the Constitution. But he said: the citizens' voice, preserving the citizens' voice.

The ranger lit up and said: Yes, actually, I do know the background to that. He said: During the civil war, President Lincoln was very concerned that the military contracts that were being let by the government were resulting in numerous representatives of companies coming to DC and lobbying intensely to get those contracts. He was concerned that voice would drown out the voice of the people.

It is no wonder. It fits right with a President who understood the heart of the genius of American democracy, that we are talking about government by and for the people.

Well, Lincoln's concern about that conflict of interest is one that should be magnified many times today in the context of Citizens United. Citizens United, that allows unlimited secret donations and foreign donations to influence the course of American elections.

President Lincoln reminds us the essence of our Nation, the cause that brought a generation of patriots to challenge the greatest military power of the 18th century, the idea that has inspired people to leave everything to come to our shores is a government of people, by the people, for the people.

So let's say no to secret spending. Let's say no to foreign corporations. Let's say no to the conflict of interest of government contractors using their profits from their contracts to weigh in and try to influence and getting favoritism with candidates. Let's say yes to government by and for the people.

We need some profiles in courage today to preserve the heart of our democracy, government by and for the people.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR.) The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I come to the floor in an effort to try to get my colleagues on the other side of the aisle to join us in preserving our democracy. I heard the Republican leader's remarks that we should be focused on jobs, and we have been, notwithstanding the constant obstruction of our colleagues on the other side of the aisle by using the filibuster countless times in terms of us being able to move forward on jobs.

But this legislation is about jobs. Some people might ask: Well, what does the disclosure of campaign finance have to do with jobs? It has everything to do with it because the murky special interests that are out there spending unlimited amounts of corporate money are not spending it because they just want to participate in our electoral process without a purpose. They are participating because they have a purpose.

The purpose is to elect those individuals who ultimately will respond to their agenda, which is an agenda that, in many cases, works against the interests of working men and women in this country; works against some of the very essence of legislation we have passed and signed into law such as equal pay for equal work; works against the very interests of what we are trying to accomplish on food safety so none of our families will ever get ill because of a product that should have never made it to their table in the first place; works against the interests of those in this country who want to work and give a hard day's work for a fair day's wage and at the same time work in conditions that ensure their safety is preserved and they can go home at the end of a long day to their loved ones and come home safe and secure—those and so many other interests. So when we talk about jobs, knowing who is out there spending money for what purpose, particularly for what corporate purpose, is incredibly important to how we create jobs, what do we do in terms of working conditions, what do we do in terms of wages, what do we do in terms of equity. This is about jobs. It is also about our democracy.

Since the Supreme Court made its decision allowing corporate interests and labor interests to spend money unlimitedly—and, by the way, in doing so also allow the possibility of foreign corporations, many of which are not just private foreign entities, they are foreign entities controlled by a government—the money is flowing. Don't believe me, even though we have seen since August 15 to last night $21 million already spent on the Republican side of the aisle in independent expenditures, unknown money, no person, no face, no name. That is why I guess we can't seem to get a vote. But don't listen to me. Listen to Michael Toner, former Republican Federal Election Commission Commissioner. He said:

I can tell you from personal experience, the money's flowing.

For what purpose? Corporations just spending their money for something other than the pursuit of the bottom line? When have we known a corporation to spend its money recklessly without pursuing an interest in the bottom line? I haven't seen too many of those. They may have made bad mistakes, but they have never purposely spent money for the purposes of anything other than to improve their bottom line. So if they are spending money in elections, they are spending to make sure they can improve their bottom line. This undermines the very essence of our democracy where we want individual citizens and voters to determine the outcome of the elections, not the monied interests.

In this process, this was a bipartisan effort originally when Congress said: We don't want corporate or labor money to be spent unlimitedly in Federal elections. We have had continuous comments since then. Here is the Republican leader, Senator MCCONNELL:

Public disclosure of campaign contributions and spending should be expedited so voters can judge for themselves what is appropriate.

We have changed that view because all we are trying to do is say: OK, Supreme Court, you are going to allow the money to flow from the corporations. Let us know who is spending it and on whom they are spending it and for what purpose. Then the voters can judge for themselves what is appropriate.

We have had others as well who are in the midst of this election process, such as my counterpart Senator CORNYN, saying:

I think the system needs more transparency, so people can more easily reach their own conclusions.

What do we have? Less transparency. So an individual who gives their money to a candidate, they get fully disclosed. A corporation or a special interest or a foreign interest gives money, they can hide behind these shadowy groups. They have great names—Americans for this, Americans for that. The problem is, we don't even know if one of those groups that call themselves Americans for X, Y, or Z is actually an American corporation. With the loophole created by virtue of allowing foreign corporations to now spend in our elections, it is the ultimate erosion of our democracy.

If Members don't think they will, let me cite a few examples of why they

might. Imagine if BP could go ahead and influence the elections of a whole host of Senators because they want to determine what our energy and drilling policy is by electing those who ultimately share their views. After what they have done in the Gulf of Mexico, after what they refused to do in testifying before a hearing that I will hold next week about the release of the Pan Am 103 bomber and what role they played in lobbying for the release of that terrorist that killed Americans they can't even send a witness to our hearing, do my colleagues think they would not be interested in spending millions to determine who can be supportive of what they want?

Do Members believe the Chinese wouldn't ultimately make investments in candidates who continue to espouse a philosophy that allows jobs to be offshored? Talk about jobs to be offshored to countries such as China where manufacturing is dirt cheap and rights are nonexistent and working conditions virtually don't exist and the environment is not a question. Do Members think it is impossible for that to happen?

Do Members think it is impossible for Hugo Chavez not to be spending money here through Citgo and saying: Let me support those who support the type of views I hold and who will engage in an energy policy that is much different than I can influence with Venezuelan oil?

Do my colleagues think there are those in the corporate sector who have been fighting food safety—not all but some—who wouldn't elect those individuals who will ensure that we can't have the food safety procedures to come into the 21st century so that we can ultimately ensure that our food is safe? No, they would rather have the ability to do what they do and not have to worry about the consequences of safety to improve the bottom line.

I could go on and on with examples of why foreign interests spend well in our elections to dictate policies that ultimately would inure to the detriment of the American people and to the benefit of their interests. That is what we are fighting against. That is what we are trying to undo in terms of the legislation we are considering, to disclose. What a terrible thing, to disclose. We are not even stopping the contributions because the Supreme Court said the contributions can be made by corporations, but at least let's know who is giving them and who they are giving it to and for what ostensible purpose.

I see a continuing erosion of our democracy through the present circumstances. I see why we can't get a vote on the other side of the aisle because, overwhelmingly, they are receiving the benefits of this undisclosed, shadowy money that no one knows where it comes from, no one knows who is giving, for what purposes. Is that really the American way? Is that what the average voter wants to see in terms of their democracy? I don't think so.

I urge my colleagues to follow the essence of McCain-Feingold. Senator MCCAIN and Senator FEINGOLD authored legislation. All of those who made comments about disclosure, it is time to at least simply disclose. It is time to allow the American people to know who is engaged in this election, who is spending millions. They are talking about raising and spending nearly $300 million. There are 41 days to the election. We would not know where it came from, who is giving it, for what purpose. That is the ultimate corruption of our system.

I hope my colleagues will vote to proceed. Let's have the debate and, more importantly, let's cast a final vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I believe the eloquence of Senator MENENDEZ marks a high point in the debate. I don't know that anyone could have expressed what is at stake as well as he did. I will make a humble attempt to build on what he said. Before he leaves the Chamber, in a country of, by, and for the people—our country—the people have a right to know who is supporting their Senators, who is opposing their Senators, who is supporting their Members of Congress, who is opposing them. That is all we are asking. It is simple. It is the American way. We do things in the light. It makes us different than other countries. The DISCLOSE Act is essential. I thank my colleague for his leadership.

The DISCLOSE Act is a much needed response to a Supreme Court decision in Citizens United which essentially allows big money to drown out the voices of our people. I have always thought and believed—and still believe—that what makes us great is that we try to have laws that level the playing field so people who are extremely wealthy don't have more to say than those of modest means. How do we do that in everyday life? We try to have a public school system so we ensure that all children get an education. I personally am a product of public schools, kindergarten through college. Were it not for that, my family couldn't afford to send me to private schools. How could I have ever made it to a decent job, let alone to the Senate? In all of the things we try to do to try to have a safety net for people who are unemployed, everything we do, it seems to me has been to ensure we have a thriving middle class, that the American dream is there for people who work hard for it.

We don't want to get to a situation where simply because a corporation has, frankly, billions of dollars they can spend on campaigns, they can simply do it in secret and there is an ad run against a sitting Senator on either side of the aisle, and we don't have any clue who has put that money down. As Senator MENENDEZ says, they pick great names: Americans for Justice, Americans for a Better Tomorrow. They name great names. But who is behind it?

Frankly, we could have a foreign country behind that ad if they had a subsidiary in America they control. That foreign country could very well be playing in our elections as we speak with the millions of dollars we see coming into the Senate races.

In the Citizens United case, the majority of the Court reversed a 100-year-old law and overruled decades of legal precedent when they decided that corporations and labor unions cannot be restricted from spending unlimited amounts in Federal elections because they equated any limits with violating free speech. I ask the question in this great country of ours, where we all have the privilege of living and we all have the privilege and responsibility of voting: Why is it that a nameless, faceless entity has more speech than any one of our citizens? Why? Because these corporations are worth trillions of dollars. The average person obviously has nowhere near it. The average income in our country is about $50,000 for a family now, maybe a little less. How would that person compete with a $1 trillion corporation? The Court doesn't seem to care about that, the majority, a slim majority, when they equate spending limits with speech.

What they actually said is that a corporation worth trillions gets to have much more speech than any one of my constituents in California or any one person in the whole United States of America. The decision was astounding.

It defies common sense to conclude that corporations or labor unions are citizens in the eyes of the law.

I said to my staff: Have you ever called a corporation and asked the corporation to go to lunch with you? Corporations are not people. They are entities. How the Court could equate corporations with people is amazing.

Mr. President, I ask unanimous consent for 2 additional minutes, and then I will finish up. And add that—

Mr. BOND. Mr. President, I do not object. Whatever time she needs I hope will be added on to the time that has previously been allotted. I do not want to cut short the comments of my friend from California.

Mrs. BOXER. That is extremely kind of my colleague.

Mr. President, I ask unanimous consent to take 5 minutes and to add that on to Senator BOND's time.

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

Mrs. BOXER. So the decision was astounding to equate people with corporations and unions, on its face. As Justice Stevens wrote in his dissent:

> Corporations have no consciences, no beliefs, no feelings, no thoughts, no desires . . . they are not themselves members of ''We the People'' by whom and for whom our Constitution was established.

We all know corporations are important in our lives and they make enormous contributions to society, but

they are not people, and their profit motive keeps them going. That is our system, and that is fine. But all we are saying in this debate over the DISCLOSE Act is, if a corporation or a union is going to take out an ad against a Senator or for a Senator, or against a challenger or for a challenger, that they simply stand up and say—that is, the CEO of the corporation: I am Mr. Smith, and I approved this message.

When I make a commercial or any of my colleagues or any of our challengers, they need to do that. You will see that on every commercial: I am so and so, and I approved this message.

So all we are saying is, level the playing field—at least that. We need to do a lot more to fix this Supreme Court decision, but at minimum let's have disclosure. The Fortune 100 companies had combined revenues of $13.1 trillion during the 2007–2008 election cycle. They had those revenues. If they devoted just 1 percent of that—1 percent of that—it would double the federally reported disbursements of all American political parties and PACs combined. I think we cannot allow our electoral process to be dominated by the special interests.

So all we are saying in the DISCLOSE Act is, stand up and be counted. Let us know who you are. We have to know who you are. Do not hide behind some shadowy name of a group. Again, these names are all very nice: Americans for this and Americans for that. Let us know who you are. That is all we are saying.

This is a government of, by, and for the people. The people have a right to know who is contributing to us, to our opponents, and it is very simple.

There could be foreign influence here, again I would say. In our bill, we basically say no foreign influence. If you are a domestic corporation who is controlled by a foreign country or a foreign corporation—say if China, say in Venezuela, say anywhere; pick your country—you cannot take an ad. This is America. We ought to know who is contributing these huge, enormous sums. We ought to know who they are. Our voters ought to know who they are. The American people deserve nothing less.

So I would hope when we take up this vote again, there will be no more filibusters over this issue. I have never seen so many filibusters. I have been here a while. Let's go to this legislation. Let's hear the other side defend why they think foreign countries or foreign corporations should be able to play in our elections. Let them defend it if they want to. That is fine. That is fair. I am sure they will come up with reasons.

But yesterday we could not go to the military bill. It has a pay raise for our soldiers. That is put on hold because people did not want to vote on the DREAM Act. They did not want to debate don't ask, don't tell. I do not understand it. Now we have a situation where they are filibustering us being able to go to this very commonsense bill, the DISCLOSE Act, which many of my colleagues on the other side have supported in the past—simple disclosure, transparency. I could read you chapter and verse of my colleagues on the other side who were filibustering the DISCLOSE Act in the past saying: We want transparency.

So I think this is a pretty open and shut case. The American people have a right to know who is influencing their elections. Just have these corporate executives, these union executives stand up and say: I am so and so, and I support this message, and I paid for it.

With that, I am happy to yield the floor with great thanks to my colleague for allowing me the opportunity to complete my remarks.

Thank you very much. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

## TAX INCREASES

Mr. BOND. Mr. President, this morning, all across America families are struggling to make ends meet. Their incomes are stagnant, but the cost of living keeps rising and the tax burden they face at the Federal, State, and local level keeps getting worse—and they are threatening to go higher.

Just as troubling, today's ongoing economic uncertainty is crippling job creation and hurting small businesses—the real engines of growth in our country. Some of our small businesses have told me it is not uncertainty, it is the certainty that they know what the Federal Government has already done in the health care bill this body, unfortunately, passed.

But what is the answer from Washington to this situation? More job-killing taxes.

Let me be very clear: The last thing we should be doing in this difficult economy is raising taxes on American families and small businesses. It is a recipe for disaster. I do not think anyone believes raising taxes on somebody in a recession is a good idea, particularly on the very small businesses we need to hire more workers and get the economy back on track. But unless Congress acts before the end of this year, that is exactly what will happen.

This is not a Republican or Democratic issue, which is why 31 House Democrats have recently written the Speaker of the House urging her to act now to stop the tax increases on the American people. As these 31 Democrats said, defying their leadership, raising taxes now could ''negatively impact economic growth.'' Obviously, that would affect jobs.

Instead of listening to the American people, and even those members of his own party, President Obama is trying to convince our Nation that the largest tax increase in history will not hurt them.

Whether it is justifying their failed trillion-dollar stimulus bill or government takeover of health care, which will cost even more, and now their historic tax increases, the administration is guilty of using some very fuzzy math.

Last week, the President took to the airwaves and claimed he ''opposes tax cuts for millionaires''—a statement he repeated in Ohio as well. But the President's plan to increase taxes is on any individual earning $200,000 or more or any couple earning $250,000 or more. I do not know who the President is talking to, but I do not know any Missouri families with two working people making $250,000 a year who consider themselves millionaires. In fact, these Missouri families would be surprised that the President lumps them in the same category as George Soros, Warren Buffett, and Bill Gates.

In fact, the tax on these ''rich'' people, as the President calls them, is a tax increase on small businesses. Under the President's tax increase plan, half of all small business income would be affected, and the President's tax increase plan would affect up to 25 percent of all American workers. They are employed by those small businesses, and they certainly will be affected.

According to the Wall Street Journal's September 9 article entitled ''The Small Business Tax Hike and the 3 percent Fallacy,'' IRS data shows that 48 percent of the net income of sole proprietorships, partnerships, and S corporations reported on tax returns went to households with incomes over $200,000 a year in 2007.

It is very clear we are talking about small businesses that have a much broader impact than just 3 percent of all taxpayers, as the spin we hear from the White House puts it.

This plan to increase taxes defies common sense. At a time when we need small businesses to expand and to create jobs, President Obama plans on raising their taxes. Imagine that. When jobs should be our top priority, with unemployment near 10 percent, this Congress and the President are proposing a historic job-killing tax increase.

Bear in mind, according to the Small Business Administration, small businesses employ half of all private sector employees. They generated 65 percent or 9.8 million of the 15 million net new jobs produced over the past 17 years. They produce 13 times more patents per employee than large patenting firms.

The President has actually been very clear about his intensions for additional revenue raised by tax increases. As a matter of fact, on September 8, in Parma, OH, the President repeatedly said:

> I've got a whole bunch of better ways to spend the money.

Well, Mr. President, I strongly disagree. As Milton Friedman once famously said:

> Nobody spends somebody else's money as wisely as they spend their own.

I think we have all seen proof of this over the past 21 months, and it is not

working. The nearly trillion-dollar stimulus plan that was supposed to create jobs immediately and keep unemployment below 8 percent failed, and now our children and our children's children are stuck with the bill that will be on their credit cards for a long time. But now the administration is pushing for even more tax increases in order to finance their massive spending spree.

Each time I return home, I am reminded of the anger and the distrust that my constituents have for Washington. The people of my State are angry. They are on fire. They have every right to be. The people in Missouri know that additional tax revenue generated from their hard work will not be used to pay down our national debt but, instead, it will be used for more spending they do not want and the country cannot afford. The people in Missouri know they cannot afford these tax increases. They want to keep more of their hard-earned paychecks so they can support their families.

On dividends and capital gains, the administration believes that taxes should go up. They also believe these two types of taxes on investment should be treated differently, with dividends being taxed as high as nearly 40 percent.

Higher taxes on investment income will halt new investment and force these investors with much needed capital on to the sidelines. If you tax something, you get less of it. If you reduce taxes, you get more of it.

But since Congress passed the 2,000-plus page regulatory overreach bill this year, we have seen a drop in capital formation, and tax increases will only continue to discourage private productive capital formation in the nongovernmental private sector.

The looming tax increases will raise the price of capital and make lending much more expensive than it would be if we had properly reined in the bad actors and allowed the lending system to revert to practices based on creditworthiness, which means it will be even harder for our small businesses to get the lending, borrow what they need to continue to meet their payrolls, continue to employ workers, and keep their lights on.

Dividends are payments made to shareholders by a profitable firm. They are the owners of the firm. Many of the folks who receive dividend income are not multimillion-dollar investors but, rather, many of them are seniors who rely on this as a supplement to their retirement income. We should not raise taxes on seniors who rely on this income.

Recently, I heard from a utility in my State that came in and talked about the increased dividend tax and the concern as to what it would do to their shareholders. Many of their investors are senior citizens who are by no means rich and who live off of this income every day. They do not want to have, and they cannot afford to have, the government reach into their pockets and take more money.

On the estate tax, death should not be a taxable event. There should not be taxation without respiration.

The death tax hurts small, family-owned businesses, especially our family farmers. According to the Farm Bureau, individuals, family partnerships, or family corporations own 98 percent of our Nation's 2 million farms and ranches.

When faced with the death tax, farmers and ranchers are in an especially tough spot with most of their assets tied up in land and buildings, livestock and equipment. This gives them little flexibility when settling an estate. Unlike an investor with a stock portfolio, they can't simply sell off the stock and move on.

The death tax punishes the American dream, making it virtually impossible for the American family to build wealth across generations, and this is particularly true for family farms.

The death tax is antisavings, antifamily, and anti-investment. Quite simply, it is un-American, and it should be eliminated, or at least it should be reduced.

Sadly, because of the Senate's failure to repeal this tax, I have signed on to the next best alternative—a bipartisan bill introduced by Senators LINCOLN and KYL which would increase the exemption for families to $5 million from the $3.5 million under the previous law.

Under the President's plan, when you die, your estate will be taxed at a whopping 55 percent for assets above $1 million. The Kyl-Lincoln bill I am cosponsoring would reduce this rate to 35 percent for assets above the $5 million exception.

Why is this important? Let me talk about farm country, where I live. Everybody knows that a successfully operated family-owned grain or corn or soybean farm is likely to have $1 million worth of land and likely more than $1 million worth of farm equipment so they can be a productive farmer in the world competitive economy. The President's plan would force these family farms to close rather than pass to the next generation of family farmers.

I say to my colleagues, unless Congress acts now, in less than 100 days Americans will be hit with the largest tax hike in our Nation's history. That is why I have joined with Senators MCCONNELL, GRASSLEY, and others to stop these tax hikes, cosponsoring the Tax Hike Prevention Act. This bill prevents the tax hikes scheduled for next year, permanently passes the alternative minimum tax, and protects families from increased death taxes.

For most Americans across the Nation, recovery is what we desperately need. We need it in my State and we need it in every State. Small businesses are not hiring new workers or expanding. It is not just the uncertainty; it is the certainty of what the Federal Government is doing to them. Also, unemployment has been hovering at almost 10 percent. More than 3 million Americans have lost their jobs since February of 2009, and more have quit looking or are underemployed.

One of the best ways to help our economy and end the uncertainty that is crippling job creation is to stop the coming tax hikes. In addition to helping small businesses, stopping the coming tax hikes would let Americans keep more of their paychecks that they can save and invest. Our citizens know how to spend their money better than any government bureaucrat.

We have tried it with the government money. We have tried it with the government stimulus. The government stimulus stimulated the expansion of government. That is not productive. Let's try it the other way. Let's go back to what we used to do in this country and let the private sector work and develop useful products and services, sell those products, gain a profit, and hire more workers. It is time this Congress acts, and I hope they will act soon.

I thank the Chair and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

## TAX POLICY

Mr. JOHANNS. Mr. President, I rise today to speak about something that is enormously important, and that is tax policy and the economy.

Over the most recent break, I had the opportunity to go out across the State of Nebraska. I traveled throughout the State and I conducted 14 townhall meetings. I listened to a lot of concerns, but there was one issue that dominated all of the discussion and that was the state of our Nation's economy. Nebraskans, like all Americans, are wondering when the economy will turn around. They are wondering when this administration is going to actually take action to support job creators instead of just talking about it.

A recent CNN poll shows that 57 percent of Americans disapprove of the President's handling of the economy. The President's job agenda to date has simply failed to produce the results that were promised.

Take a look at the economic stimulus that cost taxpayers $862 billion—$1 trillion if you add interest—and it has come up short. Instead of more government spending that fails to create jobs, we need to create a progrowth environment that fosters job creation that is so desperately needed in every part of this great Nation. In order to do so, we must first and foremost give individuals and businesses some degree of certainty about the future. Unfortunately, the health care bill and the financial bill are doing exactly the opposite. Businesses are actually fearful of the regulatory environment and the list of pending tax hikes, causing them to wait out the anxiety and stay on the sidelines.

The National Federation of Independent Business describes it this way:

Uncertainty about the economy and looming tax hikes have kept this sector from hiring new workers, resulting in a weak economic recovery and slow to nonexistent job growth.

But the NFIB doesn't stop there. They further describe this:

Congress can take an important step to address the uncertainty by holding a vote and passing legislation extending all of the expiring tax rates. No small business owner should face higher taxes.

At a time when Americans are struggling in their businesses to meet next month's payroll, they don't need more uncertainty from Washington. What they need are assurances from their government that there will be no more taxes or unnecessary regulatory burdens piled on top of them at a time when their plates are already overflowing.

Even White House economic adviser Larry Summers recently acknowledged the importance of providing businesses with certainty about the future. He said something actually quite profound:

Confidence is the cheapest form of stimulus, and we've got to be very attentive to creating an economic environment in which there is confidence.

I agree with him.

One way to help eliminate this uncertainty and bring confidence back to the economy is to continue the current tax rates. Failing to do so will only cause further uncertainty and inadequate growth. Most alarmingly, letting these tax rates increase will result in the largest tax hike in American history. Let me repeat that: One hundred days from today, the largest tax hike in history will take effect, unless Congress acts.

Considering the state of our economy, with a lackluster growth rate of 1.6 percent and unemployment at 9.6 percent, with real unemployment in the double digits, tax increases are the last thing Americans need. Tax increases are the last thing our job creators need.

It is no surprise that businesses aren't willing to take the chance to expand and to hire. We keep hearing the President and his administration tell businesses to create jobs, to get off the sidelines. We keep hearing the President say that. Meanwhile, the same administration has increased taxes, imposed mandates, created uncertainty, and now is willing to allow this massive historic tax increase to hammer our job creators. It simply makes no sense. Why would an administration that is supposedly committed to small businesses try to take more of their money while at the same time urging them to spend more money on expanding and creating jobs? Maybe it is because they claim that only rich Americans—rich Americans—would be impacted.

As small business owners across the country can tell us, this is simply a false notion. Many small business owners file as individuals and, therefore, report income above $200,000. We rely heavily on these small businesses to use that capital to create jobs to boost our economy.

Over the past 15 years, small businesses have been responsible for generating—get this—64 percent of all of our new jobs. Under the administration's proposal, the Joint Committee on Taxation estimates that nearly 750,000 taxpayers with small business income will be hit with a tax increase 100 days from today. I don't get it. I can't fathom why we would raise taxes on job creators when we are facing record unemployment and a sputtering economy.

It is not just small businesses. It is also family farms and ranches that would be caught up in the net of this massive tax increase. Suddenly, they would all find themselves classified as the ''rich'' people this administration claims are the only ones impacted by this foolhardy policy.

It is unfair and unwise policy I am speaking about. What our small businesses, farms, and ranches need now is a stable economic environment, not tax increases from their government. It is time for government to stop suppressing businesses and give them a chance to grow in a certain environment—to expand, create jobs, to buy new equipment—because that is what will fuel job growth in this Nation. Our small businesses are the heart of our economy. We need to give them the opportunity to move our economy forward, not be stifled by government policies.

The original intent of the tax cuts when instituted nearly 10 years ago was to free up capital for these entities to grow, to hire, and to produce. In fact, in 2007, once these tax breaks had taken effect, our tax collections achieved an all-time high in this Nation. Let me repeat that. In 2007, once these tax rates took effect—they were fully in place—our tax collections achieved an all-time high. The reason is obvious. When you have people working, they pay taxes, they add to the economy, they fuel economic growth.

The bottom line is that tax breaks help to get our economy moving which, in turn, generates revenues. We saw it in 2007. Even Christina Romer, the former chairwoman of the President's Council of Economic Advisers, recently published some research on tax policy. I am quoting:

Tax cuts have very large and persistent positive output effects.

In contrast, she wrote:

Tax increases appear to have a very large, sustained, and highly significant negative impact on output.

I couldn't agree more.

Standing idly by while taxes skyrocket at the end of this year, in 100 days, will—and it is very predictable—have a chilling effect on American businesses and, therefore, hard-working families. It is time that the actions of this administration and this Congress match the promises being made about creating an environment that fosters growth instead of hindering it.

The American people are no longer willing to accept empty words at face value. They want to see policies that match promises. Fortunately, it is not too late. This administration and this Congress still have an opportunity to make good on their promises to small businesses, to those working families, but it will mean taking action to prevent a massive tax hike on January 1, 2011.

I ask all of my colleagues to show they are willing to work together to fulfill their promises to small businesses. Let's deliver on those promises to provide stability instead of uncertainty. Let's work together to prevent a huge tax hike on our job creators in 100 days.

The American people—hard-working families—deserve no less.

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

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## THE DISCLOSE ACT

Mr. BROWN of Ohio. Mr. President, just yesterday, the Columbus Dispatch, the second largest paper in my State, reported that one single Cincinnati-based corporation gave more than $450,000 to Karl Rove's outfit. Lest we forget, Karl Rove was the very political person in the Bush administration who was sort of the mastermind of dirty tricks and of raising tons of special interest money and the mastermind on a lot of the sort of, shall we say, disinformation coming out of the White House in the Bush years during the lead-up to the Iraq war—that Karl Rove. Again, the Columbus Dispatch reported that one single Cincinnati-based corporation gave more than $450,000 to Karl Rove's outfit to support advertising for one single Ohio Senate candidate.

That was reported from a generally conservative newspaper. The Columbus Dispatch is no friend of Democrats. They are a pretty Republican organization, although the reporters are fair-minded. So one corporation sent $450,000 to one single Senate candidate. That corporation can do that because of the Roberts Court decision—the Supreme Court decision, with its new ultraconservative Court, which is perhaps more conservative than any Court in the 21st or 20th centuries, in a case called Citizens United. It is an outright corruption of our democratic process. But with the Citizens United case, it is a reality.

The Supreme Court opened the floodgates, allowing multinational, large corporations to bankroll their favorite political candidates and build a Congress in their image. They don't have

to be American; they can be foreign corporations. It is not like the drug companies, oil companies, and insurance companies don't have enough power in Washington, DC. When they sneeze, too many people around here get a cold. When the drug companies, insurance companies, and the oil industry—these large corporations—want something, far too often they are successful in the Halls of Congress. That is the reason we have seen the obstruction in the last year and a half. That is why it is so easy for Leader MCCONNELL to get 41 Republicans to oppose what we are trying to do in this body—because of the influence of these drug companies, insurance companies, the oil industry, and others—these huge companies that outsource jobs.

The Supreme Court is made up of almost all conservative appointees—a majority of them—backed by these major moneyed corporate interests, and this Court has given even more power to these corporations. In some cases, they said they can be foreign-based corporations.

In Citizens United, the Supreme Court swept aside decades' worth of established jurisprudence to abruptly—and radically—change the rules of the game to remake, if you will, our democratic system. The Roberts Court couched their activism in arguments about the first amendment.

I am not a constitutional lawyer; in fact, I am not a lawyer at all. When I hear: Should General Motors or should Pfizer drug company or should any large corporation have the same free speech rights as individual Americans, I don't think so. The Founders never thought about corporations having all the same first amendment free speech rights as individuals, as the pages sitting here do or as Americans in Toledo, Akron, and everywhere do by nature of the fact they are American citizens. They have free speech rights.

The Roberts Court decision said we are going to give free speech rights to corporations in every way, which means the free speech of an individual American is washed away, in political terms, because of the huge influence that a small number of corporations can have because they have so much money to inject into the political system.

Citizens United, therefore, buries the voices of everyday Americans, as Fortune 500 companies straddle the globe and reap billions in profits, and they can take just pennies on the dollar and lavish huge dollars on American campaigns. If a multibillion-dollar company drops $1 million to help a candidate—as we are seeing with Rove's sort of sordid political operation—that is not very much money to that company. But that $1 million certainly can wash away and so much counteract a bunch of American citizens in Mansfield, Lima, Springfield, and Zanesville, OH, who are giving $20 each.

Average households are struggling to break even. How can you compare their ability to influence—ability to exercise their free speech—to that of a multimillion-dollar Fortune 500 company?

Look how that plays out. In 2009, corporations spent $3.3 billion lobbying Congress to influence legislation, exerting far more influence on our political process than they should.

We saw how special interests spent more than $1 million a day in an attempt to shape health care reform and Wall Street reform, and because of Citizens United they will be able to spend unlimited amounts of money to intimidate, retaliate against, and replace their foes in Congress.

If you speak up, as I am doing now at some risk—I am on the ballot in 2012. I know what this crowd is going to do because I do not always agree with BP's agenda or the drug companies' agenda. In fact, I usually do not. I also know these companies already have so much influence lobbying the Congress day after day, and now they are going to have greater influence in electing their allies to the House of Representatives and the Senate. They have turned this advantage into a corporate monopoly of political speech.

When campaigns overwhelmingly are run on television now, with millions of dollars spent—at least $10 million will be spent in Ohio in the Senate race, probably more than that in the Governor's race—when there is that kind of money, it too often drowns out everyday Americans' free speech.

Most Americans today do not advocate for, nor would the Framers have envisioned a democratic system in which $10 million contributions from corporations drown out $20 donations that represent real people's real concerns. A lot of people give me $10, $20, or $50 for my campaign. They are not trying to buy influence. They do not buy influence with that. They contribute to me and the Senator from Illinois and others because they agree with what I do. They like the positions I take. They think I represent them reasonably well. But they are not going to influence the system. Contrast that with this more than $400,000 donation to one political candidate from one corporation. What does that suggest might happen down the road?

Our democracy was once—I hope still is—on the power of a single person walking into a voting booth and casting a vote. It is based on individual rights, not corporate profits. But the Citizens United case gave corporations the power to put corporate profits squarely ahead of personal rights. That is why the legislation we are working on, the DISCLOSE Act, is so important. I guess that is why Republicans en masse seem to be opposing the DISCLOSE Act.

The DISCLOSE Act fights back by giving individual Americans more power to understand, to cast sunlight into the shadows of corporate political spending. It grants citizens power of information—information that breeds accountability and transparency. If a company engages in political activity, that company should be willing to identify itself—but not the way the Citizens United case is. That means the DISCLOSE Act would make CEOs do what political candidates do when they pay for political advertising.

When I ran for office, as I did in 2006 for the Senate, I looked into the camera and said: This ad was paid for by friends of SHERROD BROWN, so people would know I am responsible for this ad. Why shouldn't a corporation that writes a check for $1 million to a political organization—why shouldn't that CEO be willing to and be told to and be forced to and be compelled to under law stand in front of the camera and say: This ad was paid for by XYZ Corporation. I take responsibility, and I am the CEO.

It helps the public follow the money behind the multimillion dollars that buy ads from shadowy groups. If BP were to give $1 million to a political candidate in Ohio or Pennsylvania and nobody really knows it is a BP ad that has gone into this group, then the voters do not have any way of judging very much from that ad. But if the CEO of BP had to walk out in front of that camera and say: I am the CEO of BP, and I paid for this ad, that is going to send a message to voters: Do I want to support this candidate BP is supporting? But, instead, BP can get behind the desk and hide from disclosure.

I have heard people in this body—the Republican leader most prominently—argue ad nauseam on campaign finance laws that we need full disclosure, we need the sunlight to shine. This is his opportunity to step up and argue for full disclosure and go down to that well and cast a vote: Yes, I agree with full disclosure.

They are not doing it now. Do you know why? So far, not one Republican has been willing to walk out here and make a CEO say: I am responsible for this ad. My corporation paid for this ad. They are not willing to because Republicans really know that come election time, when multinational corporations are willing to write million-dollar checks, they are going to be the beneficiary—not that my party by a long shot is perfect, but we know that Republican candidates are almost always supported by the biggest multinational, often foreign corporations in this country—the big oil companies, the big insurance companies, the big drug companies—that already have too much power here, but they are going to have more power here because they are spending all this money to elect conservative, Republican, pro-corporate, at-any-cost candidates. What that means is higher taxes for individuals as corporations pay less—less corporate responsibility for deregulation of Wall Street and the environment. Look at what happened to Wall Street in the last 3 years. Look at what happened to the environment with BP. The merry-go-round will continue.

The DISCLOSE Act also has a provision that says political decisions cannot be influenced by foreign-owned companies. We are putting a prohibition in this bill that a foreign-owned company cannot come to America and buy elections. I am incredulous that my Republican opponents—who always talk about nationalism, always challenge patriotism of people with whom they do not agree, always are talking about our national interests, always bashing immigrants—would not agree with us that foreign companies ought not be able to come in and buy American elections. I guess that is OK to them too, because our bill says foreign-owned corporations may not participate in American elections in this way.

To me, it is bad enough that a company based in the United States—this is the case where a company that is based in the United States but owned by a European interest can still contribute. That is what the Citizens United case said. We are saying no to that. Think of a U.S.-based, Chinese-owned company spending millions to influence a trade or manufacturing bill.

One of the things I fought for—and I know the Presiding Officer agrees with this, and it has been supported—is made-in-America provisions. We have seen in downstate Illinois, in suburban Chicago, in Dayton and Springfield, OH, Cleveland and Toledo, a significant erosion of our manufacturing base. One of the reasons for that is that companies have moved offshore because of bad trade agreements and bad tax law that we are trying to fix even though it has been blocked by the other side. We also know most Americans would love to buy clothes made in the United States, would like to buy products. They go to stores and cannot find products made in the USA. Tell me that a foreign-owned corporation that spends political money, comes in and gives hundreds of thousands of dollars to a conservative political candidate, tell me that corporation is not going to lobby that Member of Congress against some of our made-in-America laws we have tried to enact. You can bet those conservative politicians who love to trumpet their patriotism and accuse others who disagree of not being so patriotic will find a way to oppose strengthening made-in-America rules.

If anything should bear the label ''Made in America,'' it should be our elections. I am amazed that Republicans in this body do not agree with that.

It used to be that the disclosure of campaign expenditures was bipartisan, Republicans and Democrats. It is bipartisan in the public; it is just not bipartisan here. We should not want to see our democratic system become the puppet of corporate America or any special interest. Transparency matters. People ought to know from where these dollars come. Disclosure matters. Companies should have to disclose and take responsibility for those ads and those contributions. By enabling Americans to see behind the curtain, the DISCLOSE Act ensures Americans will not be left in the dark.

The bill restores some of the integrity and the transparency that the Citizens United decision stripped from our political process. Let's not forsake this opportunity. I know it will not affect the tens of millions of dollars Karl Rove and his friends in the Bush administration are spending in campaigns this year, but if we do this bill right, it can affect elections in the future in a positive way so that elections, one, will be made in America; and second, for people who give money, there will be transparency and disclosure so the public knows which corporations are putting how much money into whose campaigns, and it will mean ultimately that corporations take responsibility for the decisions they make and the money they spend in the American political system. It is what the rest of us have to do. CEOs should have to do the same.

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

The assistant legislative clerk proceeded to call the roll.

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

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

## CHINA PNTR

Mr. BROWN of Ohio. Mr. President, I wish to mention something else after talking about the, perhaps, Chinese influence on American elections and other countries' influence on American elections and how Republicans do not seem to want to stand up for the American people's first amendment rights and national interests. I wish to talk about something that is more bipartisan, in a sense, and is every bit more disturbing; that is, 10 years ago this month, the Senate sold out American manufacturing. Ten years ago this month, by a vote of 83 to 15, the Senate passed a bill establishing permanent normal trade relations with the People's Republic of China. I remember. I was in the House of Representatives, and I opposed this measure. We were joined by most of the Democrats and a number of Republicans, but we were unable to defeat it. It was a fairly close vote.

The proponents of China PNTR came to our office, the people who wanted to give these extra benefits to China. It was initially called most-favored-nation status for China. The supporters thought that did not sound very good, even though we had used that term for years, and called it permanent normal trade relations with China. They put another name on it; they put lipstick on that pig. What the supporters said to us—the CEOs who came to Congress and one at a time talked to us—was that they could not wait to pass PNTR because they would then have access to 1 billion Chinese consumers, so those consumers could purchase American-made products. They wanted access to 1 billion Chinese consumers. It sounded pretty good. As you know, it was not quite the story because as soon as PNTR passed, as soon as they changed the rule, the story became not 1 billion Chinese consumers about whom they were excited, it was 1 billion Chinese workers about whom they were excited. You could see American companies crossing the ocean—shutting down a plant in Dayton, OH, and moving to China; shutting down a plant in Youngstown, OH, and moving to Shanghai; shutting down a plant in Toledo, OH, and moving to Wuhan; shutting down a plant in Lima, OH, and moving to Beijing or Quang Chau.

I think it is the first time since colonial days—maybe ever—the first time when a business plan—get this—when a company's business plan is this: The first thing you do is lobby Congress to change the rules. The second thing you do is start to shut down plants in your home country with your home country's workers, where your entire company was established and grew. You have shut down production in your country. You move several thousand miles away, set up production, understanding that the workers work more cheaply, the workers work for less pay, the country does not have strong environmental rules and has very few protections for workers.

They make the product, and then they sell the product back to the home country. This business model, after getting the law changed—PNTR—10 years ago this month, was to move overseas, make the products there, then sell them back to the original home country. That is bad for the environment, first of all. It is bad for our workers and bad for our communities when a plant shuts down.

Look what has happened. We have seen since PNTR passed a 170-percent trade deficit increase in the last 10 years. China continues to undermine free market competition, and it leaves American workers and manufacturers in severe disadvantage. Instead of helping U.S. companies export more products to China, our trade policies have permitted China to manipulate its currency, provide illegal subsidies to Chinese exporters, and artificially price Chinese goods, so U.S. manufacturers have to compete against a flood of cheap imports.

Do you know what happens? When I see people supporting this—people talking about small businesses—here is how wrong they are. When a large company leaves Akron or Canton, OH, and pulls up stakes and moves to Mexico or China—a large assembly company, an auto plant, for example—you know what happens to all the small companies and small manufacturers. They don't have the wherewithal or the sophistication to move to China or Mexico so they lose 30 percent of their business—a little tool and die shop in

Akron, a little machine shop in Hamilton, OH, whatever—because they have lost their major customer. Look what happens to them and to their workers. So big companies move overseas and all the component manufacturers are out of luck, all because of this trade policy and this tax policy which makes it more attractive for a company and a CEO—well, the CEO doesn't move, he or she still lives here—to move their company to China and then sell back into the United States.

Second, our Nation's trade policy—this PNTR bill that passed 10 years ago—sold out American manufacturers and undermined our Nation's ability to lead the world in clean energy. China, which barely had a wind turbine or solar manufacturing presence at all a decade ago, by the end of this year may be making, or close to making, half of all wind turbines and solar panels in the world—in 10 years. And they are not making them—most of them—to sell in China but to export, much of which comes back to the United States. More than 70 percent of the world's clean energy components are manufactured outside the United States.

We know how to make things in my State. Ohio is the third biggest manufacturing State. We know how to make things. We invented and developed most of the wind and solar panel technology. In fact, 30 miles from my house is a taxpayer-funded NASA facility that developed the technology we use in wind turbines, most of which is built in China and Spain and other places around the world.

Supporters of this China trade policy will make the argument that everything is about exports. I agree, we have to boost our exports, but we have a $226 billion trade deficit per year. That is about $600 million a day. That means $600 million every single day, 7 days a week. It means we buy $600 million more from China than we sell to China. So how do you argue this trade policy is working for us? It means, in essence, that $600 million disappears from our shores every day going to China, and that is not going to work long term for our country when you build up those types of trade deficits.

We can do a couple of things about this. First of all, we have to do much better at enforcing trade laws and to revive the Super 301 mechanism that lapsed under the Bush administration that requires the administration to establish enforcement priorities for the most pressing trade barriers, including currency manipulation, restrictive procurement policies, and intellectual property theft. It would ensure that our government helps open foreign markets to U.S. exporters.

I am a member of the President's U.S. Export Council. There are about 10 House and Senate Members on this council—both parties, both Houses—and a number of American CEOs are on the council as well. We all want to export more. But as we try to export more, sell more U.S. products abroad, we have to enforce U.S. trade laws so those companies aren't selling things into our country illegally.

President Obama has done that, to some degree. He has done more on that than any previous President. He has not done close to enough. He has stepped forward on oil country tubular steel goods, which is the steel pipes that are used for gas and oil drilling. The Chinese were cheating on that. The President made the right trade decision on that, the right enforcement decision. We saw hundreds of new jobs in Mahoning Valley, in northeast Ohio. The President made a similar decision on Chinese tires that were sold in this country illegally. After the President made that decision, 100 people were hired at the Findlay Cooper tire plant in Findlay, OH, in northwest Ohio, and in other places around the State.

I would close with this. We hear a lot of talk from both parties about Made in America. What that means is standing up for American workers and manufacturers who are too often undercut by imports made in countries that violate the law. We are just asking to have the law enforced. So my challenge to my colleagues—and to the President—is to ensure American manufacturing grows rather than contracts during the next decade of the 21st century.

Thirty years ago, almost a third of our gross domestic product was manufacturing. Today, it is only 11 percent. Thirty years ago, 11 percent of our GDP was financial services. Today, that is 25 percent. So as not to overwhelm people with numbers, we have seen basically a flipping of our national priorities. Think back to 30 years ago: Almost a third of our GDP was manufacturing and only 11 percent financial services. That has flipped. Look where it has gotten us. It has gotten us the financial crisis that almost brought our economy down, if we hadn't stepped in on banking and autos to stabilize the economy. It has also robbed many Americans of a chance to join the middle class, because manufacturing has always been the ticket in this country for working-class men and women to get a chance to work in manufacturing, to buy a decent home in a decent neighborhood, to buy a car and send their kids to school so their kids would have a better life. That is the goal of all of us.

I close by saying that I hope we remember the China PNTR. I would hope that maybe we would even invoke some buyer's remorse; that some of my colleagues would come to the Senate floor and want to discuss this and maybe learn from the mistakes of the last 10 years. Maybe we could achieve a truly normal relationship with China. I want a good strong trade relationship with China. I want us to sell products to China. I think we should buy products from China. But I want to do it on a level playing field, with rules that work for the workers in both countries, not just the big corporations that move companies to China, and not just for the Chinese Communist Party and the Chinese military, which have benefitted greatly from our trade policy. It is time to learn from the last 10 years and to move forward in a very different way.

Mr. President, I yield the floor, and 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. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## JUDICIAL NOMINATIONS

Mr. SESSIONS. Mr. President, I wish to speak about the Senate's processing of judicial nominations, and I ask you to forgive me if I am a bit irritable, but we have had a lot of complaints about how fast President Obama's nominations are going forward. I think they are moving rather well. I think some people who are now complaining have forgotten how they handled President Bush's nominees—and in a much more unacceptable fashion.

I wish to emphasize that all of this is not to lay the groundwork for some sort of payback, because I think we all ought to rise to the challenge of handling nominations properly, but to set the record straight, because there has been a lot of misinformation and some of our newer Senators don't know how things have happened.

Allegations of unprecedented obstruction and delay have been bandied about—some in the press also—but the reality is that the Democrats' systematic obstruction of judicial nominees during the Bush administration was unprecedented then and it is unmatched now. Soon after President Bush was elected, a group of well-known liberal professors—Laurence Tribe, Marsha Greenberger, and Cass Sunstein—met with the Democratic leadership in the Senate. The New York Times reported on that meeting. I believe it was in January, before the session began, and the Times reported that they proposed ''changing the ground rules'' of the confirmation process. They proposed that with a Republican President and Democrats in the Senate, Senators consider a nominee's ideology—their personal political views, I suppose, they meant. For the first time in the history of the country, they proposed that the burden be shifted to the nominee to prove they are worthy of the appointment instead of having the Senate respect the presumptive power of the President to make the nomination and then object if there was a disagreement.

As time went on, it became clear that a majority of the Democratic Members of the Senate began to execute their unprecedented obstruction

plan, targeting President Bush's circuit court nominees while moving district court nominees to mask the obstruction. After Democrats took control of the Senate in 2001, the Senate confirmed only 6 of President Bush's 25 circuit court nominations that year. Two of the six were prior Clinton nominees that President Bush had renominated as an act of good faith. They weren't his nominations. He renominated them and they promptly confirmed them—two of the six.

The majority of President Bush's first nominees—nominated on May 9, 2001—waited years for confirmation. Let me list some of the names: Priscilla Owen, who was then on the Supreme Court of Texas—a brilliant jurist—was confirmed but only after 4 years, on May 25, 2005. These were in that first group. Now Chief Justice John Roberts—a fabulous nominee; probably—not probably, he was the premier appellate lawyer in America—was nominated to the DC Circuit. He was confirmed, but only after 2 years and after undergoing two Judiciary Committee hearings. He eventually was confirmed by a voice vote.

Jeffrey Sutton, another superb lawyer with great skill in the appellate courts, was confirmed but only 2 years later.

Deborah Cook, for the Sixth Circuit, was confirmed 2 years later on May 5, 2003.

Dennis Shedd was confirmed more than a year and a half later.

Michael McConnell, for the 10th Circuit, was confirmed more than a year and a half later but also by voice vote—he was delayed that long for no reason.

Terrence Boyle waited almost 8 years until his nomination was allowed to lapse at the end of President Bush's Presidency. He was never confirmed.

Perhaps the most disturbing story was that of Miguel Estrada, whose name was raised during the Supreme Court nomination of Justice Kagan. He was an outstanding, highly qualified nominee who was nominated on May 9, 2001, just like the others, right after President Bush took office. He waited 16 months just for a hearing in the Judiciary Committee, only to be confronted with demands that the Department of Justice turn over internal legal memoranda that had never been turned over before. They used that for 2½ years, leaving him in limbo, and then had a protracted 6-month filibuster. I think it was the first overt, direct filibuster of a highly qualified nominee the Senate had seen. This was one of the ground rule changes that occurred. There were seven cloture votes on Miguel Estrada, seven attempts by the Republicans to produce an up-or-down vote on the floor of the Senate on Miguel Estrada. It went on for weeks. I participated in that. I probably spoke on his behalf more than any other Senator. Eventually, Mr. Estrada withdrew his name from consideration. He had a private law practice to deal with. He could not continue this.

I remain baffled today as to why such a fine nominee was treated so poorly, his character assassinated, and his nomination was ultimately blocked for no reason. The record that they claim needed to be produced from the Department of Justice was, by every former living Solicitor General—they said those are internal lawyer-client documents that should not have been produced. It was a sad day. I hope the Senate has learned from that unfortunate event.

One of the most blatant examples of obstruction of Bush nominees occurred in the Fourth Circuit. This court sat one-third vacant. One-third of the judges had retired, and it was vacant. They needed judges. I did not hear any of my Democratic colleagues worrying then about vacancies and caseloads when they were deliberately delaying and blocking outstanding, well-qualified nominees to that court, including Federal District Court Chief Judge Robert Conrad, Judge Glen Conrad, Mr. Steve Matthews, and Mr. Rod Rosenstein. They deliberately blocked these nominees to keep those vacancies open so that a Democratic President would perhaps have the opportunity to fill them.

That actually turned out to be a success, from their perspective. A 2007 Washington Post editorial at the time lamented the dire straits of the Fourth Circuit at the time, writing:

> [T]he Senate should act in good faith to fill vacancies—not as a favor to the president but out of respect for the residents, businesses, defendants and victims of crimes in the region the Fourth Circuit covers. Two nominees—Mr. Conrad and Mr. Steve A. Matthews—should receive confirmation hearings as soon as possible.

But they did not.

He was the chief presiding trial judge in a district court, a Federal district court. He was nominated to the seat for which President Obama's nominee, Judge James Wynn, was confirmed on August 5 of this year. They held that seat open for 8 years. Since the President has been in office, he nominated someone else, and he got his nominee confirmed by this Senate.

Chief Judge Conrad had the support of his home State Senators and received an ABA rating of unanimously ''well qualified,'' the highest rating you can get. He met Chairman LEAHY's standard for a noncontroversial, consensus nominee. He previously received bipartisan approval by the Judiciary Committee and was unanimously approved by the Senate to be U.S. attorney and later to be district court judge for the Western District of North Carolina. Of all the lawyers in the country, Attorney General Reno, when he was a Federal prosecutor, reached out to him and picked him to preside over the investigation of one of the campaign finance task force cases that implicated, perhaps, President Clinton, the President of the United States. He did that investigation professionally. He returned no indictments against the President or his top people. He was respected on both sides of the aisle. Yet he was flatly blocked, although representing the highest quality.

On October 2, 2007, home State Senators BURR and Dole sent a letter to Senator LEAHY requesting a hearing—at least a hearing on Judge Conrad. They also spoke on his behalf at a press conference on June 19 that featured a number of Judge Conrad's friends and colleagues who traveled all the way from North Carolina to show their support. The request for a hearing was denied.

On April 15, 2008, Senators BURR, Dole, GRAHAM, and DEMINT sent a letter to Senator LEAHY asking for a hearing on Judge Conrad and Mr. Matthews. That request was denied.

Despite overwhelming support and exceptional qualifications, Judge Conrad waited 585 days for a hearing that never came. His nomination was returned to the President on January 2, 2009. That was a horrible event, in my view. The Senate failed in its duty. Judge Conrad was a powerful, bipartisan nominee with great credentials and served Attorney General Reno and the Democratic President and should have been confirmed.

Another of President Bush's outstanding nominees was Judge Glen Conrad. He also had the support of his home State Senators, including Democratic Senator JIM WEBB of Virginia, and received an ABA rating of ''well qualified,'' the highest rating. He, too, met Chairman LEAHY's standard because he had already been confirmed to the District Court for the Western District of Virginia by a unanimous vote—89 to nothing.

Despite his extensive qualifications, Judge Conrad, who was nominated on May 8, 2008, waited 240 days for a hearing—just a hearing in the committee—that never came. His nomination was returned to the President in 2009, as President Bush left office. In stark contrast, President Obama's nominee to this seat, Judge Barbara Milano Keenan, received a hearing a mere 23 days after her nomination and a committee vote just 22 days later, and she was confirmed at the beginning of this year—a slot that should have been filled by Mr. Conrad.

President Bush nominated Steve Matthews in 2007 to the same seat on the Fourth Circuit to which Judge Diaz has now been nominated. Mr. Matthews had the support of his home State Senators and received an ABA rating of ''qualified.'' He was a graduate of Yale Law School and had a distinguished career in private practice in South Carolina.

Despite these qualifications, he waited 485 days for a hearing that never came. His nomination was returned to the President as he was leaving office.

That does not seem to slow down my Democratic colleagues who have forgotten all this, I guess, and their allies in the press from unabashedly complaining that Judge Diaz had been

waiting too long for this seat, for a confirmation vote, or decrying the need to rush to fill the vacancy—a vacancy that just has to be filled right now.

The truth is that the vacancy should never have existed if Mr. Matthews had been confirmed when he was supposed to have been confirmed.

Earlier this year, we confirmed Judge Andre Davis to the ''Maryland'' seat on the Fourth Circuit. A brief history of that bears mention. President Bush nominated Rod Rosenstein to fill that vacancy in 2007. The ABA rated him unanimously ''well qualified,'' the highest rating. Previously, he had been confirmed unanimously as the U.S. attorney for Maryland. Prior to that, he held several positions in the Department of Justice under both Republican and Democratic administrations.

Despite these stellar qualifications, Mr. Rosenstein waited 414 days for a hearing—just a hearing in the Judiciary Committee, which the Democrats never gave him. His nomination was returned to the President on January 2, 2009.

The reason given by the home State Senators for why his nomination was blocked was that he was ''doing [too] good [of a] job as U.S. Attorney in Maryland.'' I think the Washington Post editorial painted a more accurate picture, saying:

> Blocking Mr. Rosenstein's confirmation hearing . . . would elevate ideology and ego above substance and merit, and it would unfairly penalize a man who people on both sides of this question agree is well qualified for a judgeship.

But it was only when President Obama nominated Judge Davis to this seat that we heard our Democratic colleagues express outrage over the fact that it had been vacant for 9 years. I said that was like the man who complained about being an orphan after having murdered his parents. Ironically, however, Judge Davis fared far better than President Bush's nominees to the Fourth Circuit. He received a hearing a mere 27 days after being nominated. A committee vote occurred 36 days later, and he has been confirmed.

Suffice it to say that the Democrats have capitalized on their 8 years of obstruction of outstanding, well-qualified Bush nominees by packing the Fourth Circuit Court of Appeals with Obama-picked nominees.

I want to say, parenthetically, President Bush did an excellent job of picking high-quality judicial nominees. Consistently, they sought out highly competent men and women of integrity and ability to appoint to the courts, people who had this fundamental belief—that some on the other side do not like—that a judge should follow the law, should be a neutral umpire, and should not take sides and ought not to be an activist and ought not to promote their personal agenda when they get a chance to rule and define the words of statutes and the Constitution. There is a fundamental difference. I will talk about that later. I may not get to that today, but I am going to talk about it some more. It is a big deal, what you think the role of a judge is. Should they be an activist? Should they promote greater vision, as President Obama said, of what America should be? Is that what we want judges to do? Classically, in America, judges are empowered to do one thing: to decide the discrete case before them objectively, impartially, under the laws and Constitution of the United States.

The Democratic Senators perpetrated similar systematic obstruction in the Sixth Circuit. I hate to say it. I hate to talk about it. I sound like I am being a partisan person over here, complaining. I am just reading the record.

In November of 2001, President Bush nominated Judges David McKeague, Susan Neilson, and Henry Saad to fill vacancies on that court. In June of 2002, he nominated Richard Griffin to fill an additional Sixth Circuit vacancy.

Mr. President, I see my time is up. I don't see anyone on the floor. I ask unanimous consent that I be able to proceed.

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

Mr. SESSIONS. Mr. President, I will yield the floor if and when my colleagues seek it.

But the Democratic home State Senators refused to return their blue slips for any of these nominees for the Sixth Circuit. President Bush renominated all four on January 2003. This time the Democratic home State Senators returned their blue slips—negative blue slips, opposing all four nominees.

Despite this, on July 30, 2003, 629 days after the initial nomination and 204 days after his renomination, the Republican-controlled Judiciary Committee—Republicans had just taken control—held a hearing on Judge Saad's nomination.

However, Democrats continued to delay the nomination for a year, until he was finally and favorably reported out of committee on a party-line vote. But it did not matter. The Democrats filibustered his nomination on the floor, and he never received an up-or-down vote in the Senate. He was filibustered, which was a changing of the ground rules. We had not filibustered judges before in the Senate. All this occurred after 2001.

President Bush renominated Judge Saad in February 2005, but the Senate failed to act on his nomination, and he was never confirmed. Judges Griffin and McKeague eventually received hearings on June 16, 2004, 721 days after Judge Griffin had been nominated, and 951 days after Judge McKeague's original nomination. They were both reported favorably out of committee a month later, but the Democrats filibustered them on the floor, and their nominations were returned to the President.

Both were renominated in the 109th Congress and were finally and overwhelmingly confirmed, Judge Griffin by a vote of 95 to 0 and Judge McKeague by a vote of 96 to 0.

As these votes show, the nominations were not controversial. They were just being held up. Yet they still waited over 1,000 days for their confirmation. Judge Susan Nielson received a hearing on September 8, 2004, over 1,000 days after her original nomination and over 600 days after her renomination. Although her nomination was reported favorably out of committee on October 4, 2004, Democrats refused to give her an up-or-down vote in the full Senate, and her nomination was returned to the President.

He renominated her in 2005, and 7 months later the Democratic home State Senators finally returned positive blue slips, after delaying the nomination for this long. She was easily confirmed 97 to zip, 1,449 days after her original nomination. Unfortunately, Judge Nielson passed away shortly thereafter.

On June 28, 2006, President Bush nominated Stephen Murphy and Raymond Kethledge to fill still more vacancies on the Sixth Circuit. However, the Democratic home State Senators withheld their blue slips, and the nominations were returned to the President. The President renominated them in March of 2007. After almost a year of delay, as part of a compromise, President Bush agreed to withdraw Mr. Murphy's nomination and to nominate Judge Helene White in his place. In exchange, home State Senators finally returned positive blue slips for Mr. Kethledge.

There is a story behind this. Why was there so much needless obstruction in the Sixth Circuit? One reason, it appears, was that the NAACP National Defense League made a personal request to Democratic Senators on the Judiciary Committee that they stall the confirmation of nominees to the Sixth Circuit until cases regarding the constitutionality of affirmative action in higher education were decided. They believed, apparently, that if Bush appointees were confirmed to that circuit, the outcome of the cases would not be to their liking. They were afraid President Bush's judges would be committed to color-blind policies.

So this is just one example of a larger agenda. Our Democratic colleagues criticized, during the Kagan confirmation hearings, Chief Justice Roberts' metaphor that a judge should act like a neutral umpire in a ball game, calling balls and strikes and applying the law to the facts.

No, they seem to want judges who will make policy and rule based on their personal policy preferences and political beliefs to advance desired outcomes.

Well, what is activism? Is this an exaggeration? I think we need to be frank that there are activist judges—and you can be a conservative activist or a liberal activist, but there is a difference in the sense that liberal judges and law

professors and commentators advocate judges being activists.

Chief Justice Roberts and Justice Alito were articulate spokesmen for the classical American view that a judge should be a neutral umpire and should be impartial and should decide the cases and not try to make law or advance a vision for America.

Many judges, however, are overriding the will of the people this very day. It is becoming apparent that many on the left hold the Federal judiciary as an engine to advance the agenda of the left, picking and choosing which constitutional rights they will protect and which ones they will cast aside. The only consistent principle—of which sometimes I think, and I am exaggerating, but I sometimes think—is to advance the agenda of the leftwing of the Democratic Party. That is about the only consistent guiding principle you can find in some of these opinions.

Just a few months ago, the preservation of the explicit constitutional right to keep and bear arms was upheld by a single vote on the Supreme Court. Four Justices, including Justice Sotomayor, contrary to, I think, what she said just 1 year earlier in her confirmation hearing, would have held that the right to keep and bear arms is different from other liberties protected by the Bill of Rights and should not apply to the States.

Hugely significant. If that were to be so, any State, any city or county, for that matter, could ban firearms altogether because the constitutional right to keep and bear arms would not apply to them. Four Justices on the Supreme Court ruled that way.

During the last term, the free speech clause of the first amendment barely escaped being rewritten by a single vote in Citizens United. In that case, the Supreme Court invalidated a portion of the McCain-Feingold campaign finance law, holding that political speech is not exempted from the first amendment guarantee of free speech merely because the speaker's expression is funded, in part, by money from a corporation, a group of Americans.

Four Justices on the Supreme Court would have rewritten the free speech clause to allow the government to ban statements made by such groups in an election cycle. I mean, the last thing we need to be doing is whacking away at the great liberties in free speech clause of the first amendment.

Just a couple years ago, one vote on the Supreme Court decided that a city could use its eminent domain power to take property, to take a woman's house, in order to give it to a private company for a redevelopment project, not for public use. So much for the constitutional guarantee of life, liberty and property and the constitutional guarantee that your property can only be taken for public use, not private use. You cannot take somebody's property because you would like to take it to give to somebody else who would use it in a way that the city thinks is better, maybe spend more money on it so they can get more tax revenue.

By one vote, the Supreme Court held it did not violate the first amendment for a public university to require a religiously oriented student organization to accept officers and members who do not subscribe to the organization's religious beliefs. How could they say that?

Recently, a judge in the Western District of Wisconsin, the same district to which Louis Butler has been nominated, held that the statute establishing the National Day of Prayer was unconstitutional because its sole purpose ''is to encourage all citizens to engage in prayer.''

In so doing, the judge held that the government had ''taken sides on a matter that must be left to individual conscience.'' Well, nobody is being made to pray. You do not have to bow your head if someone has a prayer, for heaven's sake.

One wonders, then, does this Senate violate the establishment clause each day when we open the session with a prayer, most often led by a paid Chaplain, former head of the entire Chaplain Corps of the United States Military?

There is a constitutional guarantee to the right of free exercise of one's religion, the free exercise clause, not found in the first amendment of the judge's constitution.

I will repeat, if other Senators would desire to speak, I will yield the floor.

The liberal Ninth Circuit, to which Professor Goodwin Liu has been nominated, held recently that the recitation of the Pledge of Allegiance in an elementary school was unconstitutional under the establishment clause of the first amendment because the pledge includes the words ''under God,'' and amounted to a government endorsement of a religion.

One wonders what the Ninth Circuit would have to say about teaching children the Declaration of Independence. After all, it does say: ''We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights.'' Is that now unconstitutional, to read the Declaration of Independence?

A single judge on the U.S. district court in Massachusetts recently invalidated the congressionally passed Defense of Marriage Act that passed on this floor. I remember the debate about it. The judge found it unconstitutional. Basically, what he said is: No State would have to give full faith and credit to a marriage in another State if it does not meet their definition of marriage as between a man and a woman.

The judge, in great wisdom, not having had to run for office, with a lifetime appointment, unaccountable to the public in any way, objected, found it to be unconstitutional because it did not have ''a legitimate government interest'' and was outside the scope of ''legislative bounds.''

Well, I remember the debate on that. People quoted the Constitution, and we discussed it at great length. I cannot imagine how that can be held to be unconstitutional.

A single judge in the Northern District of California, the same court to which Edward Chen has been nominated, held that a statewide ballot initiative defining marriage—this was a California initiative, statewide, that defined marriage as between a man and a woman, which was passed by a majority of California voters—violated the due process and equal protection clauses of the fourteenth amendment.

The judge decided, essentially by fiat, that the State, the people of California, had no legitimate interest in defining marriage.

Marriage has always been a matter of State law. A single judge in the central district of California recently held Congress's don't ask, don't tell policy was unconstitutional. This is the policy on gays in the military. The judge in the central district of California held that this policy was unconstitutional because it did not ''significantly further the government's interest in military readiness or unit cohesion.'' It was an impermissible content-based restriction that violated free speech, free association, and the petition clauses of the first amendment.

I don't think this judge has any responsibility for or knowledge about readiness and unit cohesion in the military. It is a matter Congress appropriately has dealt with, will have the opportunity to deal with again, and may well do so, although we did not move forward yesterday.

This is not a matter for the courts. The American people know this. They sense activism in their courts, and they are concerned and unhappy because these judges, once they declare something to be constitutional, or find something in the Constitution, it is as if an entire amendment was passed, and it becomes impossible for a city or county, a State or congressional action to overturn it.

These are big issues we have been talking about for some time. I do have my back up a little bit about being accused of obstructing, when nominees are moving along at a very good pace today, in my opinion. A few are controversial, and I could talk about them, but I see Senator KERRY in the Chamber now.

I believe when we get all the facts out, people will remember that many of the changes in the process occurred as a deliberate plan by the Democratic leadership in 2001.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

## THE DISCLOSE ACT

Mr. KERRY. Mr. President, in the 25 years I have had the privilege of serving in the Senate, I have regrettably, in the course of almost every election period, with one brief exception when we had the McCain-Feingold bill in

place, seen our system of funding campaigns become increasingly broken. The truth is, a lot of the anger the American people feel today—rightfully—for the absence of this Congress—not just this particular session but the Congress of the United States being able to directly address the concerns of the American people—a lot of that anger really ought to be directed at the system itself, at the fact that we have locked in place funding of campaigns that robs the American people of their voice, that steals the legitimacy of our democracy, and concentrates decisionmaking in the hands of the powerful, individuals with a lot of money or powerful corporations with a lot of money.

Money is driving American politics. Money is driving the American political agenda. Money decides what gets heard and does not get heard around here, what gets acted on and does not, and how it gets acted on in many cases. Every so often we have bubbling up a legitimate kind of citizen energy that motivates one particular reaction here or another, whether it is a tax bill or a particular piece of legislation for women, pay, but it is rare now. It is actually rare that the kind of grassroots effort that traditionally we think of when we think of legitimate democracy, that it is felt in its appropriate ways.

The truth is, the increased influence of special interest money, big money in our politics, is robbing the average citizen of his or her voice in setting America's agenda. There are far more poor people, there are far more children, there are far more interests that don't get represented. We constantly see, like the debate we have had recently over carried interest, for instance, or a number of other interests here get as much time and as much debate over one or two of those single issues as some of those that affect a far greater proportion of the population.

As a result of the Supreme Court's ruling in the case of Citizens United, we have seen an incredible step backwards from accountability, a step backwards from preserving our democracy, and an incredible gift to the power of money. In the last few years, under the McCain-Feingold bill and under our rules, at least if a company wanted to participate in the election, it had to go out and ask its executives to contribute. We went through the sort of charade of having a fundraising event at which a whole bunch of executives would have to show up or people who worked for a company, and they wrote a check. The checks were bundled together, and there were your contributions. But at least there was accountability. At least people knew those people had contributed. At least people saw where it was coming from and who it was coming from.

Under the Citizens United decision, all a CEO has to do is put it in the budget of the corporation. The corporation can budget annually. We are going to put $2 million, and the CEO can turn that money over in its totality to some group that is formed to destroy somebody's reputation with a lot of lies, just pour the money over. That is it. Total secrecy. We don't even get to know who gave the money. No accountability. They just turn the money over to lobbyists who run the media campaigns to help their friends and defeat their opponents in Congress. We can have the best Congress. People have always said that money buys people in public life. But this is a step toward the greatest certification of that I have ever seen. It sends a chilling message to candidates without means, which is most candidates, that they can't combat the bottomless pocket of a K Street lobbyist who has some cabal of corporations that want to pour a bunch of money in to get their special interests protected.

So American workers in Ohio or Indiana or any other State who wonder why those jobs went overseas, there is a tax benefit that helps those companies actually take those jobs overseas. Why is that tax benefit there? Why do we have thousands upon thousands of pages of special interest tax provisions in our Tax Code? Because the lobbyists and the powerful people are able to be heard, and they are able to work their will. They are able to make that happen.

Now we have a rule, because the Supreme Court ruled that corporations are like people and have the same rights. So we have a new assault on America's democracy. I mean that. It is an assault on our democracy. We have always had money in the marketplace of politics. We understand that. For years people have tried to find one way or another of trying to address that concern. This is not a new concern of the American people. It is hard to say where we are headed, all of us, in our careers in public life. I am, obviously, on the back end of that runway, but I am stunned by what the impact of this is going to mean to our country and to the ability of average voices to be heard.

The humorous Will Rogers once quipped that ''politics has gotten so expensive, it takes a lot of money even to get beat.'' But Will Rogers would be stunned by the amount of money in politics today.

In 2008, a record total of $5.2 billion was spent by all the Presidential, Senate, and House candidates. When I ran for President in 2004 on a national basis, we spent $4.1 billion. That broke the 2000 record when Al Gore ran of $3.1 billion. So we go from $3.1 billion to $4.1 billion to $5.2 billion.

Now we have a new rule. All these secret funds can come into the political process. We have already broken the record in 2010 from the 2006 race by a huge amount. I think the total amount of money spent in 2006, which was an off Presidential year, was about somewhere around $700 something million, $800 million. We are well over $1.2, $1.3 billion already in this cycle. That is just the campaign spending. That is the direct money that goes into the campaigns.

But last year, special interests spent a record of $3.47 billion hiring lobbyists. The rest of the country might have been suffering from a recession, but it was a great year for K Street in Washington, a 5-percent increase in fees over the previous year.

President Obama's ''change'' agenda stirred up so many people who were going to be opposed to it from the very beginning—health care, banking regulation, all the things that have undermined Americans in the last years—they wanted to preserve the status quo. They sat up, and they came up with about $1.3 million spent per minute in 2009. That is the amount the watchdog group, Center for Responsive Politics, arrived at when they took the $3.47 billion that lobbyists collected and divided it by the number of hours Congress was in session in 2009. It comes out to $1.3 million per minute spent to try to hold on to the status quo.

Now thanks to the Supreme Court, it is a lot easier for special interests to finance and orchestrate contrived political movements. Unbelievably, the Court ruled in Citizens United that corporations have the same right to speech as individuals. Therefore, they can spend unlimited amounts of money in elections.

I remember from my days in law school learning distinctly that a corporation is a fictitious entity. It is a fictitious entity created as a matter of law to protect the corporation in the conduct of its economic business, not to protect it in the context of giving it the same rights as an individual with respect to speech. For a Supreme Court of the United States to somehow put a corporation on the same plane as the individual citizen is absolutely extraordinary.

As a result, we are now seeing a whole bunch of spending by shadowy groups run by long-time Republican Party officials and activists that is going to end up in the hundreds of millions of dollars, money that cannot be traced to its source. How do Members feel about that? How do Americans feel about the millions of dollars being spent and they don't know who is spending it? Unaccountable democracy.

What we are talking about, I suppose, means little to the corporations compared to what they are going to get in terms of blocking a regulation. We have people here who want to delay the regulations for clean air. They are going to come in here and try to say: We can't proceed now to have clean air. We have to delay it. So more coal fumes will pollute the air and more people will get sick and so forth. But they will try to work their way, and they have a lot of money to try to do it with.

The Supreme Court's ruling also clears the way for the domestic subsidiary of a foreign corporation to

spend unlimited amounts to influence our elections.

I want people to think about that. A foreign corporation and a national of a foreign country are barred under the law from contributing to Federal or State elections. But nothing in the law bars the foreign subsidiary incorporated in the United States from doing so. Those subsidiaries do not answer to the American people. They answer to their corporate parents way off in some other country. That means that in no uncertain way a foreign corporation can indeed play in an American election, and clever people will not have a hard time in covering that trail.

So today, on the floor of the Senate, in Washington, DC, in the year of the tea party—when the tea party is asking for accountability, and the tea party is asking for sunshine, and they want reform—I would like to hear the tea party stand up today and say: Republicans ought to vote overwhelmingly to have sunshine on the funding process of our campaigns.

The DISCLOSE Act, on which we will vote today, does not amend the Constitution. It is not going to overturn the Supreme Court decision that equated the rights of people—I would think the tea party ought to be excoriated over the notion that a corporation has been given the same rights as the Constitution gives to an individual. But it does not even overturn that. It does not even constitute campaign finance reform. All it does is shine the disinfectant of sunlight on corporations and faceless organizations that are trying to buy and bully their way in Washington through campaigns run against Members who disagree with them.

The DISCLOSE Act requires corporations, organizations, and special interest groups to stand by their political advertising, just like any candidate for office, and it requires the CEO of a company to identify themselves in their advertisements. And corporations and organizations would be required to disclose their political expenditures.

Is that asking too much, that the American people get to know who is spending the money to influence them so that maybe they will have the ability to judge whether there might be a little bias in that ad or there might be a little personal interest in that ad, there might be a reason they are getting the information they are getting, the way they are getting it?

That is all we are asking. It is not radical. It is not prohibitive. It simply removes the false notion that Americans are somehow voluntarily organizing all across this country in order to pursue a public interest. The fact is, corporate special interest money is being compiled and targeted to pursue a special interest and to send a loud televised message to those who disagree with them that they are going to be punished for disagreeing. If that practice is not disclosed and tempered, it is not only going to tip elections, it is going to cripple—cripple—the legislative process more than it has already been crippled in these past few years.

Instead of negotiating with each other in the public interest in the Congress, Members of Congress find themselves asking corporations—supposedly subject to the law and will of the American people—they ask them whether it is OK with them whether we regulate or legislate and release their allies to vote in favor of one thing or another. And guess what. No surprise to the American people, those corporations almost always refuse to do so.

So when the Citizens United decision was handed down, the voices seeking support from these corporations argued it would have no effect on the American political process. They said: We don't need to worry about new funneling of funds to candidates. But the record already says otherwise. The truth is, Karl Rove admitted that based on the Citizens United decision, he has formed two new groups specifically, because this decision empowered him to do it, to influence the 2010 elections with $52 million of ads bankrolled anonymously by special interests.

Now that the Supreme Court has opened the door to these anonymous ads, a lot of other groups are planning to spend approximately $300 million or more on the elections this fall. Already we have seen incredible disparity. I think the total spent by these anonymous groups attacking Democratic candidates around the country is over $30 million. The total amount the Democrats have had available to them, because they do not have as much money, and they do not represent those powerful groups, is about $3 million. Seven to one is the ratio.

All you have to do is begin to analyze these ads, and you can see exactly what the message is and why it is coming.

So here is the deal: Whether you agree with the ads or not is not what is at issue on the floor of the Senate today. At a minimum, I would hope our colleagues would support the idea that messages that are sent in American politics, advertisements that are made for or against a candidate, advertisements that are made for or against a particular idea, that those ought to be sent openly; that they ought to be sent in an accountable way so the American people—which is what this is all about, this institution, this house, the Senate, the House. All of this comes from the words ''We the People,'' and we have been hearing those words, ''We the People'' all over America from the tea party and from others who are trying to remind people what that is all about. This vote is all about that today, and their outrage ought to be summoned all across the country to shed the sunlight on this political process and hold it accountable.

If our friends come to the floor this afternoon and vote en bloc against it, let me tell you, that is a declarative statement about whose interests are being protected and what is at stake in this election as we go into this November.

The stakes for the American people are simply too high to let special interests hide behind faceless and unidentified campaigns. I cannot think of anything that is less American than secret money going into campaigns to try to affect the choices of the American people.

This is an opportunity for us to truly speak for the American people, and I hope my colleagues will join us in doing so today.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KAUFMAN. Madam President, I rise to voice my support for the DISCLOSE Act.

The DISCLOSE Act has to do with the Citizens United case, where the Supreme Court went out of its way to overturn nearly 100 years of statutes and settled precedent that had established the authority of the Congress to limit the corrupting influence of corporate money in Federal elections. It is a truly astounding decision, and it broke with all precedent for 100 years.

The Court ruled—and this takes a little bit, and you have to suspend your mind to get this right—that corporations are absolutely free to spend shareholder money with the intent to promote the election or defeat of a candidate for political office. The corporations have freedom of speech. This is astounding.

Beyond ignoring precedent, the Court's reckless, immodest, and activist opinion failed to distinguish between the rights of purpose-built political advocacy corporations and profit-driven, large corporations to direct resources to influence elections. They came in and ruled that any corporation can spend corporate money on whatever races they want. By issuing the broadest possible opinion, the majority admitted of no differences between Citizens United and any major multinational corporation.

But this decision left important questions unresolved. Who determines what candidates the major multinational corporation supports or opposes? Think about it. Here are corporations run by managers. We all know the problems with boards of directors, and we have seen what has gone on in the last years with decisions by corporations. But they never said who in the corporation gets to make the decision. Can a manager of the corporation or a CEO say I am going to throw $40 million or $50 million into the political pot or should he have to go to shareholders to get it?

That is a gigantic amount of money in politics, but it is a mere pittance to a large corporation. Who determines what candidates the major multinational corporation supports or opposes? The boards of directors? The CEO? The employees? All these groups and individuals serve the corporation for the benefit of the shareholders.

How will the shareholders of these corporations learn who makes these decisions within the corporation? Even so, how are we to determine what speech the shareholders favor? How do you do that? You are running a corporation and you get up one morning and decide you are going to go against candidate X or Y. Have you asked your shareholders what to do with their money or whether they want to be against or for candidate X or Y? How is that decision made? Do we care if the shareholders are U.S. citizens or citizens of an economic, political, or military rival of the United States? The way this thing rules is that a corporation that is under the control of an economic, political, and military rival of ours anywhere in the world can now be involved in our campaigns. That is something we have never done before.

As it stands now, Citizens United allows corporate interests to prevail over the rights of American citizens—that is it, pure and simple—because they have so much in assets. A speaker in California said that money is the mother's milk of politics. Most Americans know that and they decry it. With this decision, it allows corporate interests to prevail over American citizens and overwhelms the contributions and the voices of shareholders and individuals, and it ultimately makes elected officials even more beholden to corporations.

I tell you what, I don't have to do a survey to find out that most Americans don't want elected officials more beholden to corporations, and I am a corporate guy. There is nothing wrong with corporations. But the American people don't want corporations having more control over elected officials.

Boardroom executives must not be permitted to raid the corporate coffers to promote personal political beliefs or to curry personal favor with elected politicians. That result is bad for corporations, bad for shareholders, and bad for government. We must ensure that the corporation speaks with the voice of its shareholders, and that those who would utilize the corporate forum to magnify their political influence do not do so for improper personal gain or to impose the will of a foreign power on American citizens.

Unfortunately, the Supreme Court has left us without the tools to directly affect any of these compelling public interests. The DISCLOSE Act cannot entirely undo the activism of the Roberts Court and shut off the spigot of corrupting corporate funds because they say it is unconstitutional. The Congress cannot overcome a constitutional violation that was made by the Supreme Court. That is fundamental to our system. But it will serve as a bulwark against the flood of corporate money and help resolve the open questions created by the Court in Citizens United.

The act will shine a spotlight on corporate spending and prevent corporations from speaking anonymously by increasing disclosure and strengthening transparency in Federal campaigns.

Transparency—if you came to the floor since Buckley v. Valeo, in 1974, the first campaign finance ruling, you would have found my colleagues, led by their majority leader, speaking passionately about transparency, transparency, transparency. Now we have a bill where no one knows who is spending the money, and there is no movement on the other side. In fact, there is a filibuster against this bill, which would allow transparency. That is the main thing to do. It can't change the rules because the Supreme Court says it is then constitutional. We are trying to deal with transparency, something that has been a hallmark—if you take a debate over the last 30 years on financing of elections and put all of those papers up on a wall, and you throw a dart, the chance that you would hit a Member on the other side of the aisle talking about transparency is pretty high.

So you have to ask: Why would they be opposed to shining a spotlight on corporate spending and prevent corporations from anonymously increasing disclosure and increasing transparency in Federal campaigns?

Not only does the act require the corporation, organization, and special interest groups to stand by their political advertising like a candidate running for office—when we had McCain-Feingold, I think most Americans liked this. If you were going to put up an ad, you would say: I am TED KAUFMAN and I approve this ad. There were a lot of jokes about it, but you knew who paid for the ad. But they don't want to do this with corporate money. I can go to a big corporation and start a committee to save the world, and I can pour $35 million into it and spend it around the country, and I never have to disclose that it is me.

Under this act, CEOs would be required to identify themselves in their advertisements just like political candidates, and corporations and organizations will be required to disclose their political expenditures.

All we are asking is, if a corporation spends $35 million on a political race, they have to disclose that, like elected officials and everybody else has to do now. The other thing we say is, if a corporation is going to spend money in a race, the person in charge—the CEO—has to say what every elected official and Federal officeholder has had to say in recent years, since McCain-Feingold—that ''I am Joe Brown and I support this ad.'' Disclosure is exactly what our friends on the other side of the aisle were supporting.

Directors of public companies may still be able to hijack shareholder money to promote their own narrow interests. But thanks to the DISCLOSE Act, shareholders will be able to determine when they have done so.

The act will prevent foreign-controlled corporations from secretly manipulating elections by funneling money to front groups to fund last-minute attack ads and other anonymous election advertisements. But they can also be 6 months in advance. Last minute is because you don't want them to know you did an ad. They can do it 6 months before the election, and nobody knows who did the ad.

If we fail to respond to the threat that the Citizens United decision poses to our democracy, then I fear the public confidence in its government will continue to erode, precisely when bold congressional action is needed. It is not bad enough that the Congress has an incredibly low approval rating. You vote for someone because you think they are X, and all the time they are being supported by corporation Y. Our ability to meet the Nation's pressing needs depends on our ability to earn and maintain the public's trust. That is what we have all learned and know.

How do you maintain public trust? To not get involved in this bait and switch, where there is an organization saying one thing and it is doing something else. Earning that trust—the trust of the American people—will be all the more difficult in a world in which corporate money is allowed to drown out the voice of individuals and corrupt the political process. This is basic to our society and what we believe in. The American people deserve much better. I think it is important that we pass the DISCLOSE Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I heard what the Senator from Delaware said. He has been a very valuable member of the Senate Judiciary Committee and of this body itself. We all listen to what he says. He is not saying this out of any sense of what it might do in an election for him, he is retiring this year. We ought to listen to somebody who has no stake in this, other than as a citizen who cares what happens to our democracy. I thank my friend from Delaware for speaking out, as he always does so clearly.

We are going to try again this week to take action to help stem the tide of corporate influence that was unleashed when, earlier this year, five unelected Supreme Court Justices overturned 100 years of precedent in the Citizens United decision. When we last tried to correct this prior to the August recess. We brought up the DISCLOSE Act. Republicans filibustered the bill. It never allowed the Senate to even debate the legislation. Many of us argued that without even going to the legislation, we faced real problems, and those have been borne out. We have seen massive

corporate spending, drowning out the voices of hard-working Americans.

I heard somebody say in Vermont: ''Do you mean if you have somebody who is trying to stop counterfeit goods coming from China''—or to use another example, ''trying to stop the flood of toys that have too much lead in them that will endanger our children—and you have a Member of Congress who goes out and works to tighten the law so they can't do it, are you telling me that Chinese company can set up a small corporation here in the United States and spend a fortune to defeat the person who is trying to protect our children, to defeat the person who is trying to stop lead in toys? And do you mean in defeating the person who is trying to protect our children they could do it without anybody ever knowing where the money was coming?'' I said: That is the result of the Citizens United decision.

They could not understand that. But I tell my fellow Vermonters, with election day less than 2 months away, hundreds of millions of dollars of corporate interest group funds have been spent or pledged to be spent on political advertising and election activities. The American people deserve better than that.

We have seen filibusters, once a rarely used part of Senate procedure, become a regular tool for obstruction in the Senate on issue after issue. No matter how much the American people want an issue voted on, we end up having a filibuster blocking it. That obstruction has led to delays in considering legislation meant to protect the American people, as well as an alarming and almost unprecedented rise in judicial vacancies because Republicans will not allow votes on judges. Here, in an area fundamental to our democracy, it is clear the American people continue paying the price unless Congress takes action. Americans should expect bipartisan support for any legislation designed to prevent corporations from taking over elections, corporations from deciding elections, instead of the people who are affected by them.

This legislation does that, and I hope the Senators on the other side will stop filibustering this legislation. I cannot help but think on these filibusters—do you know what it is? It allows one to say: I am going to vote maybe. We were elected and paid to vote yes or no, not maybe. Those who keep using the filibuster to prevent a vote on serious matters can go home and say: That matter has not come up. I have not voted on that. I am on your side, whichever side you are on, because I never voted. I voted maybe. That is what these filibusters are. They are voting maybe because you do not have the courage to stand and vote yes or no.

In Citizens United, five Supreme Court Justices cast aside a century of law and opened the floodgates for corporations to drown out individual voices in our elections. Five overruled every law passed by Congress or other courts over the years. That broad scope of the decision was unnecessary, it was improper, and it was one of the greatest grasps for power I have ever seen. At the expense of hard-working men and women in this country, the Supreme Court ruled that corporations could become the predominant influence in our elections for years to come. These unelected members of the Supreme Court said: We are going to let corporations decide your elections, not the hard-working men and women who are affected by the elections. We have already seen the consequences. Corporations have injected more money than ever into primary races and now general elections across the country, and they can do it without ever even saying which corporation is emptying their treasuries to do this. We need to at least have some transparency to this new-found access.

We have heard from Americans of all political persuasions who express overwhelming concern over the impact of the Citizens United decision, as the threat it poses to our electoral process is readily apparent. We have a constitutional duty to work to restore a meaningful role for all Americans in the political process. Vote yes or vote no. Be willing to stand on one side or the other of the issue, not a filibuster which allows you to duck facing responsibilities as a Senator, not a filibuster to a motion to proceed because that is a vote to ignore the real-world impact this decision is already having on our democratic process. I call on Senators: Have the courage to take a position. Do not vote maybe so you can go back home and say: That issue has not come up. Have the courage, have the honesty. Vote yes or no.

The DISCLOSE Act is a measure I support to moderate the impact of the Citizens United decision. I will vote for it. The DISCLOSE Act will add transparency to the campaign finance laws to help ensure corporations cannot abuse their new-found Supreme Court-made Constitutional rights.

This legislation will preserve the voices of hard-working Americans in the political process by limiting the ability of foreign corporations to influence American elections. Can you imagine a proud country such as ours, we are willing, because of the decision of five people, to allow foreign corporations to come in and meddle in our political process? We are going to prohibit corporations from receiving taxpayer money when contributing to elections. Are you going to say to the taxpayers: We are going to tax you, and then we are going to give the money to determine who might give us more taxes? We are going to increase disclosure requirements of corporate contributions, among other things.

It is hard to overstate the potential for harm in the aftermath of the Citizens United decision. The DISCLOSE Act is necessary to prevent corruption in our political system because the Citizens United decision brings about corruption in our political system. The DISCLOSE Act will protect the credibility of our elections because the Citizens United case diminishes credibility for our elections. If we do not do that, we are not going to maintain the trust of the American people. While some on the other side of the aisle praise the Citizens United decision as a victory for the First Amendment, what they fail to recognize is that these new rights for corporations come at the expense of the free speech rights of all Americans. That much is already clear. There is no longer any doubt that the ability of wealthy corporations to dominate all mediums of advertising is quieting the voices of individuals who do not have the deep pockets and the unlimited resources of these corporations.

Citizens United is only the latest example of which a thin majority of the Supreme Court places its own preferences over the will of hard-working Americans. The campaign finance reforms of the landmark McCain-Feingold Act were the product of lengthy debate in Congress as to the proper role of corporate money in the electoral process and passed by bipartisan majorities.

Those laws strengthened the rights of individual voters while carefully preserving the integrity of the political process. But with the stroke of a pen, five Justices—unelected Justices—cast aside those years of deliberation and substituted their own preferences over the will of Congress and the American people.

Vermont is a state with a rich tradition of involvement in the democratic process. We see it in March at our Town Meeting Day. But it is also a small state, and it would take so little for a few corporations to outspend all our local candidates—Republicans and Democrats alike. Come on. A megacorporation could, in effect, try to control all the government of our small state. It is easy to imagine corporate interests flooding the airwaves with election ads and transforming the nature of Vermont campaigning. This is not what Vermonters expect of their politics. The DISCLOSE Act is the first step toward ensuring Vermonters and all Americans can remain confident that their voices are going to be heard in the political process, not an unseen, unknown corporation with a whole lot of money.

The Citizens United decision grants corporations the same constitutional free speech rights as individual Americans. Who could possibly have imagined what the Framers of the Constitution would have thought of that? Remember the opening words of our Constitution: ''We the People of the United States . . . '' It does not say we the people and a few megacorporations of the United States. In the Constitution, the Founders spoke of guaranteeing fundamental rights for the American people, not to corporations, which is

mentioned nowhere in the Constitution. The time is now to ensure our campaign finance laws reflect this important distinction.

The American people want their voices heard in the coming election. I look forward to working with all Senators to pass this important legislation to ensure the DISCLOSE Act is enacted into law. At the very least, our constituents deserve a debate in the Senate on this legislation. Have the courage and the honesty to vote yes or no, not to hide behind a filibuster and get away with voting maybe. What does that do for their constituents?

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I rise to speak about the same topic about which the senior Senator from Vermont just spoke. We are grateful for his leadership on so many issues but especially those that involve the Judiciary Committee, the committee of which he has been chairman. He has been a great example. I will not try to repeat or replicate his message but to reinforce what Senator LEAHY and others have said already in this debate.

For people who do not follow campaigns day to day or even week to week—a lot of people are making a living and struggling through a tough economy, so they are not always engaged in day-to-day politics. Generally, the way it works in this country, whether it is a State such as Pennsylvania, New York or Vermont or any State in the Union, for the most part, with some exceptions, we have candidates who declare their candidacy for office. They have to file paperwork. They have to fill out ethics forms and provide other disclosures as a candidate.

Then candidates, as they are running and raising money, have to make reports about their donors. That happens all the time in State races and in Federal races where someone gives you a contribution of any size, that has to be reported. Some States might have a cutoff below a certain dollar amount.

If you are running in an election and someone gives you a contribution of $25,000 or $100,000, people ought to know about that. They ought to know who is funding your campaign.

Even in the Federal system, we have limits on contributions. But while a candidate is running, they file reports that tell the voters who is supporting them. It is a basic foundational principle of the way we run elections.

Now we are faced with a situation, because of the Citizens United case, where those basic rules about how candidates are influenced or impacted by contributions, what corporations and entities do in an election—all that is turned on its head.

Basically, what this Supreme Court decision means is, you can have a corporate entity—I am not sure there is anyone in America who does not think corporations already have too much influence. Let's set that aside. They have plenty of influence in elections. Right now any corporation at any time can spend any amount of money they want.

We do not have any information, unless the law is changed, about their donors, who is paying for that influence, who is paying for those advertisements. The corporate entity does not even have to identify itself. They can call themselves the XYZ company or XYZ campaign and come in and run ads positively or negatively, for or against, candidates in an unlimited way. It violates the basic rule we have all operated under, which is: Sunlight is the best disinfectant. If you want to bring some light to the darkness, especially the darkness that will envelop a lot of campaigns, then I guess you would be in favor of not having a statute passed such as the DISCLOSE Act.

It is very simple. Others have gone through it, so I will not walk through every provision, but one of the first provisions is mandating expanded disclosure and disclaimer requirements for certain communications by corporations, unions, and certain tax-exempt organizations.

What is wrong with that? Why shouldn't we have that? For the most part, we have had that for years. Now we don't have that due to the Supreme Court decision. So we should make sure that is the law again.

Second, the legislation would require covered organizations to report information about their donors and spending for certain independent expenditures and electioneering communications.

Why shouldn't someone voting in 2010, or in any year, have information about the entity that is spending the money, and especially the donors supporting that entity. It is a free country. They can exercise their right to free speech, but the idea that it has to be shrouded in darkness and secrecy——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CASEY. I ask unanimous consent for 2 more minutes.

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

Mr. CASEY. I thank the Chair.

And, Madam President, I ask unanimous consent to have printed in the RECORD a New York Times article of September 20, 2010, entitled ''Donor Names Remain Secret as Rules Shift.''

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

[From the New York Times, Sept. 20, 2010]

DONOR NAMES REMAIN SECRET AS RULES SHIFT

(By Michael Luo and Stephanie Strom)

Crossroads Grassroots Policy Strategies would certainly seem to the casual observer to be a political organization: Karl Rove, a political adviser to President George W. Bush, helped raise money for it; the group is run by a cadre of experienced political hands; it has spent millions of dollars on television commercials attacking Democrats in key Senate races across the country.

Yet the Republican operatives who created the group earlier this year set it up as a 501(c)(4) nonprofit corporation, so its primary purpose, by law, is not supposed to be political.

The rule of thumb, in fact, is that more than 50 percent of a 501(c)(4)'s activities cannot be political. But that has not stopped Crossroads and a raft of other nonprofit advocacy groups like it—mostly on the Republican side, so far—from becoming some of the biggest players in this year's midterm elections, in part because of the anonymity they afford donors, prompting outcries from campaign finance watchdogs.

The chances, however, that the flotilla of groups will draw much legal scrutiny for their campaign activities seem slim, because the organizations, which have been growing in popularity as conduits for large, unrestricted donations among both Republicans and Democrats since the 2006 election, fall into something of a regulatory netherworld.

Neither the Internal Revenue Service, which has jurisdiction over nonprofits, nor the Federal Election Commission, which regulates the financing of federal races, appears likely to examine them closely, according to campaign finance watchdogs, lawyers who specialize in the field and current and former federal officials.

A revamped regulatory landscape this year has elevated the attractiveness to political operatives of groups like Crossroads and others, organized under the auspices of Section 501(c) of the tax code. Unlike so-called 527 political organizations, which can also accept donations of unlimited size, 501(c) groups have the advantage of usually not having to disclose their donors' identity.

This is arguably more important than ever after the Supreme Court decision in the Citizens United case earlier this year that eased restrictions on corporate spending on campaigns.

Interviews with a half-dozen campaign finance lawyers yielded an anecdotal portrait of corporate political spending since the Citizens United decision. They agreed that most prominent, publicly traded companies are staying on the sidelines.

But other companies, mostly privately held, and often small to medium size, are jumping in, mainly on the Republican side. Almost all of them are doing so through 501(c) organizations, as opposed to directly sponsoring advertisements themselves, the lawyers said.

''I can tell you from personal experience, the money's flowing,'' said Michael E. Toner, a former Republican F.E.C. commissioner, now in private practice at the firm Bryan Cave.

The growing popularity of the groups is making the gaps in oversight of them increasingly worrisome among those mindful of the influence of money on politics.

''The Supreme Court has completely lifted restrictions on corporate spending on elections,'' said Taylor Lincoln, research director of Public Citizen's Congress Watch, a watchdog group. ''And 501(c) serves as a haven for these front groups to run electioneering ads and keep their donors completely secret.''

Almost all of the biggest players among third-party groups, in terms of buying television time in House and Senate races since August, have been 501(c) organizations, and their purchases have heavily favored Republicans, according to data from Campaign Media Analysis Group, which tracks political advertising.

They include 501(c)(4) ''social welfare'' organizations, like Crossroads, which has been the top spender on Senate races, and Americans for Prosperity, another pro-Republican group that has been the leader on the House

side; 501(c)(5) labor unions, which have been supporting Democrats; and 501(c)(6) trade associations, like the United States Chamber of Commerce, which has been spending heavily in support of Republicans.

Charities organized under Section 501(c)(3) are largely prohibited from political activity because they offer their donors tax deductibility.

Campaign finance watchdogs have raised the most questions about the political activities of the ''social welfare'' organizations. The burden of monitoring such groups falls in large part on the I.R.S. But lawyers, campaign finance watchdogs and former I.R.S. officials say the agency has had little incentive to police the groups because the revenue-collecting potential is small, and because its main function is not to oversee the integrity of elections.

The I.R.S. division with oversight of tax-exempt organizations ''is understaffed, underfunded and operating under a tax system designed to collect taxes, not as a regulatory mechanism,'' said Marcus S. Owens, a lawyer who once led that unit and now works for Caplin & Drysdale, a law firm popular with liberals seeking to set up nonprofit groups.

In fact, the I.R.S. is unlikely to know that some of these groups exist until well after the election because they are not required to seek the agency's approval until they file their first tax forms—more than a year after they begin activity.

''These groups are popping up like mushrooms after a rain right now, and many of them will be out of business by late November,'' Mr. Owens said. ''Technically, they would have until January 2012 at the earliest to file anything with the I.R.S. It's a farce.''

A report by the Treasury Department's inspector general for tax administration this year revealed that the I.R.S. was not even reviewing the required filings of 527 groups, which have increasingly been supplanted by 501(c)(4) organizations.

Social welfare nonprofits are permitted to do an unlimited amount of lobbying on issues related to their primary purpose, but there are limits on campaigning for or against specific candidates.

I.R.S. officials cautioned that what may seem like political activity to the average lay person might not be considered as such under the agency's legal criteria.

''Federal tax law specifically distinguishes among activities to influence legislation through lobbying, to support or oppose a specific candidate for election and to do general advocacy to influence public opinion on issues,'' said Sarah Hall Ingram, commissioner of the I.R.S. division that oversees nonprofits. As a result, rarely do advertisements by 501(c)(4) groups explicitly call for the election or defeat of candidates. Instead, they typically attack their positions on issues.

Steven Law, president of Crossroads GPS, said what distinguished the group from its sister organization, American Crossroads, which is registered with the F.E.C. as a political committee, was that Crossroads GPS was focused over the longer term on advocating on ''a suite of issues that are likely to see some sort of legislative response.'' American Crossroads' efforts are geared toward results in this year's elections, Mr. Law said.

Since August, however, Crossroads GPS has spent far more on television advertising on Senate races than American Crossroads, which must disclose its donors.

The elections commission could, theoretically, step in and rule that groups like Crossroads GPS should register as political committees, which would force them to disclose their donors. But that is unlikely because of the current make-up of the commission and the regulatory environment, campaign finance lawyers and watchdog groups said. Four out of six commissioners are needed to order an investigation of a group. But the three Republican commissioners are inclined to give these groups leeway.

Donald F. McGahn, a Republican commissioner, said the current commission and the way the Republican members, in particular, read the case law, gave such groups ''quite a bit of latitude.''

Mr. CASEY. Basically, in this article we have a news organization—among many—that is saying donor names are being kept secret. The other problem we have, of course, is foreign nationals are coming into the United States and spending money to influence elections. So this is not complicated. It is very simple. Either there is going to be sunlight and exposure about our elections and who is funding these various elections or we are just going to have darkness. I think that injures our ability to have free debate in a campaign, and it injures the voter's ability to learn what they expect and should have a right to know about candidates and about those who are influencing candidates.

Madam President, we should pass the DISCLOSE Act. At a minimum, we should have a debate on the DISCLOSE Act.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

## HONORING OUR ARMED FORCES

### FIRST LIEUTENANT MARK A. NOZISKA

Mr. JOHANNS. Madam President, I rise today to remember a fallen hero, U.S. Army 1LT Mark A. Noziska of Grand Island, NB.

Mark was a proud member of the 1st Battalion of the 4th Infantry Division. He was active in and around Kandahar, one of the most dangerous areas of Afghanistan. Sadly, Mark was killed on August 30 by an improvised explosive device. He had dismounted from a convoy vehicle to investigate suspicious activity when he was attacked. But by taking the lead, he likely prevented many more casualties within his platoon. His death is a great loss to our Nation and to my home State of Nebraska.

Mark loved life, he loved the Huskers, and he especially loved the Army. His leadership qualities became apparent early on in his life. He was recognized in Who's Who and selected to represent Nebraska in People to People while a student at Papillion High School. Before graduating, he was voted Mr. Monarch, a very high honor.

Mark enlisted in the National Guard in 2004 and before long was selected as the Nebraska Army National Guard Soldier of the Year. He subsequently finished as first runner-up in the Soldier of the Year national competition. Yet Mark had even higher aspirations. He enrolled in college and ROTC to become an officer. The University of Nebraska-Omaha ROTC Program honored Mark with the Military Order of the Purple Heart Medal.

After graduating with his college degree, he proceeded to the Infantry Officer Basic Course. His family reports that being an officer in the U.S. Army was an obvious joy and privilege for him.

First Lieutenant Noziska will be remembered as an eager, playful, yet very dedicated young man. His family recalls his lust for life, his love of his favorite football team, the Huskers, and his commitment to serving his country. His young nephew longs for Mark's teasing.

To Army leadership he was an energetic lieutenant with unlimited potential. His decorations and badges earned during his short but distinguished military career speak to his dedication and to his bravery: the Bronze Star, the Purple Heart, the Afghanistan Campaign Medal, the NATO Service Medal, the Global War on Terrorism Medal, the Army Service Ribbon, the Army Commendation Medal, the National Defense Service Medal, the Army Reserves Component Service Medal, the National Guard Individual Achievement Medal, the Adjutant General Outstanding Unit Citation, and the Combat Infantry Badge.

Today, I join family and friends in mourning the death of their beloved son, their brother, and their friend. May God be with the Noziska family and all those who mourn Mark's death and celebrate his life.

Mark laid down his life in defense of our freedom and security, and our Nation must never forget his sacrifice, just as we remember all of the Nation's fallen heroes. We have not been forced to relive the horror of 9/11 because heroes such as Mark offered their lives to protect us from it. America can never repay them. We are forever grateful.

I ask that God be with all those serving in uniform, especially the brave men and women on the front lines of battle. May God bless them and their families, and may God bring them home safely.

Madam President, I yield the floor, and 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.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

## THE DISCLOSE ACT

Mrs. HAGAN. Mr. President, I am glad to join my colleagues today to discuss our elections process and the state of campaign finance. As everyone here knows, in January of this year the Supreme Court ruled in a 5-to-4 decision in Citizens United v. the Federal Election Commission that the first amendment cannot limit corporate funding of political advertisements in candidates' elections. Effectively, this decision

overturned decades of campaign finance law that limited special interest influence on elections.

I am deeply concerned that this ruling is weakening the voice of the American people in our elections. Monday the New York Times reported that, since the ruling, many nonprofit advocacy groups have set up sister organizations and specially classified themselves under section 501(c) of the Tax Code. Organizations are using the 501(c) status as a loophole to avoid having to disclose their donors' identity.

I want America's campaign finance process to be transparent. What do I mean by transparent? That the public knows who is paying for the message and how much. We have to be aware of the influence that money has on politics.

In response to the Court's decision, the DISCLOSE Act was introduced to mitigate the harmful effects of the Supreme Court's decision in Citizens United. The DISCLOSE Act would implement comprehensive disclosure requirements on corporations, unions, and other organizations that spend money on Federal election campaigns. This is common sense. When every one of us here in this Senate, Republicans and Democrats, runs for reelection, we have to state in our advertisements that we approved the ad. There is no reason we should not hold corporations and unions to the same standard. By increasing the transparency of campaign spending by these groups, this legislation seeks to prevent unregulated corporate power over elections.

Under the legislation, the CEOs of corporations, the leaders of unions and other organizations would be required to appear on camera for the election advertisements they have funded. The DISCLOSE Act would also require that the top five donors from organizations that pay for campaign advertisements be listed on the screen at the end of the television ad.

Additionally, the legislation would take steps to eliminate the influence of foreign corporations on American elections. I believe the Court's decision puts the voices of ordinary Americans at risk of being drowned out by direct corporate spending on elections. America deserves open and transparent elections and that is why I am a cosponsor of the DISCLOSE Act. I believe the DISCLOSE Act would ensure that average American voters are the ones in charge during elections, not special interest money and not foreign corporations.

I can assure you I will continue to do everything within my power and work with my colleagues in the Senate to protect the integrity of the election process. I hope my colleagues on the other side of the aisle will join us in this effort.

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.

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

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

## THE DREAM ACT

Mrs. MURRAY. Mr. President, one of the many values that make America so great is that no matter where we start off from in life we believe that we all deserve to have a shot at the American dream.

We all deserve an opportunity to work hard, support our families, and give back to the Nation that has been there for us all of our lives.

This is an American value I cherish. It is one I feel very strongly we ought to maintain and strengthen. And it is why I stand here today to talk about the DREAM Act, which would help us do exactly that.

The amendment we proposed was a narrowly tailored piece of legislation that was developed with Democrats and Republicans working together.

And I was extremely disappointed that Senate Republicans refused to even allow us to begin debate on this critical issue.

The DREAM Act would give a select group of undocumented students the chance to become permanent residents if they came to this country as children, are long-term U.S. residents, have good moral character, and attend college for at least 2 years or enlist in the military.

Under this bill, tens of thousands of well-qualified potential recruits would become eligible for military service for the first time.

These are young people who love our country and are eager to serve in the Armed Forces during a time of war.

And the DREAM Act would add a very strong incentive for them to enlist by providing a path to permanent legal status.

It would also make qualified students eligible for temporary legal immigration status upon high school graduation, which would lead to permanent residency if they attend college.

And most importantly, it would allow the young people who want to give back to America an opportunity to do so.

This is about our values as a nation.

But it is also about real communities. And real people in my home State of Washington and across the country.

I want to share a few stories I have heard that demonstrate why the DREAM Act is so critical.

I got a letter from a young man named Carlos, who was brought to the United States when he was just 2 years old.

Carlos' mom went to work every day to provide for her son, but she never told him that he was undocumented.

It was only when he wanted to go overseas on a school community service trip that he found out.

Carlos excelled academically and helped his family out with money by selling hot dogs after school.

And by the end of high school, he was student body vice president and had received a scholarship to attend the University of Washington, where he is scheduled to start this year.

Carlos is going to continue selling hot dogs to pay for textbooks, and his dream is to go to law school and become a civil rights lawyer when he graduates.

I also heard from Judith, from Tacoma, another undocumented immigrant.

Judith recently graduated from high school and she told me that she dreams of joining the Navy and serving her country.

And I heard from Luis, a junior at Whitworth University in Washington State.

Luis is excelling at school, but because he is undocumented he has been unable to apply for work-study programs, internships, or federally funded scholarships.

He told me he wants to graduate and give back to the community by working with young people. That is his dream, but he is afraid that his status will prevent him from achieving that goal.

Luis told me he lives in fear of being deported, that the United States is his home, and that he wants nothing more than to be given a shot at the American dream.

The only way that can happen, the only way any of these young people can get that shot, is if we pass the DREAM Act.

The stories I told here today are of just three of the young people whose lives this affects, but I have received hundreds of stories just like theirs.

And this issue touches so many more across the country.

The amendment we proposed would have allowed us to take a first step toward fixing an immigration system that is clearly broken with real solutions that will help real people.

And for me, this is not just about immigration, it is about what type of country we want to be.

America has long been a beacon of hope for people across the world.

And I believe that to keep that beacon bright we need to make sure young people like Carlos, Judith, and Luis are given a shot at the American dream.

The dream that was there for me, that is there for my children and grandchild, and that is there for millions of others across this great country.

So once again, I am extremely disappointed that Senate Republicans blocked our attempt to begin debate on the legislation this amendment was attached to.

I am going to keep fighting for the DREAM Act.

And I am going to keep working toward comprehensive immigration reform that helps our economy, affords

the opportunities we have offered to generations of immigrants, maintains those great American values that I hold so dear, and improves our security.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MCCASKILL. 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. MCCASKILL. Mr. President, are we in morning business?

The PRESIDING OFFICER. Yes, we are.

## THE DISCLOSE ACT

Mrs. MCCASKILL. Mr. President, I come to floor today to tell a sad, sad story of hypocrisy. It is not the first time we have told stories of hypocrisy around this Capitol Building, but this one is a particularly sad story of hypocrisy because right now, the ending is ugly.

In America, we like nice endings. This story of hypocrisy has a very bad ending. The name of this story is, Who is trying to buy your government? There are folks out there right now trying to buy your government. The saddest part of this story is that we have no idea who they are. So why is it a story of hypocrisy? Well, we can start with how we got here.

I have heard so many times—I cannot count how many times I have heard my colleagues in the other party talk about the evils of an activist court: Well, we have to make sure we do not have activist judges. Well, no, I am not opposed to this nominee because he is appointed by a Democratic President; I am opposed to this nominee because of activism, evil activism. We have to watch out for activism.

So along comes the Citizens United case. If you looked up ''judicial activism'' in a reference book, you would find the title ''Citizens United.'' This Court went off the tracks. They created precedent out of whole cloth in an effort to turn our democracy into a race for the highest bidder.

I think it is hypocritical for people to come before the Senate Judiciary Committee and be eloquent—because these are all smart people—very eloquent about the evils of judicial activism and then proceed to dismantle a system that is all about the public's right to know.

There is another part of this that is hypocritical, besides the notion that somehow conservative people are not judicial activists. They are not judicial activists when they are active for something you believe in. Then it is not activism. In other words, judicial activism is in the eye of the beholder. I can think of a lot of Supreme Court cases that could back up that assertion.

The other thing that is so hypocritical about this is the ridiculous notion that so many people in this body have talked about transparency like it is so near and dear to them. We must have transparency. We must have an open door. We must have sunlight. Let me read a few quotes. This is rich:

> Public disclosure of campaign contributions and spending should be expedited . . .

Think about that term, especially when we realize where it came from.

> Public disclosure of campaign contributions and spending should be expedited so voters can judge for themselves what is appropriate.

Good, old-fashioned common sense. That is from the leader of the Republican Party.

How about this one:

> I think what we ought to do is we ought to have full disclosure, full disclosure of all the money we raise and how it is spent. And I think that sunlight is the best disinfectant.

That came from the leader of the Republican Party in the House.

> I think the system needs more transparency so people can more easily reach their own conclusions.

I couldn't agree more. That comes from the Senator heading up the Republican effort to elect Republican Senators this year.

I could go on and on. We have a Supreme Court decision that turns the section of the IRS Code, 501(c), into an open bazaar. What was supposed to be not political and not for profit is now a mushrooming industry of nonaccountable, unaccountable organizations that nobody has any idea where they are coming from, who is writing the checks, and what their motivations are. These groups have fallen into a regulatory nirvana. There is no regulation. There is nobody watching. There is nobody asking questions.

These are social welfare organizations, 501(c)(4)s, like Crossroads, which is one that sprung up. It has been the top spender. It hasn't been the Republican committees or the Democratic committees. The top spender in the Senate races is a group we have no idea what it is or who is writing the checks.

We have to realize they don't even have to file anything with the government, with the IRS, until February, March, April. How many people think these organizations are going to be around after November? Really? How naive are you? They have to find some excuse, right, because this is embarrassing that they are blocking our efforts at making campaign finance contributions transparent?

One can't really say: Hey, we are going to change our mind about transparency because we have an election to win and we have a bunch of rich people out here who want to write big checks or big corporations that want to write big checks. So what do you do? You try to make it about the big, bad unions. These rules need to apply to unions too.

Unions are doing ads right now. They should be saying what unions are doing them. We should know where their money comes from. We do know where their money comes from. It comes from their members. But we ought to know who is doing it. This law requires the same thing of unions that it requires of anyone else writing big checks.

Who is going to buy your government? It could be like a game show. We could have a big wheel and spin the wheel and people could guess who is buying the government. I am worried about government contractors. There has been big money in government contracting. I have noticed from firsthand experience that when we start shaking the trees of these government contractors, they fight back. As I have tried to clean up some of the contracting messes that have littered the financial landscape of the Federal Government, I have run into an amazing amount of resistance from the underground power of these government contractors.

Let's look at Blackwater. We know they have created dozens of fake names to do business with the government. Many of them are noncompetitive. Many of them are highly lucrative. They are hiding the identity of their company for purposes of contracting.

Can colleagues imagine what they are capable of if they get to write checks to influence elections with nobody knowing it? I am in big trouble. I have gone after a lot of these big contractors. Now I think my picture is probably on a lot of their dart boards. Now they don't have to worry about throwing a dart. They don't have to worry about it. All they have to do is anonymously write big checks. Millions of dollars. Write a check for $10 million. Blow out an election in a State. Nobody has to know who did it.

Foreign interests, yes; the Citizens United case created all kinds of loopholes that are actually delineated in the case. They explained the loopholes that are being created, if one reads the entire decision, for foreign corporations. It is like after that case we have fallen down a rabbit hole in terms of everything we should believe in in terms of our election processes.

In the old days, they used to have the term, ''the bagman.'' The bagman was not exactly a positive term for people. The bagman was the guy who was in charge of carrying the money around in a bag. There was a time in this democracy where they actually did that. Big bags of cash were carried around and delivered to people's desks in every level of government in the country. The people in this great democracy rose up and said: We want to clean up this mess. We want candidates to have to report how much money they are getting.

Some States said: We want to limit how much they are getting. We limit how much we get. I don't know why we are not honest about this. I don't know why they don't just propose an alternative bill that we do away with any kind of limits. Frankly, it might be a better tradeoff.

If somebody put a gun to my head and said: You have to choose. Do you want all the money being spent on campaigns disclosed where it is coming from or do you want limits, I think I would take the disclosure because I trust the American people. If they know who is paying the bill, they can make a good judgment whether they trust what that commercial says or what that mailer says or what that robo call says.

Trust is the great intangible around here. We can't do our jobs with dignity and with honor if we are hypocrites and if there is not trust. Does anyone imagine that the American people are going to trust us more when we have open season on elections by the highest bidder?

I implore my colleagues, clean up this mess with us. Don't put the last nail in the coffin of bipartisanship. This should be a bipartisan effort. One rich guy who has a grudge against you can make unfair commercials and never be held accountable, regardless of whether you are a Democrat or a Republican.

I am not as offended by the notion that wealthy people can spend their money however they want as I am by the notion that they can buy elections with it and not be held accountable. We have a very wealthy guy in St. Louis, Rex Sinquefield, who is spending millions of dollars influencing elections and issues in Missouri. I kind of admire the guy. He is up front about it. He is not handing checks off to Karl Rove somewhere. He is very up front.

Trust is the great intangible. Everyone who blocks the effort to require full disclosure of money that is being spent on political campaigns does great damage to the most precious commodity we have in this country, and that is the strength of our democracy.

I hope the American people, who are pretty cranky right now—and I get it; they are upset; they ought to be really mad about this—hold every one of us accountable. If you are not willing to support a bill that will require full disclosure of people who are spending money on political advertising, then I don't know how seriously we can take anything you say you stand for.

Let's get the DISCLOSE Act up now. Let's clean up this mess. I guarantee my colleagues, it is going to have an ugly ending. This story will not have a good ending unless we change the plot.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FRANKEN. Mr. President, ''[c]learly the American public has a right to know who is paying for ads and who is attempting to influence elections. Sunshine is what the political system needs.''

We can try and regulate ethical behavior by politicians, but the surest way to cleanse the system is to let the Sun shine in.

I don't like it when a large source of money is out there funding ads and is unaccountable.

I think the system needs more transparency so people can more easily reach their own conclusions.

I support campaign finance reform, but to me that means individual contributions, free speech and full disclosure.

Public disclosure of campaign contributions and spending should be expedited so voters can judge for themselves what is appropriate.

The issue is expenditures, expenditures, expenditures; and the real issue, if we really want to do something about campaign finance reform, is disclosure, disclosure, disclosure.

Disclosure helps everyone equally to know how their money is spent. . . . Disclosure is what honesty and fairness in politics is all about. Why would anyone fight against disclosure?

Those are all excellent points. The fact is, they were made by seven different Members of this body, all from my friends on the other side of the aisle. They were made either on the floor of this body or to the press.

So let there be no doubt, for a long time, disclosure of election spending has been a robustly bipartisan issue. But suddenly each of my friends has changed his or her tune. They now oppose legislation called the DISCLOSE Act—disclose, disclosure—the DISCLOSE Act that would force companies, nonprofits, and unions to disclose the money they spend in our elections, both to the Federal Election Commission and to the American people.

Here is one reason why they may have changed their tune. Thanks to the Supreme Court's decision in Citizens United, which Senator MCCASKILL just spoke so eloquently about, corporations today have more power to spend in our elections than they have had in our lifetimes. In that decision, the Roberts Court broke with a century of precedent, overturned two Federal laws, reversed two of its own decisions, and nullified 24 State laws, including a 20-year-old Minnesota law. The Supreme Court did all that to allow corporations to spend as much money as they want, whenever they want, in our elections and not just Federal elections—State elections, county elections, school board elections.

Here is another reason my friends have changed their tune: Those corporations are using their newfound power to disproportionately benefit my friends across the aisle. Since August 1, Republican interest groups have outspent Democratic interest groups 5 to 1, and these corporations are funneling millions upon millions of dollars into our elections without anyone knowing where that money came from.

It is no accident they are so eager to influence elections and to do so anonymously. You know why? Because Congress has finally stepped in to protect consumers from abuses by big businesses that have been allowed for far too long to write their own rules. So big businesses are giving money anonymously.

Corporations will not spend money on just any election. They are going to spend it when we, the Congress, try to pass laws that are tough on Wall Street or on health insurance companies. They are going to spend it when your city council debates whether to allow a new toxic waste dump that wants to come to town. They are going to spend it when anyone tries to pass consumer and environmental laws that protect our families and our homes. The best part of it is, they do not want anyone to know they are doing it.

That is why we need the DISCLOSE Act. The DISCLOSE Act will allow Americans to know how and which corporations and unions are trying to influence elections. The DISCLOSE Act would make sure we do not need a permission slip from big business to run our communities.

Let me repeat what it will do. First and foremost, the DISCLOSE Act is about disclosure; hence, the DISCLOSE Act. That is why it is named that. It will force CEOs, union heads, and leaders of advocacy groups, along with their top contributors, to be identified in the ads they pay for. These same groups, corporations, nonprofits, and unions would be required to disclose their top donors to the Federal Election Commission.

If a company has shareholders, they are going to have to disclose their expenditures to those shareholders in periodic reports and on their Web sites.

Some of my friends across the aisle are saying the DISCLOSE Act is not just about disclosure, it has some other stuff in there. You know what? They are right. It has a few other things in there. What are they? Well, a prohibition on spending by companies receiving taxpayer money in the form of major government contracts—the Senator from Missouri talked about that as well—or companies that have received TARP funds they have yet to pay back.

What else? A prohibition on expenditures by companies where a foreign individual or company or nation has a controlling share, as it is defined by Delaware and 30 other States—that is, at it is defined by 31 of the 32 states that define a controlling share with a number. This is a provision I authored and that Senator SCHUMER included in this piece of legislation. This provision will prevent CITGO, owned by Venezuela, from using the Citizens United decision to pour money into our elections.

I welcome the opportunity to debate these provisions. I welcome it. So far, some of my friends will not allow that debate to happen. No debate, and the American people will continue to suffer for it.

So I urge all my colleagues to allow debate on this important bill. Allow debate on this bill. It is about the future of our democracy. Allow debate.

Before I conclude, let me quote again a prominent friend on the other side of the aisle:

Public disclosure of campaign contributions and spending should be expedited so voters can judge for themselves what is appropriate.

Let me repeat that: ''Public disclosure of campaign contributions and spending should be expedited so voters can judge for themselves what is appropriate.''

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

## RAISING TAXES

Mr. KYL. Mr. President, we continue to have a discussion about whether there should be a tax increase on Americans and, if so, which ones. We are not sure whether the Senate is going to vote on one of those propositions before the elections, but there appears still to be a chance we would do that.

I found it of interest that a couple surveys—one of economists and one of Americans generally—throw more cold water on the idea that we should be raising taxes on any Americans.

I wish to report, first of all, a CNBC poll which just came out today. The headline is ''Most Americans Want All Bush Tax Cuts Extended.'' Well, that is another way of saying: We should not raise taxes on any Americans. I will just quote from two lines:

> In the new poll released this week, 55 percent said that ''increasing taxes on any Americans will slow the economy and kill jobs''. . . .Only 40 percent said the Bush-era tax cuts should be canceled for higher earners. . . .

One other interesting statistic is that the poll showed that ''55 percent of Americans said [President] Obama's overall economic plans have made things worse so far.''

This poll is consistent with every other we have seen. Most Americans do not believe we should be raising taxes on anyone—on the wealthy, on businesses, on others, on anyone. I think most of them get the fact that if you start raising taxes, particularly in the middle of a recession, you are going to kill economic recovery and certainly slow the creation of more jobs.

Well, that was also the opinion of a group of economists who were surveyed by CNN. They surveyed 31 different economists and had a variety of options. They asked: What should the Senate and the House do? In this survey, 18 of the economists said we should not raise taxes on anyone—in other words, extend the tax rates that have been in effect for the last 10 years for everyone, continue to extend them. There were only three of the economists, incidentally, who said: No, we should differentiate, extend for some but not extend for others. In other words, it is OK to go ahead and raise taxes on the so-called wealthy.

I noted also today that the National Taxpayers Union released a letter with 300 economists saying the same thing, that we should not raise taxes on anyone. Finally, I noted in comments I made Monday that Secretary Geithner had said what we should be doing to preserve jobs in America is to promote savings and investment. That is, of course, precisely what we should be doing. Unfortunately, that is exactly the opposite of what would happen if we raised the taxes on the so-called upper two brackets because that is how small businesses, by and large, pay their taxes.

Fifty percent of the approximately $1 trillion of business income will be reported on returns that have a marginal rate in the top two brackets. That is another way of saying, if you increase the tax in those top two brackets, you are going to dramatically impact small businesses that create about 25 percent of the total workforce here in the United States.

In testimony before the Finance Committee, on which I sit, the former Director of CBO, Doug Holtz-Eakin, testified that an increase in the top effective marginal income tax rate would reduce the probability that a small business entrepreneur would add to his or her payrolls by roughly 18 percent. I suggest it may even be more than that.

What I would like to do is quote from comments from a few small business folks as to the effect of the tax increase on them. If the tax increase were to be voted on by this body and the House of Representatives and adopted into law or if the current tax rate is not extended for everyone, here is what a few small business folks say would happen to them. Some of these examples come from the Chamber of Commerce, some from the National Federation of Independent Business.

For example, Mark Clinton of Decisive Management in Little Rock, AR: Last year, he says, he paid about half his business's income back in taxes. He has a small business that meets this threshold I mentioned before, and he said any tax increase would effectively kill his business. I thought it was interesting. He gets frustrated, he said, when he hears the top-tier tax cuts referred to as tax cuts for ''the rich.'' He said:

> These are employers who work hard to balance their budgets and make ends meet. They need money to sustain their businesses. Do you want someone who is broke as your employer? No. You want someone who is able to pay their bills and pay your salary.

Here is another example of someone who says he would be hurt if his taxes are raised: Jim Murphy, from the firm EST Analytical, in Cincinnati, OH. If taxes go up above the $250,000 threshold, the bottom line of his business will suffer and he will be forced to make serious business decisions to make up for the lost income. He just recently lifted a pay freeze that has been in place for almost 18 months. His company suspended the 401(k) contributions at the same time, and that likely will have to continue into the future. So instead of potentially hiring more people, he is definitely not going to make any new hires. He said that the threat and uncertainty of health care costs going up next year is also a great concern.

> So instead of purchasing needed capital equipment and generating economic activity for other businesses, I will have to make do with what we have.

I will just mention a couple more.

Ron Hatch of Hatch Furniture in Yankton, SD, said his business, which is a furniture store, has struggled. He has seen his business fall by 25 percent. He had to close one of his two stores. His business is heavily dependent on capital, and he says any tax increase would inhibit his ability to compete and force him to lay off more workers. If the current tax rates are allowed to expire, he says he might well have to go out of business.

Steve Ferree, who owns a Mr. Rooter Plumbing in Gladstone, OR, says he has been lucky his business has been able to survive so far but that increasing his tax rates, the rate at which he pays—just what we are talking about here—would directly impact his business. He would not be able to consider hiring a new employee or buying new equipment should the tax hike take effect.

There are several from the printing industry. I will just quote from one.

Mike Nobis of JK Creative Printers in Quincy, IL, makes the point that the tax increases hurt his clients which then, in turn, hits him. He talks about the fact that his clients are having to cut back their budgets and that this has had an impact on him. He said that increasing taxes will be especially hard-hitting for his clients. As a result, he is going to continue to lose customers, and with that loss of customers combined with the tax increase hitting his own budget, he will be hit from both sides. The looming tax increase and uncertainty with forthcoming health care mandates have left him in a position where he is hesitant to take on risks and grow his business.

Another example from the printing industry: Frank Goodnight of Diversified Graphics in Salisbury, NC. Another from the real estate industry—a lot of examples there—Curt Green from Curt Green & Co. in Texarkana, AR.

Let me close with two examples that show other indirect effects.

Steve Walker from Walker Information in Indianapolis, IN, talks about one of the indirect consequences of his firm having to pay more in taxes, his small business. It is a family business. He said: We have always taken care to give back to our community in Indianapolis and central Indiana. Here is a direct quote:

> If Congress increases taxes, it will directly affect the extent of our charitable work, in addition to impacting our company's bottom line. I look at pretax dollars as a pie chart. Right now, Uncle Sam gets 35 percent. If Uncle Sam gets 39.6 percent, then 4.6 percent will come from other uses. For us, those uses are as follows: Reinvest in the business, give to charity, and meet capital obligations.
>
> Meeting capital obligations are fixed, so the impact of a tax increase will reduce the amount available for charity first and investment capital second. I have already made plans assuming that some sort of tax increase is coming.

And he talks about how that will drop his contributions to United Way, for example.

He concludes by saying:

I think Congress needs to have a much greater appreciation for the direct and indirect consequences a massive tax increase would have on businesses and the communities that we and our employees live and work in.

Finally, noting a physician who has a business in Chicago, Dr. Herb Sohn of Strauss Surgical Group makes another point not just about marginal income tax rates but capital gains and dividends as well. Remember that these taxes would also be increased under the Democrats' proposal. He says that increases in dividends and capital gains taxes will prevent his patient care business from expanding to provide quality care to more patients. He talks about having practiced medicine since the early 1970s in the Chicago area. His focus is on his patients, but he says:

Unfortunately, the impending tax increases will impair our ability to focus on patients and their care. The increases in capital gains taxes and dividend tax rates will impact our business, derailing our opportunities to expand our operations.

Finally, he notes that he is structured as a passthrough entity. And that is how a lot of these small businesses pay their taxes. That is why they are impacted by an increase in the top two marginal income tax rates. He says:

If Congress increases the marginal income tax rates, that means we will have less money to expand and reinvest in our business, which, again, is focused on patient care.

He concludes by saying:

I'm not a tax expert, but I do have a straightforward diagnosis on this issue—Congress needs to keep all the tax rates at their current levels and not slap us with a bigger tax bill.

My point is this: The American people, by a wide margin, believe we should not increase taxes on anyone. Economists, by a wide margin, agree. We should not increase taxes on anyone. And the several examples of owners of small businesses who would be the first to be impacted by an increase in the upper two marginal income tax brackets have made it very clear—every one of them—that it will have a direct impact on their ability to hire people, to expand their businesses, or to continue in business, and an indirect impact on the customers they serve, who then, in turn, would have less business for these small businesses.

All in all, it is a bad idea to even think about increasing taxes on any Americans, let alone small businesses. We should make it clear right now that these folks do not have anything to worry about; they are not going to be hit with a big tax hike.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Utah.

Mr. BENNETT. Mr. President, I had originally anticipated speaking for 15 minutes. I understand that the speaker intruded into the Republicans' time, for which I do not complain, but I ask unanimous consent that I be allowed 15 minutes even though the time would normally expire at 3 o'clock.

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

Mr. BENNETT. Thank you, Mr. President. I appreciate that and the courtesy of my colleagues.

## THE DISCLOSE ACT

Mr. BENNETT. Mr. President, I have two issues I wish to discuss today. The first one is one I have spoken about before, which is the DISCLOSE Act, which we are going to be voting on probably tomorrow. The last time I talked about the DISCLOSE Act, I raised the issue of the film that was made in the 2004 campaign by Michael Moore. This was an effort, very clearly, on the part of Mr. Moore to influence the election. No one could have seen that film without realizing it was a serious attempt to make sure Americans did not vote for President George W. Bush.

Well, Citizens United, a group that has political views different from Mr. Moore's, believed that the film violated the law, and they filed a complaint with the Federal Election Commission because they said it was clearly a political document, not just another movie, and it was filmed for the purpose of trying to affect the election.

At the time, Michael Moore had this to say about Citizens United and their complaint:

That's the difference between our side and their side. Even when we disagree, we are respectful of freedom of speech, but when they disagree, they try to shut you down. Well, it's unAmerican and it's wrong and people are not going to stand for it. People in this country don't like to be told they can't watch something or see something.

I can argue with Mr. Moore about whether our side really does hate freedom of speech, but the interesting point is that he insisted we have more opportunities to watch rather than less opportunities to watch and that any other position was, to use his term, unAmerican.

What did Citizens United do? They decided that rather than fight Michael Moore, they would join him, and they made a movie and they ran the movie in the 2008 election. Immediately, they were attacked for making this movie because, unlike Michael Moore, Citizens United as a group happens to have a corporate charter. They are a corporation by definition, and the complaint was, you are entering the campaign and violating the law which says corporations cannot contribute to political parties.

Citizens United took the case all the way to the Supreme Court and said: But we are not contributing to a political party; we are not violating the law against corporate contributions. We are exercising our first amendment right to make a movie and tell people what we happen to think about Hillary Clinton. Their views about Hillary Clinton were no more generous than Mr. Moore's views about President Bush.

I haven't seen either movie. I don't particularly care to at this point. The issue is, does Citizens United have the same right to freedom of speech that Michael Moore does or is the technicality of the fact that Citizens United happens to be a corporation and Michael Moore is rich enough to make his movie by himself, without a corporate form and without shareholders, mean that he can speak and they cannot? The Supreme Court said: No, we won't support that idea, that he can speak and they cannot; and as long as they are not making a direct contribution to a party—that would be a violation of the law—they have the right to make a movie and they have the right to distribute it.

Well, that is what the DISCLOSE Act attempts to do something about. We have heard complaints on this floor: Oh, it is evil and improper for corporations to speak, unless, of course, they happen to be the New York Times corporation—they can speak all they want—or the Washington Post corporation. They can speak all they want. But if a group of citizens get together, and they have some shareholders, and say, we want to speak in the political arena, they are told, no, no, no, you can't, except by the Supreme Court, which says, yes, yes, yes, you can. That is why I support the Supreme Court decision.

All right. We get the DISCLOSE Act to say that the Supreme Court made a terrible mistake but we will do everything we can to try to rectify that mistake. We are told over and over again that we are not limiting their freedom of speech; we are just going for disclosure. Then there are all kinds of aspects of the bill that go beyond disclosure, and we are treating everybody alike, except for those groups we have carved out of the terms of the DISCLOSE Act, so they won't have to comply with the DISCLOSE Act, and those happen to be the kinds of groups whose support is necessary for the people who voted for this bill in the House.

All right. Let's assume for the sake of argument that there are things in the Supreme Court decision that do need some legislative attention. Why, then, don't we have some hearings? Why, then, don't we have the bill open for amendment? I am the ranking member of the Senate Rules Committee—the committee that would receive the jurisdiction on this bill—and we have not seen it in the Rules Committee. It has not been referred to committee. There have been no hearings. There has been no opportunity for amendment. There has been no opportunity to sandpaper some of the rough places and make the bill more acceptable to people who are currently opposed to it. It is simply: It passed the House in this fashion; let's bring it to the floor of the Senate the way it passed in the House and prevent the Senate from having any impact on the way it is worded or structured.

So I am going to vote against the DISCLOSE Act for two reasons: No. 1,

I happen to believe that the Supreme Court got it right and that Citizens United has every bit as much right to produce a movie that attacks a political character as Michael Moore does. The technical fact that he does it as an individual should not change the importance of the dialog that should take place in the public square. No. 2, even if the Supreme Court decision does need some kind of legislative fix, it should be handled in regular order. We should have seen it in the Rules Committee. We should have had an opportunity to amend it, to debate it, to hear witnesses on it, to question those witnesses and have an understanding of it. For those two reasons, I intend to vote against it.

TAX POLICY

Turning my attention very quickly to the issue the Senator from Arizona was discussing which has to do with tax policy, I wish to call to the attention of my colleagues an article that appeared in the Wall Street Journal on September 21 with respect to capital gains taxation and the impact of seeing the capital gains tax rate go up on the economy. The headline of the article is ''Cap Gains Taxation: Less Means More.''

I ask unanimous consent to have the entire article printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BENNETT. I will highlight only one portion of this article in the interest of time. It is the point that is made as the final point in the article where it says:

Higher capital gains taxes will not substantially reduce the deficit.

They point out—we have all seen it—that the higher the capital gains tax goes, many times the lower the capital gains tax revenues. Why is that? Because if you have an investment in a business or a piece of real estate and the cost of getting out of that investment is inordinately high because of a capital gains tax rate, you won't be as motivated to get your money out of that investment and put it into a more productive one as you would be if the capital gains tax were low.

We have all known that. The economic information on that has been around for a long time.

But there is another aspect to this I want to highlight; that is, the impact on jobs. The figure they use in this article is that if the capital gains tax rate went to zero, the loss to the Treasury, in terms of income, would be $23 billion a year. Oh, you may say, that is a lot of money. We can't afford to lose $23 billion a year coming into the Treasury. What impact would that have on the deficit? We would lose $23 billion a year that we need.

All right. Let's assume that the $23 billion comes in. What does this administration propose to do with it? They want to put it in the stimulus package to create jobs. They would spend the entire $23 billion as rapidly as it came in. It would go out in a stimulus effort to create jobs. The point made in the article is that by not taking in that $23 billion and leaving it in the economy, we are giving the economy itself and those people who are in the business of creating jobs $23 billion in incentives to create jobs. If I can quote the last paragraph:

A capital gains tax reduction to zero produces new jobs at the cost of $18,000 per worker—far less than might occur from any other proposals.

In other words, if the government took in the $23 billion, and then spent it in incentives to create jobs, they would spend more than $18,000 per job than would happen if we simply left that money in the hands of the people who know how to create jobs. I am not suggesting a capital gains tax rate of zero, but I am saying let's leave it where it is, because it is the most efficient way to create new jobs in this economy, rather than have it come into the government and have the government hand it out in ways that are proven to be less effective in the creation of new jobs than the reality of the economy working on its own.

Those are my two messages, and I appreciate the opportunity of sharing them today. No. 1, let's defeat the DISCLOSE Act. No. 2, let's leave the tax program where it is, because that is the most efficient and effective way to create new jobs, and new jobs is what we want and need in this economy more than anything else.

I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, Sept. 21, 2010]

CAP GAINS TAXATION: LESS MEANS MORE

(By Allen Sinai)

Congress is deliberating on what to do about the ''Bush tax cuts''—the reductions in income, capital gains and dividend taxes legislated in 2001 and 2003—currently set to expire at the end of this year. The recession may officially be over, but what Washington does on tax policy still matters for an economy that's creating very few net new jobs and is stuck with an unacceptably high unemployment rate and record-high federal budget deficits of over 9% of GDP.

Capital gains taxation is one area in which lawmakers can help jump-start the economy. Capital gains tax rates for taxpayers in the top four income brackets are set to move higher in a few months. My new study, ''Capital Gains Taxes and the Economy,'' published this week by the American Council for Capital Formation, shows that the net effect of lower capital gains taxation is a significant plus for U.S. macroeconomic performance.

The study simulated reductions and increases in capital gains taxes starting in 2011 and extending to 2016 to estimate the effects on economic growth, jobs and unemployment, inflation, savings, the financial markets and debt.

Here are a few of the relevant findings:

Hiking capital gains tax rates would cause significant damage to the economy. Raising the capital gains tax rate to 20%, 28% or 50% from the current 15% would reduce growth in real GDP, raise the unemployment rate and significantly reduce productivity. These losses to the economy outweigh any gains in tax receipts from the increase in the capital gains tax rate.

For example, at a 28% capital gains tax rate, economic growth declines 0.1 percentage points per annum and the economy loses about 600,000 jobs yearly. If the capital gains tax rate were increased to 50%, real GDP growth would decline by 0.3 percentage points per year, and there would be 1.6 million fewer jobs created per year. At a 20% capital gains rate compared with the current 15%, real economic growth falls by a little less than 0.1 percentage points per year and jobs decline about 231,000 a year. Smaller increases in the capital gains tax rate have smaller effects on the economy, but the effects are still negative.

Lowering capital gains tax rates would help grow the economy and jobs. My study found that when capital gains taxes are reduced to below 15%, the after-tax return on equity rises, stock prices increase, household wealth rises, consumption moves higher, and capital gains can be realized. Capital gains tax receipts to the government increase and household financial conditions improve to provide a healthier basis for future consumer spending.

My study also found that a reduction in the capital gains tax rate to 5% from 15% raises real GDP growth by 0.2 percentage points per year, lowers the unemployment rate by 0.2 percentage points per year, and increases nonfarm payroll jobs by 711,000 a year. Productivity growth improves 0.3 percentage points a year.

Taken to its logical conclusion, moving to a zero capital gains tax rate would have an even bigger effect, increasing growth in real GDP by over 0.2 percentage points per year and approximately 1.3 million additional jobs per year.

Higher capital gains taxes will not substantially reduce the deficit. The net impact on the federal budget deficit of a reduction in the capital gains tax rate to 0% is a decline in tax receipts of $23 billion per year after the positive effects of stronger economic growth on payroll, personal and corporate income taxes are taken into account. This is significantly less than the $30 billion per year static revenue loss estimate, which does not include feedback effects. A capital gains tax reduction to 0% produces new jobs at a cost of $18,000 per worker, far less than might occur from many other proposals.

The bottom line is that any capital gains tax increase is counterproductive to real economic growth. To the contrary, a reduction in the capital gains tax rate would be a pro-growth fiscal stimulus that creates new jobs and new businesses, funds entrepreneurship, reduces the unemployment rate, increases productivity, and in the long run brings in more payroll taxes. In the case of capital gains taxation, less means more.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I take this time to talk about an issue that came up frequently during my townhall meetings in Maryland in August, and that subject dealt with campaign finance reform and what we need to do to restore public confidence in our election system.

I must tell you, there wasn't a single person in Maryland who told me that we needed more special interest corporate spending in elections. There wasn't a single person who told me there is too much disclosure of information as to where contributors come from. It was the reverse. People in

Maryland believe there is too much special interest money in our campaigns. They believe they have a right to know where all campaign contributions and expenditures come from. They want true campaign finance reform.

The interesting thing is that we know how difficult it is to pass campaign finance reform legislation. I was part of the Congress that passed, in 2002, the bipartisan Campaign Reform Act. It wasn't easy to get it done, and it was a bipartisan bill. We made strong headway in that legislation to restrict corporate money. I must tell you, I think the public appreciated the efforts that were made, appreciated that it was bipartisan, and knew we did make progress in limiting what corporations can spend in Federal elections. Corporations can participate. They can have their employees work for political action committees. But it is very transparent, open, and it is limited, so that we have some control of the amount of special interest money coming into our Federal elections.

Then comes Citizens United, the Supreme Court case that reversed the actions of Congress, that reversed the 2002 bipartisan Campaign Reform Act. It was a decision—5-to-4—by the Supreme Court, where the so-called—and I use this term gently—conservative Justices, who, in my view are the most judicial activists, reversed precedent and congressional action and expanded what corporations can do in Federal elections.

I was listening to Senator BENNETT talk about how unfair it was that a documentary was treated differently. Well, as Justice Stevens said in that case:

> Essentially, five justices were unhappy with the limited nature of the case before us, so they changed the case to give themselves an opportunity to change the law. There were principled, narrow paths that a court that was serious about judicial restraint could have taken.

They could have dealt with the issue Senator BENNETT talked about. But, no, instead they opened the door completely for corporations to spend money in Federal elections.

Let me quote from Public Citizen Congress Watch. Their research director Taylor Lincoln said:

> The Supreme Court has completely lifted restrictions on corporate spending on elections.

That is moving in the exact opposite direction the people of this Nation want us to move in, dealing with campaign finance reform—reversing the actions of Congress and indeed their own decisions. This wasn't the first time. I can give you a lot of chapter and verse how the so-called, again, judges who are supposed to be conservative have been judicial activists. They did that in the Lilly Ledbetter case. In that case, they reversed previous precedent and made it virtually impossible for a woman to be able to bring a case based on gender discrimination in the workforce. We took that Supreme Court decision and the Congress did the right thing. We made sure that the intent of Congress was carried out. We passed a bill to give gender equity and opportunity to bring an effective suit if one is discriminated against in the workforce.

We need to do the same thing on campaign finance reform. The Supreme Court has acted. I disagree with their decision. Now Congress needs to act in order to restore some confidence with the American people. I applaud Senator SCHUMER in his efforts to bring forward legislation—the DISCLOSE Act—and this bill is consistent with the Supreme Court decision. I disagreed with the Supreme Court decision. I don't believe corporations are equal to individuals, as far as spending money and contributing in a campaign. But we will debate that issue on another day. That is not what this bill does. It does something I thought virtually every Member in this Congress agreed on, which is that the public has a right to know who is spending money in a campaign—to disclose where you are spending money, where it is coming from.

If you, as a candidate for the Senate, put an ad on television, you have to identify that it is your ad. The public has a right to know who is responsible for the money being spent on the ad being put on television. That is not true under Citizens United. Corporations can now spend money without accepting responsibility for the ad, and without the public knowing the source of the ad. That is plain wrong. We have an opportunity to correct that, consistent with the Supreme Court decision. This is not about trying to reverse the Supreme Court decision. I would like to do that, but that is not what this is about. This is about making sure the public knows who is spending money in a campaign. I thought everybody agreed on this.

Let me quote from the leaders of the Republican Party in the House and Senate. Senator MCCONNELL said:

> Public disclosure of campaign contributions and spending should be expected so voters can judge for themselves what is appropriate.

Our Republican leader was right on that.

House Republican Leader BOEHNER said:

> I think what we ought to do is we ought to have full disclosure. I think sunlight is the best disinfectant.

I can quote lots of Democrats and lots of Republicans. Quite frankly, I don't know Members who are against disclosure. Yet some of my colleagues will be voting against it. To me, it is hard to understand why, when this bill is narrowly focused and its principal objective is to make sure voters know who is spending money in an election. Does it do other things? Yes. I didn't think there were objections to the other provisions, such as making sure foreign corporations cannot contribute. Well, you know, I thought that is what we all agreed on. Government contractors—restricting what they can do. It is consistent with the Supreme Court decision, where eight of the nine Justices acknowledged that it would be OK for Congress to enact legislation concerning disclosure.

So I come back to our responsibility. We are not on the Supreme Court of the United States. That is not our responsibility. Our responsibility is to enact laws. Our responsibility is to respond to the needs of this Nation, to respond to what our constituents want us to do. Quite frankly, our constituents want us to take up campaign finance reform. They want us to do a lot more than just the DISCLOSE Act, when it comes to campaign finance reform. I am one of those who supports public financing of campaigns.

I think it would be far better for the people of Maryland and this Nation to have less special interest money financing campaigns. I think it would be better to have some public way in which they can know the candidates running. I think we should require our networks to provide air time for debates. That is not today's debate, but it is whether we can move the ball forward on campaign financing that makes sense. In other words, let's not move backward. Let us do what the Supreme Court told us we can do in regard to corporate spending.

Let's do what Members of this body have said we should do, and that is require that we disclose the source not only of those who contribute to our campaigns but those who spend money on behalf of getting us elected or defeated. We have a right, the voter has a right to know that. Those who are responsible for the act should have the courage to disclose the moneys they are spending and take responsibility for the ads they produce.

I could go on with additional information that we have—some of these organizations that are organized under the Internal Revenue Code. I can show you that we are not going to be able to have adequate enforcement of that. One thing we can do, which I hope we can agree on, is to pass the DISCLOSE Act so the public has the information to judge who is getting involved in our campaigns, and then I hope that Democrats and Republicans can join to make sure the integrity of our election system is strengthened.

Confidence in government depends upon the people of our Nation believing that our elections are open and fair. We spend a lot of time in other countries making sure their election process is right. We need to do a better job here in America. It can start this week by allowing us to debate the DISCLOSE Act. Let's not hide behind the filibuster. Let's bring it forward and have the debate on the floor, and let us respond to our constituents. They have the right to know who is spending money in this election.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I am honored to follow my distinguished colleague from Maryland, who has such great legislative and elective experience and speaks with such passion and energy about this issue. I share his concern, and I rise today to speak about a type of corruption in the political arena. What type of corruption in the political arena am I talking about?

I am talking about the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate forum and that have little or no correlation to the public support for the corporation's political ideas, wealth that can unfairly influence elections when it is deployed in the form of independent expenditures.

Sounds like tough talk to call that a type of corruption in the political arena and describe it in those terms. But those are not my words. Whose words are they? Those are the words of the U.S. Supreme Court. The U.S. Supreme Court said:

> State law grants corporations special advantages—such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets—that enhance their ability to attract capital and to deploy their resources in ways that maximize the return on their shareholders' investments.

That is what they are for, and that is what they should do. But the Supreme Court continued:

> These state-created advantages not only allow corporations to play a dominant role in the Nation's economy, but also permit them to use ''resources amassed in the economic marketplace'' to obtain ''an unfair advantage in the political marketplace.''

That was the law of the United States of America. That law was precedent when our Chief Justice stood before our Senate Judiciary Committee and promised, under his oath before that committee, that he would honor precedent. Not only that precedent, but it relied on earlier Supreme Court precedent.

This Court, Justice Marshall writing, quoted the Massachusetts Citizens for Life decision, a previous Court, and said, as the Court explained in Massachusetts Citizens for Life, the political advantage of corporations is unfair because ''[t]he resources in the treasury of a business corporation . . . are not an indication of popular support for the corporation's political ideas. They reflect instead the economically motivated decisions of investors and customers. The availability of these resources may make a corporation a formidable political presence, even though the power of the corporation may be no reflection of the power of its ideas.''

When Chief Justice Roberts, under oath before the Senate Judiciary Committee, promised that he would honor the precedent of the United States of America, this was not only precedent, it was precedent within precedent. It was the established law of the United States of America, that corporate expenditure in elections was a type of corruption in the political arena.

But they could not resist. They could not resist, and by a 5-to-4 decision—one of an array of 5-to-4 decisions by which a narrow partisan majority of our Supreme Court has taken the law and moved it as far as it could—they changed the law of the United States. They knocked down this standing precedent in order to open the floodgates of American elections to corporate money.

Let me interrupt myself for 1 minute. When I say ''moved it as far as it could,'' I mean these decisions on these massive issues—issues of great importance to our country, issues of vast consequence in our elections—do not need to be decided 5 to 4. A Court that had a real interest in modesty, in conservatism, could look for a broader majority to try to build consensus for the rule that it was announcing. Of course, if they tried to build that broader consensus, they would not be able to take as big a political leap. This is a Court that over and over will take the big political leap at the cost of, I think in the long run, the Court's credibility, but in the short run of building a precedent that has lasting value because it has a significant majority behind it.

Other big decisions of the Court—Brown v. Board of Education for instance—were unanimous. Here, once they have their majority, that is all—that is enough. Then they are willing to move.

Who did they open the floodgates to when they did this? Let's see who has been opposing our bill to try to at least make public what corporations are taking advantage of. Roll Call reported back in July that ''the bulk of corporate outreach on the campaign finance bill''—that is the bill we are trying to get to, trying to correct this Citizens United decision, trying to protect our elections from being flooded with corporate money—''the bulk of corporate outreach on the campaign finance bill was done primarily by companies based outside the United States but that have substantial operations here.''

That is great. The lobbying on whether corporations get to control our elections is being dominated by multinational corporations based outside of the United States. American citizens' voices are going to be drowned out by corporate money based on lobbying from corporations that are not even American corporations.

Roll Call continues: ''According to Senate filings, large international firms reported lobbying Members—or hiring others to do so—on the DISCLOSE Act''—the bill we are on—''in recent months. . . .'' They include Sony and Honda. How fortunate for General Motors to have the electoral process controlled by lobbyists for Honda. The financial firm, UBS, a Swiss bank—that is what we need. The views of a Swiss bank are clearly important to American elections and should certainly drive them and, therefore, let the corporate money flow. That makes great sense. A Swedish drugmaker, Novo Nordisk—that is where the money is behind this.

Where does it go? It goes to Karl Rove's group—like he has not already done enough damage to this Republic—American Crossroads, which hopes to spend $50 million in this election, according to the New York Times, supported by the American Action Network, which is planning to spend $25 million in concert with the U.S. Chamber of Commerce, which is spending $75 million, all reported by the New York Times, along with other groups: Americans for Job Security, the American Future Fund.

Let me ask, if you see an advertisement on television that slams a political candidate, that trashes him on some issue, and it is brought to you by Americans for Job Security or the American Future Fund, you, as a citizen trying to evaluate that advertisement, what information does that give you? I suggest it does not give you very much information at all.

ExxonMobil could buy American elections. The entire Presidential election between President Obama and Senator MCCAIN, adding up the spending on both sides, cost about $1 billion. ExxonMobil makes that every week.

These big multinational corporations can drown out American citizens' voices, and it barely makes a dent in their bottom line. They can buy American elections through what the Supreme Court said, until this active, radical group on the Supreme Court pushed this decision through 5 to 4, with the precedent of the United States, was a type of corruption in the political arena. That was the law of the land, not just in one decision but repeatedly. Now that can happen, thanks to that decision. And American citizens will be swamped by these big corporations.

Is it a coincidence that 85 percent of the spending so far in this election has been on behalf of Republicans? There is a phrase in politics: You are supposed to dance with the guy that brung ya. But I tell you what, when you take the oath as a judge, that principle should be dispensed with and discarded. You should take on new duties that go beyond loyalty to any political party.

Nevertheless, this Court has opened the corporate floodgates so that international corporations can come in, drown out American voters, buy up American elections, and what was law before, a type of corruption in the political arena and 85 percent of the spending by the big corporations is on behalf of Republicans—I am sure that is just a coincidence.

To the contrary, we often hear my colleagues on the other side say: Unions do just the same thing. When you see that advertisement on television attacking a political candidate, and it says at the bottom—let's pick our most active union, the Service Employees International Union—it says

Service Employees International Union, you have a pretty good idea who that is. You can find them in the phonebook. You probably know somebody who is a member. They are active in the community. It is no mystery. But how about American Future Fund? The way this is set up right now, ExxonMobile could take its billions of dollars and start laundering that money through shell organizations and shell corporations. By the time the slammer ad gets put on television attacking a political candidate—it could be Americans for Peace and Puppies, as far as we knew—and nobody would have the time in the hectic last days before an election to figure out who it is who is really behind these attacks.

That is no way to run an election. That is no way to run a democracy. That is not transparent. These corporations are not even humans. What they are doing, involved in these elections on this scale, is unimaginable. What it does is it amplifies the political voice of CEOs dramatically.

The great thing about American democracy is that you and I and the pages who are here, when they are old enough to vote, and the police officers outside and the fellow driving by in the taxicab on Constitution Avenue, every American has a vote that counts the same. If you are the CEO of a big corporation, not only can you do your own politicking, but you can take that amassed treasury of wealth with what the Supreme Court called ''the amassing of large treasuries warrants the limit on independent expenditures,'' and you can spend it to push your own views and to drown out your neighbors, your friends, people who oppose you—anyone—with immense amounts of anonymous political spending.

I do not think that is right. I think that is a mistake. Justice Stevens had it right in his dissent in the Citizens United case. He said this:

> At bottom, the Court's opinion is thus a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self-government since the founding, and who have fought against the distinctive corrupting potential of corporate electioneering since the days of Theodore Roosevelt.

Justice Stevens continued:

> It is a strange time to repudiate that common sense. While American democracy is imperfect, few outside the majority of the court would have thought that its flaws included a dearth of corporate money in politics.

So if you want the government of the United States of America—this great and sovereign Nation, this light of democracy in the darkness of this world, this government of Washington, of Jefferson, of Madison, of Roosevelt, of Lincoln—controlled by the same people who brought you a 30-percent interest rate on your credit card, well, the DISCLOSE Act is not for you because they will not be able to do it anonymously if this bill passes.

If you want the government of our country controlled by the insurance companies that took your child off the insurance when he got sick, that wouldn't provide coverage because he had a preexisting condition—if those are the people you want controlling the government—you don't want this bill because you want them to be able to fund these anonymous organizations with no consequence, with no transparency.

If you want our government controlled by the people who brought you the gulf oilspill and who are polluting our atmosphere with carbon day in and day out in ways that are changing our world as we watch it, this bill ''ain't'' for you because this bill wouldn't allow them to do it sneakily, anonymously, unlimitedly.

If you want this government controlled by the big corporations that are taking American jobs and making the American worker pack up the machinery they have worked on into shipping crates to be shipped overseas, where a foreign worker will be hired to make that same product, which will then be brought back into America—if they are the folks you want controlling our government, anonymously, through money and expenditure—the DISCLOSE Act is not for you.

But let me tell you, if you are a regular American, who thinks everybody should have a fair voice at election time, who doesn't want to see our American elections drowned out by lobbyists for international corporations, by huge corporate expenditures that aren't even traceable back to the corporation but that come through phony-baloney organizations with names that sound like ''The Make America Great Foundation''—if that is the kind of politics you want to put an end to—if you want to see real issues debated by real people, this DISCLOSE Act is important.

This isn't just about fairness in one election. This isn't just about a Supreme Court that handed to one political party a gigantic corporate checkbook that had previously been illegal and tells them: Get out there and spend, it is fine. Get out there and spend anonymously, it is fine. If you are an international corporation—if you are not even an American company—get out there and spend, we don't mind. Every day we make choices about whether corporations or people are going to have the upper hand in this society. Our Supreme Court just gave corporations the upper hand, and we have to fight back because it is not just about who wins this election, this is about a democracy that has been through over 200 years of stress and strain. This is about an idea the Founders put together that was unheard of at the time. It was radical, it was exceptional, and it created a society that has shown a light in this world that is brighter than any other government in the history of humankind.

This government has lasted through Civil War and world war, through depression. It has lasted through every kind of stress. Its value is, as probably our greatest President said, very simply, that it is a ''government of the people, by the people, for the people.'' Our purpose is that it not perish from this Earth. This is not a government of the CEOs, by the big corporations, and for their shareholders. It is not an anonymous government where you don't know who is on the air with millions of dollars in advertisements slamming away. It is not a government where a candidate would be embarrassed to have a big corporation on their side that laundered their money through corporate screens so when it finally appeared in the waning days of the race it was all phonied up with a name such as ''Americans For Peace and Love'' or whatever the group is going to be called. That is not what America is all about.

So this may seem like a small issue about reporting of corporate expenditures, but I would submit that when corporations make more in a week than an entire U.S. Presidential election costs and they can throw that kind of money around, there is a lot at stake in trying to make sure American elections are honest and honorable ones. To allow the big corporations, even the international corporations, to continue to spend unlimited amounts of money in our elections, with no reporting requirement, with the ability to launder through phony-baloney shell organizations before people see it, the risk of damage is very great.

So I know it is easy for me to say, because the money is coming in 85 percent against Democrats and for Republicans, and it looks like this is what that is about, but it is not. It is about making sure that a government of the people, by the people, and for the people does not perish from this Earth.

I thank the Presiding Officer, and I yield the floor.

## EXTENSION OF MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that morning business be extended until 6 p.m, with Senators permitted to speak for up to 10 minutes each.

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

Mr. WHITEHOUSE. Mr. President, 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. LEMIEUX. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida.

## TAX RELIEF

Mr. LEMIEUX. Mr. President, we are having difficult times in this country, difficult times in my home State of Florida—the highest unemployment

anyone can remember, nearing 12 percent. Florida, unfortunately, is No. 1 in mortgage foreclosures in the first half of the year; No. 1 in being behind in its mortgage payments. Our people are struggling. Our small businesses are struggling. People are struggling to make ends meet. As we face this very difficult time it is natural that the people of my State and the people around this country would look to their leaders in Washington for help.

Certainly government cannot solve all problems. But we here in government do not want to make the problems any worse. Right now we are on the verge of raising taxes on the American people. Tax cuts that were imposed in the last 10 years are set to expire if this Congress fails to act by the end of the year. What is this going to mean to the average Floridian, to the average American, if their taxes go up? It depends upon where you find yourself, in terms of how you pay your taxes. We know the tax brackets are going to increase. For example, the 10-percent tax bracket would disappear and those taxpayers would move up to the 15-percent bracket, capturing all those with incomes below $34,550. It is not just going to affect the people at the upper end of the tax scheme but it is going to affect everyone. When people are having a difficult time making ends meet, to have to pay more in taxes is exactly the wrong thing to do.

Some have said let's extend the tax cuts for those who are in the lower brackets and let's increase those who are at the higher brackets. The problem with that is you are again hurting this economy because we know that people who pay in the higher brackets are job creators. In fact, many of them are small businesses. In our country, small businesses often file as if they were individuals. Subchapter S corporations file as if they were individuals. By not continuing these tax cuts, by raising taxes in the middle of the recession, as many as three-quarters of a million small businesses in this country would have their taxes increase.

I was talking to some folks in Pensacola last week. The gentleman I was speaking to told me the story of a businessperson who related that he is being laid off at his job. The reason he is being laid off is his employer told him when his taxes go up he is not going to be able to afford to keep that employee on. When you raise taxes on small businesses you hurt job creators, exactly the wrong thing we should be doing in this very difficult time.

Instead of tackling issues that could help people get back to work, my friends on the other side of the aisle here are debating a campaign issue, a political issue about alleged campaign finance reform. Where is the initiative to try to put Americans back to work? Where are the offerings from my friends on the other side to get Americans back to work so we can get out of this very difficult economy? We on our side have proposed things such as cutting the payroll tax. If we cut the payroll tax 3 percent, every employee in America would get a 3-percent pay increase. Every employer would have 3 percent more they could use to buy a new piece of equipment or hire a new employee. That is the kind of policy this government could do to get people back to work.

Instead, we passed a $1 trillion health care plan that we found out today is going to require 80 percent of small businesses to change their health care offerings—probably more expensive. So that promise, ''If you liked your health care plan, you can keep it'' is going to ring hollow. We passed the financial regulation reform bill that is causing people in Florida to wonder whether they should move their businesses overseas. We passed huge forms of regulation—more bureaucracy, more spending. What is it doing to job creation? It is freezing it. When I go home to Florida and talk to businesses, they say: I don't know what government is going to hand me next. I don't know if I hire that 25th or 50th employee if I am now going to be fined for not having the right kind of health care. I don't know what is in that 2,000-page financial regulation bill. I don't know what is in that 2,000-page health care bill. What does it mean for my small business?

We have frozen American business, especially small business, which creates two out of every three jobs in this country, with too much bureaucracy, too much spending, too much borrowing, and too much debt.

That goes to another important point about my friends on the other side of the aisle trying to raise taxes in the middle of a recession. This government does not have a revenue problem. This government has a spending problem.

I came to the Senate a year ago, appointed to serve the people of Florida, 18.5 million Floridians. When I came to the Senate on September 10 of last year our national debt was just shy of $12 trillion—$11.7 trillion. The national debt today is $13.5 trillion. We have gone more than $1.5 trillion in additional debt in 1 year. It took 200 years for this country to go $1 trillion in debt. Why on Earth should the American people sacrifice more of their hard-earned money to give this body more money it is going to waste?

The American people have no confidence that we have any ability in Congress to spend their money wisely. They are right about that. That is why they are so angry, and they have a right to be angry—another $1.5 trillion in debt. These numbers are so enormous it is hard to get your brain around them. A trillion dollars is $1,000 billion. I tell folks when I meet with them, if you took $1 bills and laid them out on the ground, $1 million would cover two football fields; $1 billion would cover Key West, FL—3.4 miles square of $1 bills blanketing the ground. A trillion dollars would cover Rhode Island—twice. This is an enormous amount of money.

If you look at the 2009 budget, the 2010 budget, the 2011 budget—each one of them is about $1.3 to $1.5 billion in debt. That is more than $4 trillion debt in 3 years.

We cannot afford the government we have, let alone the government that some in this Chamber want. We need to do a much better job of spending the money we are spending now. But this body does not budget. We go through some procedure that is called budget but what we do is take last year's budget and add to it. No one goes into the agencies of government and says, Are these agencies spending their money efficiently and effectively? No one checks to see if every dollar spent is spent wisely. We are not jealous with the American people's dollars, we just spend them.

Most don't know what we spend them on. Most don't know what those dollars are for. That is because we do not balance our budget. We do not do what American families do when they sit around the table in a difficult economy and say: You know, we are not going to be able to take that vacation this year; or, You know, maybe our daughter cannot have those piano lesson; or, Maybe we have to put the braces off until next year. The hard decisions Americans are making right now are not being made in this Chamber. We are spending more and more of your money, so why on Earth should we take more of your money and give it to government when it is not being spent wisely?

The next generation's future is in jeopardy. If we continue to spend the way we are spending, the debt and deficit will be out of control. Right now we spend $200 billion a year on interest alone—paying for the obligations we should not have incurred in the past. That will turn to $900 billion by 2020 when the projected debt for this country will be $25 trillion. My friends, if we are $25 trillion in debt and we are spending $900 billion a year in interest payments, this government will not function.

This is not just a problem for our kids; this is a problem for us. This problem is going to visit us in the next 2 to 5 years. Washington does not have a revenue problem. Washington has a spending problem. Let's get about the business of getting Americans back to work. If Americans are back to work, there will be more people paying taxes, there will be more revenues. Let's get about the business of balancing the budget and spending money on things that are efficient and effective.

This body should not budget and spend money every year. We should do it every 2 years. My colleague Senator THUNE has proposed that. Let's spend the other year on oversight making sure your money is spent wisely. If we are required to balance the budget, we will actually look in these agencies and see if they are spending your money wisely. If we do those two things, we can save America. So let's get about that business. Instead of

talking about increasing taxes on small business and individuals, let's cut the payroll tax. Let's give employees a pay raise and employers a chance to hire new employees and buy equipment. Let's pass the free trade agreements with Colombia, with Panama, and South Korea. We know those agreements will create more jobs, especially in a State such as Florida. Why have they not been sent to the Congress for approval? My friends on the other side of the aisle like to talk about job creation, but none of the measures that is coming to the floor of this body, or very few, have anything to do with getting Americans back to work.

Today we are missing another opportunity as this body debates alleged campaign finance reform instead of caring about what the American people care about and that is creating jobs.

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

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

## WOMEN'S EQUALITY

Mr. ENZI. Mr. President, one reason I am proud to be from the great State of Wyoming is that our State is the land of many firsts. We have the first national park, which is Yellowstone National Park. We have the first national monument, which is Devils Tower, and we have the first national forest, which is the Shoshone National Forest, just to name a very few.

But another huge milestone and important first for our State is that we were the first State to give women the right to vote. We are pioneers in more ways than one out West. That is how Wyoming got its nickname, the Equality State.

I rise to talk about an important anniversary that our country recently celebrated. August 26 was Women's Equality Day, marking the 90th anniversary of women gaining the right to vote. Of course, that is 50 years after Wyoming's special vote. We just celebrated 140 years since Louisa Swain became the first woman in the world to vote.

When the Wyoming territory was being considered to be a State, we were told to repeal women's right to vote. Our legislators said: No thanks. It is not worth that to be a State. Wyoming stood first and, of course, the rest of the country followed suit five decades later.

The ratification of the 19th amendment to our Constitution was a landmark in our need to recognize the voices of women and welcome their contributions to our country. Women have always offered a wealth of knowledge and spirit, and the 19th amendment showed our commitment to continually fight for women's equality.

In Wyoming alone, we have been graced by women's accomplishments from past to present. Wyoming had the first female justice of the peace in the United States, Esther Hobart Morris. We had the first woman to head up the mint. In fact, she is one of the few female statues displayed in the U.S. Capitol today. Wyoming also welcomed the first woman to serve as Governor of a U.S. State, Nellie Tayloe Ross.

Today, we are continually impacted and influenced by strong women in our State. I am honored to serve in Wyoming's congressional delegation alongside U.S. Representative Cynthia Lummis, who took the reins from her predecessor, Barbara Cubin, and has been a remarkable leader for Wyoming. She has served Wyoming in a variety of roles, as a lawyer, a rancher, a legislator, and State treasurer, now U.S. Representative. Now in her role in the House, she continues to do an outstanding job serving her constituents and fighting for their interests in Congress.

It is clear there is no shortage of women looking to stand and make a difference in this country. I am optimistic that we are continuing down a path that looks out for women's best interests and seeks to provide them with more and more venues to have their voices heard and resources known.

Women serve as a pillar of strength in our country. I am proud to recognize the 140th year of Wyoming women voting, and this 90th anniversary of women in the rest of the United States gaining the right to vote and look forward to continually welcoming their contributions and achievements.

I yield the floor.

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

Ms. LANDRIEU. Mr. President, I understand we are in morning business to speak for up to 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

## DISCLOSE ACT

Ms. LANDRIEU. Mr. President, I have come to the floor to speak, as many of my colleagues have today, on the DISCLOSE Act, which is being sponsored by Senator SCHUMER, primarily, and other Members of the Senate, to try to fix and make significant adjustments to an area of law that is very important to many Americans and actually is at the basis of the operation of our democracy.

Many of my colleagues have come to the floor to express their concern about the importance of fixing this, and the DISCLOSE Act is how many of us intend to try to get something fixed that needs to be fixed. No matter if you are a Democrat or Republican, conservative or liberal, or if you are a progressive or a centrist, I think you think it is right to be honest. I think that is a principle everybody can agree to, to be honest and to be forthright and to be truthful and to have been aboveboard.

The problem, as you know, with the outcome of the Court case has to do with the way we run our elections. If we do not fix this, we are going to be in a situation in this democracy where people can spend unlimited amounts of money in a secret way. That is the problem. It is not that corporations can do it or labor unions can do it or conservatives or liberals, it is that it can be done at all in secret.

I do not think Americans want this. I know the people I represent do not want this. They want to have an honest debate. They want to have an open debate. They want people to stand and say: Hi. My name is Joe. My name is Jane. This is my position. This is my position. Debate it. Then people can vote. The problem, if we do not fix this Court case, is that you will never know who is saying what, and that is not right.

That is akin to walking out into the school yard and getting hit from behind and you do not even know who hit you and no one will tell you. How can you fight someone you do not know? How can you participate in something like that? So this loophole has to be closed. I think, and most people in my State believe, that elections should be open, should be honest, should be transparent. Corporations can participate, labor unions can participate, big companies, small businesses. But you do need to disclose who you are in a report.

I have an article from the Washington Post. I wanted to have it blown up, but we had difficulty. I will try to explain it, and I will hold it up so maybe the cameras can see it. This says in the last cycle in 2008, 117 entities reported donations, and there were 372 that didn't. That ratio is about one-third reported, and the other two-thirds did not. The trend is going in the wrong direction. More people are participating but not saying who they are so nobody knows. The report for this year, 2010, is already a ratio of 1 to 6. So we are not even into the end of this election cycle. We are getting close to it. The ratio is 15 have been reporting, 85 haven't, which means about only 1 in 6. It is all becoming secret.

I don't think that is right for our people. I think our people should know who is saying what, what money is behind what ad so it helps them understand better the arguments and why they might be seeing such ads.

I have a real problem, and I will give an example. The Presiding Officer may have this problem in Minnesota. We have a big problem in Louisiana and Florida with Chinese drywall. This product came in from China, and it is rotten. When people put it in their house, they get sick. Their kids get sick. Their copper piping starts rotting. It is horrible. Our people had

their homes flooded, and we had to gut their homes. We didn't have enough drywall in the United States so we started needing it so much, it came from lots of other places. Some of it is really bad.

So a couple of us have a bill that says: Don't send us any more rotten Chinese drywall. We are going to try to pass that bill.

I think my constituents would like to know, if they see an ad on television saying how great drywall is, these ads that say this is a fabulous product, tell Senator LANDRIEU to support this product, I think my constituents would like to know if that is actually the Chinese drywall company that is behind that product telling them not to vote for me because I am trying to protect them from this company. That is one example, but I could give 100 examples. I am not saying the Chinese drywall company that sent us rotten drywall should not advertise, although I don't think foreign companies should be advertising in elections in America. But let's say it was an American company that sent us this bad drywall. If they want to argue against a bill, fine. But at least let people know that is what they are doing. If it is a labor union advocating for something, let people know.

That is why I support the Schumer bill. That is why I support the DISCLOSE Act. That is why I think most people in Louisiana support it. They might make up their minds, but they would like to know who is paying for the ad. That is all this bill does.

I know there have been some friends from the other side who have come down and tried to convince the Senate that we don't have to tell people, that we should have all of our elections in secret. I think democracy is best served when people are educated, intelligent, and informed about all aspects. Let them make their own judgments. We live or die by that; we are either in office or we are not.

I wished to express my support. I hope we vote on it tomorrow. I wish we could get 60 votes in the Senate. It is mind numbing to me and mind boggling that we couldn't have a handful of Republicans stand and say they too believe we should have honest and open elections. It is not about corporate money or union money. It is not about trying to block corporate money or increase union money or block union money and increase corporate money. It is just about disclosing the money from wherever it comes and having reasonable limits that are fair to everyone. I don't think that is too much to ask. That is basically all this bill does.

I support cloture and ending the debate on something we don't have to take that long to understand. It is pretty clear. One is either for transparency or not, for disclosure or not, and we fought fairly for everyone.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

(The remarks of Mr. RISCH pertaining to the introduction of S. 3825 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. 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. SHAHEEN. Mr. President, when I was home in New Hampshire over the recess, I had the opportunity, as I am sure the Presiding Officer did, to see all of the television ads that are being run by various candidates and special interest groups. Already—again, I am sure this is true in Minnesota and it is true across the country—because of the Citizens United decision by the Supreme Court, a decision many of my colleagues talked about earlier today, the airwaves in New Hampshire were flooded with ads from essentially anonymous, unaccountable special interests. I think the question we all should ask and certainly voters across this country should ask is, Who is really paying for these ads? Voters don't know. Sure, the ads give the special interest groups great mom-and-pop, apple pie-sounding names, but voters today have no way of knowing who is funding these groups and who is really putting up the money for these ads.

Personally, I think there is too much money being spent on elections these days. During the 1990s when I first ran for election in New Hampshire for the State senate and then for Governor, in New Hampshire we had a voluntary spending cap law. I think the law worked extremely well in limiting the amount of money candidates could raise and spend. Under our State law, a candidate who didn't want to voluntarily limit campaign spending had to obtain a certain number of signatures from voters or pay a higher fee to get on the ballot. And when that law was in effect, almost every candidate chose to abide by the voluntary spending limit. That had two very positive effects. First, candidates could spend less time raising money and more time talking to voters about the issues they faced. Second, a candidate needed to rely more on volunteers to help get their message out because they didn't have as much money to spend on ads and staff. You also became very efficient at how you spent your money—something that I think is helpful when you get into elective office. Now, unfortunately, New Hampshire's voluntary spending cap law was struck down in a decision very similar to the Citizens United Supreme Court decision.

When I look back at my three campaigns for the State senate in New Hampshire, I spent about $20,000 each time. Fast forward to today and the impacts of repealing that law by the Supreme Court in New Hampshire, and today candidates routinely raise and spend about five times that much. In my campaigns for Governor, I raised and spent about $1.25 million to $1.5 million based on what the campaign spending law was that year. Today, in New Hampshire, serious candidates for Governor raise and spend several times that amount.

Now, because of the Citizens United decision, we can no longer limit the amount of spending by special interests on Federal elections. But what we can still do and what we should do is require these anonymous groups to disclose who is funding their ads. That is exactly what the DISCLOSE Act does. It also prohibits foreign corporations from spending money to influence American elections.

I think unlimited election spending by anonymous groups and potentially foreign corporations poses a real threat to our democracy. This should be a bipartisan issue. For years, it was.

As the Presiding Officer knows, because I have heard him talk about this, back in 1997 the minority leader said—this is back in 1997, so over 10 years ago—that ''public disclosure of campaign contributions and spending should be expedited so voters can judge for themselves what is appropriate.''

Then just this spring, even after the Citizens United decision, Senator CORNYN, the Senator who is leading the Republicans' election efforts, told the Wall Street Journal:

> I think the system needs more transparency so people can more easily reach their own conclusions.

I agree completely. If all the Senators who are on public record supporting disclosure of campaign contributions voted in support of the DISCLOSE Act, we would pass the DISCLOSE Act today by a wide bipartisan margin.

I hope, as our colleagues on the other side of the aisle think about the DISCLOSE Act and about what is happening to manipulate our elections in this country, that they will join me—and all of us who believe that the best way to make sure that our democracy remains strong and that we address how money is being spent in elections—in supporting the transparency and the accountability that is available to voters in the DISCLOSE Act.

Thank you very much, Mr. President. I yield the floor.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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.

## UNANIMOUS CONSENT REQUEST—S. 510

Mr. REID. Mr. President, America has one of the safest and most abundant food supplies in the world, but it is not perfect. Foodborne illnesses sicken one in every four people every year. Twenty-five percent of people get sick from foodborne illnesses every year. As many as 5,000 Americans die from food poisoning every year.

The bill we are attempting to bring to the floor today is a very simple bill. It will make our food safer. It is a bipartisan bill that was reported out unanimously from the HELP Committee, and there have been negotiations going on for a long time—months and months.

People often think of food poisoning as an upset stomach that goes away in a few hours or maybe a day or two. Sometimes that is all it is, but sometimes it is much worse. I have met with families from Nevada who have been seriously sickened by food they have eaten, people who have been hospitalized for weeks and months and a number of whom came very close to dying. In some of these cases, they will deal with the results of their food poisoning for the rest of their lives.

One of the little girls I met with is named Rylee Gustafson. She is from Henderson, NV. This little girl, when she was 9 years old, was doing what her mom asked her to do: eat her salad. The salad had spinach in it. E. coli was in there with the spinach. She got so very sick. I have seen her on a number of occasions. She is a beautiful child, but she is going to be small all of her life because of that illness. She was hospitalized for a long, long time and survived. Three others got E. coli from fresh spinach, and they died. She didn't.

I also had the opportunity to meet with the Rivera family in Las Vegas. Linda Rivera also became sick from E. coli from cookie dough. Last October, she was in a coma and on life support, and doctors didn't know if she would survive, but she did. She is still recovering. The effects will be with her for the rest of her life. It is food poisoning. It will be a long road back to full health for Linda. We hope she arrives to that.

Last month, there was another big recall. This time, it was eggs contaminated with salmonella. More than 2,000 people have been sickened during this outbreak.

The egg recall and stories such as Rylee's and Linda's and their families and what they went through illustrate the need for food safety legislation. People in Nevada and across the country are asking for this legislation. They want to know what food they can put on the family's dinner table, what they can pack in their children's lunches, and is it safe.

There is no excuse to wait any longer. Our current food safety system hasn't been updated in almost a century. It is not keeping up with contaminants that cause these problems, and new ones come along all the time. The FDA doesn't have the authority or resources it needs to keep up with the modern advances and expansion in food processing, production, and marketing.

This bill will fix that. The bipartisan bill called the FDA Food Safety Modernization Act would improve the system while minimizing the regulatory burden.

It gives the FDA mandatory recall authority of contaminated foods, sets up a system to allow the FDA to keep track of foods so we can find out where the contaminated food came from and stop it quickly from getting to grocery stores. It strikes the right balance between assuring consumers that food is safe, without overburdening farmers with new regulations. It makes no changes to the current organic program run by the U.S. Department of Agriculture.

Nothing could be more important than using our time here in these waning days before the election to help our constituents. Nothing should be less controversial than keeping them out of harm's way. So let's move to this commonsense bill and pass it. That is why we are here—to do things to help the American people. This would do that.

I also add that the committee has worked very hard. They have negotiated and negotiated and negotiated. They had different versions. They kept moving forward, and finally it was all done. We thought we were going to be able to get this done. But it appears we have one person who doesn't want this bill to pass, and that is unfortunate.

Mr. President, I ask unanimous consent that at a time to be determined by me, following consultation with Senator MCCONNELL, the Senate proceed to the consideration of Calendar No. 247, the FDA Food Safety Modernization Act, S. 510, and that when the bill is considered, it be under the following limitations: that general debate on the bill be limited to 2 hours, equally divided and controlled between Senators HARKIN and ENZI or their designees; that the only amendments in order, other than the committee-reported substitute, be those listed in this agreement, with debate on each of the listed amendments limited to 30 minutes, with the time equally divided and controlled in the usual form; further, that when any of the listed amendments are offered for consideration, the reading of the amendments be considered waived, and the amendments not be subject to division: Harkin-Enzi substitute amendment; Tester amendment regarding small farms and facilities; Harkin-Enzi amendment—I add editorially that these are the chairman and ranking member of the committee, who are both extremely easy to work with and good legislators—

Harkin-Enzi amendment regarding technical and conforming, and that once offered, the technical amendment be considered and agreed to and the motion to reconsider be laid upon the table; Coburn amendment regarding offset for cost of bill; Feinstein amendment regarding BPA; Leahy amendment regarding criminal penalties; that upon disposition of the listed amendments, the use or yielding back of all time, the Harkin-Enzi substitute amendment, as amended, be agreed to; that the committee-reported substitute amendment, as amended, be agreed to; and that the bill, as amended, be read the third time and the Senate then proceed to vote on passage of the bill.

Before the Chair rules, I should have mentioned earlier in my remarks that the person who has been heard on this for months has been Senator DURBIN. This is something he believes in, as he can come to believe in things so intently. I respect the work he has done on this bill, keeping it always at the front of my attention list.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, reserving the right to object, and I will not object if the Senator changes the proposed agreement to say that the only amendments in order, other than the committee-reported substitute, will be these three: Harkin-Enzi substitute amendment, which is fully offset and has been agreed to by both managers, which will be agreed to as original text for the purpose of further amendment; the Harkin-Enzi technical amendment; and the Tester amendment in regard to small farms.

The PRESIDING OFFICER. Does the leader so modify his request?

Mr. REID. It is my understanding that my good friend from Oklahoma would have no amendment.

Mr. COBURN. I would not need one because the bill would already be offset.

Mr. REID. What I say to my friend, I think this is something I would like to take a little time—not a lot of time—to talk to my friends, Senators DURBIN, HARKIN, and ENZI, and see if there is something we can do to move this down the ballfield; if not, we can come back again and talk about this.

In light of my friend's request to modify my unanimous consent request and my inability to intelligently respond to it because it is something I had not anticipated, I will be happy to withdraw my request, and I will renew it at a later time if I can come up with something that is more appropriate.

Mr. COBURN. I thank the leader.

I ask unanimous consent to be recognized for 15 minutes.

The PRESIDING OFFICER. The unanimous consent request is withdrawn.

The Senator from Oklahoma is recognized.

Mr. DORGAN. Mr. President, I wonder if the Senator will modify his request so I might be recognized following his 15 minutes.

Mr. COBURN. I have no problem.

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

Mr. COBURN. Mr. President, there is nobody in this country who doesn't want our food to be safe. There is no question, we all rely on the intent that the vast majority of food is safe in this country. There is no question that we have some problems with food safety. But the biggest problem we have is in fixing the symptoms of the problem rather than the problem itself.

I hope America will pay attention to this. Ask yourself why it took the Food and Drug Administration 10 years to give us an egg safety standard and that no oversight committee of either the House or the Senate, through the previous 10 years, held an oversight hearing to ask why it has taken 10 years to get that egg safety standard. It came out 10 days afterwards, coincidentally, to the salmonella infection we have recently seen.

As a practicing physician who has treated Shigella, Salmonella, Yersinia pestis, Campylobacter, and Listeria monocytogenes, which are infectious gastrointestinal bacterial diseases that can come from food, I want it to be safe. What I want more than that is for the organization that is supposed to keep it safe to do its job. The problem with this bill, besides it not being paid for, is it doesn't fix the real problem.

The American public should know, if you go to the grocery store anywhere in this country and buy a pepperoni pizza, the FDA is responsible for food safety. But if you buy a cheese pizza, it is the USDA. How does that make any sense to anybody in America?

What happened on the farms in Iowa, as far as eggs, is the USDA knew there was a problem, but they didn't tell the FDA because the FDA is only responsible for the egg once it gets out of the chicken. Which came first, the chicken or the egg? It was then shipped and was the responsibility of the FDA.

This bill doesn't address any of those problems. As we look to solve a very critical and real problem—and I acknowledge Senator DURBIN's work on this and that of our chairman and ranking member. I had a staff member at every meeting they had raising these same objections. We now have a bill that will cost the American public $1.5 billion over the next 5 years that doesn't fix the real problem.

The real problem is the lack of focus of the agencies to do their job. It does not eliminate the crossover and lack of consistency. If you buy red meat in the store, you only have to trust one agency. But if you buy an egg, you have to trust two. If you buy a salad or lettuce, you have to trust two. They are not talking to one another. There is nothing in this bill that makes them do that.

What we have done is we have created a lot of new regulations, with a lot of money, without solving the real problem. The only way we get to the real problem is to have the FDA up here once a week for the next 4 weeks and have the USDA up here once a week for the next 4 weeks, talking about these critical crossover issues.

In the bill, it actually states that nothing in this act or an amendment made by this act shall be construed to alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services. In other words, there is a prohibition to alter the responsibility so we might have safe food—in other words, to hold one agency accountable, rather than two so one can point the finger at the other. We had a House hearing today on the egg recall, and the fact is that is what happened. USDA knew there were problems. But the FDA didn't know there were problems until after somebody got sick.

So we create a high level of additional regulation, a high level of various inspections—and I am not against inspections. I eat salad like the rest of us. Sometimes I am not accused of being human, but, in fact, I consume the same food everybody else does. I don't want to get sick from it. But we can't continue to pass bills that pile on regulations that cost the American people $1.5 billion and don't fix the real problem. That is the problem. My objection is it is not paid for.

I will hear the objection that it is an authorizing bill. Oh, really. It is just an authorizing bill. So that means there is not any money going to be spent? Then we aren't passing the bill to do what we want it to do. Because if we say we are not responsible for spending another $1.5 billion, then there is no problem. It is not spending money. If it is not spending money, it is not going to do anything. But if it is spending money, we ought to decrease the priority somewhere else within the waste of the USDA—which there are billions—and within the FDA, which has tons of properties they are not using that could pay for this bill easily. We ought to eliminate the things that are not working.

So I want our food to be safe. As a practicing physician, I know the public health aspects of this bill. But I refuse to go forward when we continue to make the same mistakes that have given us a $1.4 trillion deficit and have given us lack of control and oversight of the bureaucracies. The biggest thing is, we are not holding anybody accountable for this because we will pass this. Then, the next time there is a food problem, in terms of contaminated food, we will pass something else. In between times, there will not be the first oversight hearing to say: What did we do that didn't work and show us a result that works. Is it efficient, effective, and did it improve the safety of the food? We will not do that. We will just react and pass another bill.

I am through passing bills that don't solve the real problems. I am through spending the next two generations' money, when we can't make the priority choices. The fact that we have refused to say we are going to eliminate something that is very low priority to be able to have a food safety bill, then that tells the American people we are not up to the task of getting us out of our problems.

I know everybody in this body wants safe food—even me. I am not tired of taking the hits for holding up this bill. We can't be perfect on food, but we can be a whole lot better. This bill can solve some of the problems, but it is not complete. It hasn't looked at the levels it needs to straighten out the bureaucracy on food safety. It hasn't eliminated the overlap. Nobody with any common sense says you will have pizzas in the grocery store, one controlled by the USDA and one by the FDA.

It is clueless. It does not fit. The reason the one that does not have any meat on it is controlled by the FDA is because it has a milk product. It has cheese. But the one that has pepperoni on it has cheese too. How did we get there? Where are we going to establish responsibility and accountability with the agencies that are responsible for food safety?

I look forward to working with the majority leader. I will take a less than perfect bill anytime. But I will not take a bill that is not paid for and does not come out of the hides of our children and grandchildren.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

## TRADE

Mr. DORGAN. Mr. President, there is a lot of talk and politics on the floor of the Congress always about something called the American dream. People talk about the American dream. I suppose we reflect on that and think the American dream is about a time the American people have a job that pays well, a job with security, a career with a growth ladder to it, a family, a home, living in a nice community, living on a safe street—the American dream.

We look at the history of this country and discover that beginning early in the last century, we started changing things in America—lifting up people, doing a whole series of things to develop a group of middle-income Americans. We have been enormously successful, perhaps more than any other country in the world. We expanded a middle class.

Now things are changing, and we see that people are upset, nervous, and in some cases angry. We see reports that they worry their children will not have it as good as they have it. They worry about the future.

What is at the root of all of that, and what can we do about all of that? Everyone wants to do well. All of us have hopes and aspirations for ourselves, our children, our families—the American

dream. Someone once asked J. Paul Getty: How is it that you can be successful? Give me the elements of success.

He said: It is very simple. No. 1, go to school and get the best education you can get. No. 2, get a good job and work really hard. And, No. 3, strike oil. That is the advice of J. Paul Getty.

I suppose that works if you are J. Paul Getty. But his advice, of course, makes a lot of sense on the first two points: get the best education you can and get a job and do well, work hard.

The problem is today, in late September of 2010, a lot of people woke up this morning without a job and cannot find one. It is estimated there are about 20 million Americans this morning who woke up unemployed. Most of them put on their clothes and went out looking for work, a triumph perhaps of hope over experience because many of them have tried for a long while and have not been able to find a job. And they are very worried there may not be a job for them in the future.

We had 2.1 million workers in the past two years having to leave manufacturing plants, losing their jobs as manufacturing workers. Those are often the very good jobs. They pay well with good benefits, in most cases. Mr. President, 2.1 million of them have lost their manufacturing jobs in the last 2 years; more than 5 million have lost their jobs since 2000.

What do we do about that? What can we tell the American people when they see their neighbors, their friends, and their relatives searching for a job, having been laid off from somewhere they worked for 15, 20, 25 years? Then they read in the paper that in Stanleytown, VA, a company was started by a man named Thomas Stanley, a young dairy farmer in southern Virginia, who decided he wanted to create furniture that was of superior craftsmanship and affordable still, so he started making furniture. It became Stanleytown, and he employed highly skilled craftsmen, 1,300 people who carried on his vision at a manufacturing plant of 1.7 million square feet.

Then those who make Stanley furniture woke up a couple months ago and read this in the paper:

> Stanley Furniture's decision to close its plant in the small town that bears its name fell like a hammer blow on southern Virginia and resounded across an industry increasingly moving overseas. More than 500 employees will lose their jobs this year as the manufacturer shuts down its Stanleytown, VA, plant, where the company has made furniture since 1944.

Where is it going? It is going to Asia. Those 500 people—I do not know their names. I cannot tell you who they are. I would not recognize their faces because I do not know any of them. But I am sure those 500 people are paying an enormous price in their lives for having lost jobs at a plant in a company that produced a product about which they cared very deeply. Gone to Asia. Why? Were these bad workers? Did they decide it was a job, but just a job, so they were going to loaf all day and not do their work? No, it was not that at all. In search of low wages, this company decided: We are going to Asia to produce this furniture.

I mention Stanley Furniture. The other day I mentioned a furniture company from Pennsylvania because I had just been to Philadelphia—Pennsylvania House Furniture. It has a very similar story in many ways. Pennsylvania House Furniture, made for a century in Pennsylvania, upper level furniture, fine furniture made by craftsmen, one day it was purchased by La-Z-Boy, and La-Z-Boy decided: We do not want to make Pennsylvania House Furniture in Pennsylvania. We want to take the Pennsylvania wood and ship it to China, have them put it together, and ship it back to America to be sold. They told all the workers: You are done. It is over. The plant is closed.

On the last product of the day, on the last day at work, these craftsmen who made this fine furniture for Pennsylvania House Furniture turned over the last cabinet that came down the line, the last one they had made, and they all signed their names—proud craftsmen working for a company that existed over 100 years, the last piece of furniture ever to be made with American hands. Jobs gone.

The list is endless. This is not a short list. Hershey chocolates, York peppermint patties: ''The cool refreshing taste of mint dipped in dark chocolate will take you miles away.'' In fact, it will take you so far away it will take you to Mexico because that is where they moved those jobs when they shut down the mint Hershey's plant in the United States of America. It will take you miles away. It certainly took away the jobs of those who were working there.

I am not going to go through all these charts because I have done it before. I know what repetition means around this place. But I want to talk just for a moment about the consequences of this to a lot of people whose names we do not know and faces we would not recognize but who are living as victims of something they cannot control. That is the erosion of America's manufacturing base with jobs shipped overseas wholesale and the hollowing out of America's manufacturing capability.

Why does that matter? No. 1, because a lot of people are losing jobs who need jobs in this country. And, No. 2, this country will not remain a world economic power unless we have a world-class manufacturing capability. That is just a fact.

The question is, When will we stand up for this issue and decide we have to do something about the export of American jobs?

Paul Craig Roberts—I have met him—former Assistant Treasury Secretary under President Reagan said:

> Outsourcing—

He means outsourcing of jobs—

> is rapidly eroding America's superpower status. Only fools will continue clinging to the premise that outsourcing is good for America.

Another quote, if I may, from Dr. Paul Craig Roberts:

> In order to penetrate and serve foreign markets, U.S. corporations need overseas operations . . . However, many U.S. companies use foreign labor to manufacture abroad the products they sell in American markets. If Henry Ford had used Indian, Chinese and Mexican workers to manufacture his cars, Indians, Chinese and Mexicans could possibly have purchased the Fords but not Americans.

Because they would not have had the jobs. Pretty prescient. Pretty interesting.

This is a chart that shows Stanley Furniture's workers in the manufacturing plant. But, of course, that was then, and now it has gone to Asia.

I want to show this picture only because the Los Angeles Times needs to know this. I spoke of this subject some while ago and showed a picture of the dancing grapes that represented the advertising campaign for Fruit of the Loom underwear. They left America and are produced elsewhere. The Los Angeles Times wrote a piece saying I was on the floor of the Senate talking about underwear, not describing that I was talking about trade and the movement of jobs overseas. If they write about it again, they might mention I was talking about jobs moved overseas that were performed by American workers to produce Fruit of the Loom.

I have described often Radio Flyer—a little red wagon made in Illinois for over 100 years by an immigrant who put together a company—that almost every child has experienced. Almost every American child has ridden in a Radio Flyer little red wagon. But they are not made in America anymore. They have gone to China.

Huffy bicycles, gone to China; left Ohio, gone to China. Not made for $11 an hour by an Ohio worker, as was the case, but made now by Chinese workers who make 50 cents an hour, working 7 days a week, 12 to 14 hours a day.

I have often mentioned, and will mention again, that all of these folks, on the last day of work, when they walked out to the parking lots after having been fired so their jobs could be moved to China, left pairs of empty shoes in the parking lots saying: Yes, you can move our jobs, but you will never replace us. They are never going to replace these workers.

This represents a photograph of a company called HMC. Not everybody is moving overseas. There are some manufacturers—and I want to pay attention to what the owner of HMC said recently. They make high-tech gearboxes, high-tech machinery. HMC—made in America and enormously proud of it.

Let me mention what the president and CEO of HMC said:

> Offshoring in search of higher profits is a mistake . . . because it ignores manufacturing's larger purpose in U.S. society.

This is from the CEO of an American manufacturer. Further he says:

It's my belief that every American citizen, not only me, should feel strongly about maintaining one of the most important cultures we have, and that is manufacturing.

Good for Mr. Robert Smith, wherever he is. Good for Mr. Smith, president and CEO of HMC, believing that manufacturing is important in this country.

What does all this mean? Our economy is in some significant trouble for a couple of reasons. No. 1, for about a decade and a half or two decades, we have pursued a different trade strategy—a trade strategy in which we have refused to stand up for our economic interests.

For the first 25 or 30 years after the Second World War, it was just understood that we were the biggest, the best, the strongest—we were American. Whether it was trade competition or any other competition, we could beat anybody in this world with one hand tied behind our back. Much of what was imported were trinkets that were inexpensive trinkets that were pretty worthless. We made products that were made in America, products that lasted, products that worked, products on which you could count.

But in the second period following that first quarter century after the Second World War, things have changed. We have largely had concessional trade practices. It used to be we just did outright foreign aid to help other countries. Not anymore. We have for the last 20 years or so done concessional trade practices to help other countries. We have said: We will do a trade agreement with you that is unfair to us because we are bigger and stronger and better than you are. So here is a trade agreement. We have done that time after time. Therefore, we now have very large trade deficits.

Let me show the consequences of a trade agreement.

We have trade agreements with Korea. Here is the issue of automobiles with Korea. Last year, because we had a deep recession, we were not buying as many cars. Last year the Koreans put on boats and sent to this country 467,000 cars made in Korea—467,000 Korean cars. Those are Koreans who go to work in the morning to a job. They are making cars. They are pleased as punch they make cars because they sell them in Detroit, Bismarck, and Denver.

Here is what we were able to sell in Korea: not 467,000 cars, Korea allowed us to send 6,000 cars to Korea.

One might say: Is that an accident? Of course, it is not. It is exactly what the Korean Government wanted. They want the jobs in their country. They want to make the cars in their country and send them here, and they do not want our workers making cars we send to Korea.

If you wonder about that, I have another chart that shows what you will confront on the roads in South Korea. If you drive down the road in South Korea, what you will see are a lot of vehicles, and you will see almost no foreign vehicles. Ninety-eight percent of the cars on the road in Korea are made there. They are made and manufactured in that country. Now, is that an accident? That is exactly what the Korean Government wants. They do not want foreign cars, and they do all kinds of things to keep them out. They want jobs for their people.

So we now have a trade agreement with Korea that we have not yet ratified or voted on in the Senate, and they didn't address the automobile issue. It is unbelievable to me. Why would they do that? How about standing up for our interests, for our workers?

So, Mr. President, the reason I came to the floor of the Senate is that there is now on the calendar a piece of legislation that would at least begin the process of trying to even up some of the trade issues. We actually, strangely enough, give a tax benefit for U.S. companies who decide they are tired of manufacturing in America. If a company says: Let's get rid of those workers. Let's lock up that manufacturing plant. Let's send the jobs to Senshen, China, and manufacture there. Then we will ship those bicycles and wagons and trailers and trucks and garage door openers back, and we will sell them to Americans. That is what we will do. And our country says: You know what. That would be good. Why don't you do that—fire your workers, get rid of your manufacturing plant, go to China, and I tell you what we will do. We will give you a tax break for doing it.

We have voted four times in the Senate to eliminate that tax break. I have offered that piece of legislation four times. On all four occasions I have lost the vote. We are now about to vote again in the coming days. Maybe at last—at long last—when 20 million Americans can't find work, maybe we will see if we plug the drain just a bit on these jobs that are moving out of this country at a rapid pace to be located in low-wage countries around the rest of the world. Maybe now is the time. Maybe people here will say: You know whose interests I stand up for? The workers in my State, American workers, people who are producing good products that say made in America.

When I speak this way, there are some who will say: Well, you are being a protectionist. You want to change things. You are being a protectionist. You are a xenophobic isolationist stooge. You don't get it at all. It is a new world order. We have all these countries who can do things cheaper than we can do them, and you don't seem to understand that. So you are just a protectionist.

Well, let me plead guilty to wanting to protect our country's economic interest. I would hope every desk in this Chamber would be occupied by someone with similar instincts and wanting to stand up and protect the economic interests in this country.

I am not interested in withdrawing from the world. I am saying, however, that after a long struggle and doing the things that are necessary to improve things, as we have done in the struggle for workers' rights, the struggle for safe workplaces—and people were killed over those struggles. I described in the first book I wrote about James Fyler who was shot 54 times. You know why he was shot 54 times in Ludlow, CO? Because he believed people who went underground and dug for coal ought to be able to work in a safe workplace and be paid a decent wage, and for that he was killed.

We have struggled for a century to raise standards, to get safe workplaces and decent wages. Now, all of a sudden we are told it is a new world order. We should compete with workers who are going to work 7 days a week, 12 to 14 hours a day, for 50 cents an hour. If we can't compete with that, tough luck.

That is what they told all the folks at Huffy bicycles. They said: If you can't compete with the Chinese prices, you are out of luck because that is our standard. The list is endless. Just about every kid has played with Etch A Sketch. Everybody knows what Etch A Sketch is, a toy made in America. It was the principal employer of a town in this country. But no more. Walmart told Etch A Sketch: You won't be marketing at Walmart unless you meet this price, and Etch A Sketch has gone to China. All those people who were proud of making a children's toy are now not working.

Mr. BROWN of Ohio. Mr. President, will the Senator yield for a question?

Mr. DORGAN. I would be happy to yield.

Mr. BROWN of Ohio. I have been listening with fascination to the Senator's speech because there is nobody who comes to the floor and better explains jobs, trade, trade policy, and tax policy and what it does to our communities and our workers.

The Senator mentioned two very well known American companies, and both happen to be from my State—Huffy bicycles and Etch A Sketch, which is a company called Ohio Art in Bryan, OH. That is exactly what happened. Walmart came to Ohio Art and said: We want to sell Etch A Sketch for less money than we are selling it for now. So they had no choice.

But let me ask the Senator, it seems to me that there has not been anytime in recent history where U.S. companies have put their business plans together in this way: Instead of manufacturing something, cutting costs, and treating their workers decently and contributing to the community—which American companies have done for generations and is why we have such a strong middle class—it seems that the business plan for so many large American companies is to move their production offshore, obviously getting less expensive labor, avoiding environmental and worker safety rules, and then selling the product—well, first lobbying Congress to change the rules, as they did with PNTR for China, but moving their

production out of the country, offshore, producing it, and then selling it back into the home country.

That is a curious business plan that many American companies follow. I hear those companies say to me: Well, we have no choice but to go offshore for the cheapest production because our competitors are doing that, even though they lobbied Congress to help change the rules. I mean, it is a bit cynical but a curious business plan that you leave behind the community that built you up and you move somewhere else and then you sell the products back to the country in which you were founded.

Mr. DORGAN. I would say to the Senator from Ohio that it is a business plan these days for too many companies. Not all, but too many. There are some companies—and I just described a company, a CEO, and I was giving him credit because what he said is important—a company called HMC. It is a company that manufactures very high-tech products in this country. He says:

It's my belief that every American citizen, not only me, should feel strongly about maintaining one of the most important cultures we have, and that is manufacturing.

The fact is, we are in a situation where a lot of companies have decided they would like to produce elsewhere, hire other workers, but they would like American consumers to buy their products. The question in the longer term is, Who is going to buy those products if American consumers don't have jobs? I mean, that is the question.

I have talked a little about China. I am chairman of the Congressional Executive Commission on China, and I just chaired a hearing for 2 hours about the issue of piracy and counterfeiting and so on in China. One of our witnesses described something I had written about in my book as well; that is, American businesses should know their intellectual property is not secure in China. It will be stolen.

I am not a big fan of them—in fact, I have fought the pharmaceutical company pretty tough on the floor of the Senate—but Viagra, made by Pfizer, was quickly reengineered in China and just sold without any respect for property rights or intellectual property rights. In fact, the witness over at the hearing this afternoon said the Chinese, once they reengineered Viagra and sold it on their own basis, had a new twist on it. They were putting it in soft drinks and hot dogs. So it was kind of interesting to hear this guy, who is an expert in intellectual property rights, describe his view.

He finally said, by the way, Pfizer has won a case against the Chinese for reverse engineering of Viagra. But this discussion is not about that, it is about jobs in virtually every industry in this country. There are service industries that can never leave, of course. You can't take a taxicab driver's job and move it to China or India because they have to drive a cab up and down an American street. But Alan Blinder and others have said we are talking about the potential of tens of millions of additional American jobs leaving unless there is a strategy to understand that our participation in the global economy is designed to raise up others, not push down our standards. It is designed to be in our economic self-interest to try to keep Americans employed in good jobs that pay well.

So we have a lot to do. I mentioned, Senator BROWN, that we are likely to have another vote in the Senate in the coming days on the question of shutting down this unbelievably ignorant provision in tax law that says if you leave America and get rid of your workers and padlock your plant and then go produce the jobs in China or India and then sell back here, we will give you a tax break for doing that. We would like to reward you for doing that. The other side of that is that a lot of American business men and women who started their companies here don't intend to go anywhere. They are here and they are proud of it and they are not leaving. They are going to hire their friends and neighbors in their communities, and they are going to make the best products possible. They are going to stick a made-in-America label on it. But they are disadvantaged. It is not just the workers but those American business owners who are now having to compete against the one that was across the street and then went to China and now has a lower tax rate because our Tax Code says that is fine.

I hope at long last that maybe we will have enough people here with the courage to say: It is not fine with us. It is not fine with people who are unemployed in this country. It is not fine with business men and women who are disadvantaged because of it.

Mr. BROWN of Ohio. Will the Senator yield once again?

Mr. DORGAN. I will be happy to yield.

Mr. BROWN of Ohio. I thank the Senator.

I would add that a major manufacturer that leaves from Minneapolis or leaves from Cleveland or from North Dakota is a company that has the resources to do that, and that company has a multitude of component manufacturers in its supply chain and that large company that leaves may be its biggest customer. Perhaps it is a big assembly plant that leaves to go to China. The component manufacturer that sells to that auto assembly plant has all of a sudden lost its biggest customer. It is not big enough to move to China, so it loses 30 percent of its customer base.

So it is not just the company that moves and what that does to American workers and companies and communities, it is also those multitude of component manufacturers. In the auto industry, for instance, there are way more people working in the supply chain than there are in the actual assembly plant. So in the wake of a major company moving overseas, we see devastation in the entire supply chain of component manufacturing. I am sure you saw that with Huffy bicycle. There is the manufacturer that made the steel, that stamped the fenders, that made the tires and the spokes that were taken to Huffy—I think to Celina, OH, in those days—to assemble. So all of them lose.

In smaller communities, as the Senator knows, a manufacturing plant oftentimes has a husband and wife both working at the same plant, making $12 to $15 an hour. Their whole lives are upended because all of a sudden they have lost both jobs in their family.

Thirty years ago, 30 percent of our GDP was in manufacturing and only 11 percent was in financial services. That number has flipped now, and look where it got us. Only 11 percent of our country's GDP is now as a result of making things. We know how to make things in this country, and we are losing that ability. Without a real manufacturing policy—more than a strategy but a policy—like every other country has, we are going to see a decline in the middle-class long term.

I thank the Senator.

Mr. DORGAN. Well, I thought it was interesting that when the Senator from Ohio and I worked hard on putting together the Economic Recovery Act to try to put a net under this economy and stop it from collapsing—and we were probably close to having a complete collapse. Despite the folks who come to the Senate floor who say no jobs were created, the CBO says 3 million jobs were created or saved. But when we put that together, Senator BROWN from Ohio and I and others wrote something called a ''Buy American'' provision, and people nearly had apoplectic seizures here. They were doing cartwheels in the Chamber, so upset and concerned and nervous about what this would do, if with our money, in order to employ our people, we decided to buy our products. How selfish is that, they would say.

It was exactly the right thing to do. Why would we try to stimulate economic recovery in America by buying goods from China or Japan? So what we tried to do is to say that there should be a preference with these funds to buy American. But even that was unbelievably controversial. We got it done, and I am pleased we did.

While the Senator is here, I wanted to make the point that the Huffy bicycle story is almost the perfect storm of everything that is wrong. These are workers in Ohio who made $11 an hour plus benefits and then they all got fired. I have described about their leaving their empty shoes in the parking lot on the last day of work and so on. But the Huffy bicycle was sent to China. I described the conditions under which they are now made. This brand still exists. It is still sold in major American stores, Wal-Mart and Kmart and so on. But once it was sent to China, it declared bankruptcy and then

the Chinese bought the brand. The bankruptcy meant that not only did the workers in Ohio lose their jobs, the Federal Government here, under the Pension Benefit Guaranty Corporation, assumes the pension of the fired workers, and China ends up with the brand. We still buy the bicycles but the people are out of work and we are stuck with the pensions.

It is almost a perfect storm of what is wrong with what we are doing in this country. The question is, when will it ever change? The minute we talk about it the Senator from Ohio will be called—well, he's one of those protectionists. He has a narrow head; doesn't understand the breadth and depth of this new global economy. They say that about me and all of us who say this doesn't add up.

We have to stand up for this country's economic interests. We don't need to put a fence around America. We don't need to decide there is not a world economy—there is a global economy. We need fair rules and to stand up for our economic interests, and that has not been the case; it has not.

The question is what do we do about that. At least you can take a baby step in the right direction. One of my regrets, serving in this institution, is that I may well leave this institution without having succeeded, at least on this issue. I have been proud to participate in a lot of things that have been successful in advancing public policy but this has meant a lot to me. I think America is losing its capability, its energy, it manufacturing base. People are losing hope, with nearly 20 million of them out of work. I think it is very important for us to understand we have to address this issue.

There is no social program in this country as important as a good job that pays well. That is a fact. We have to find ways to put people back to work in this country. People say innovation—I am all for innovation. But we innovate, we create the product, but they manufacture it somewhere else and the jobs are gone. It is very important for us to rebuild our manufacturing capability in this country.

I said at the start we will not long remain a world economic power unless we have world class manufacturing capability. The American people need to see some hope from this Chamber. At least one step, one ray of hope would be if we decide in the coming several days to enact legislation that is now, I believe, rule XIV'ed at the desk, that we likely will have debate on—and I will be here during that debate—that will say finally, at long last, we will stop, put an end to this insidious provision in the IRS code that says if you move your American jobs to China we want to reward you with a tax break. That has to end. It has to end, the sooner the better.

Let me end by saying there is plenty in this country that needs fixing but there is a lot to work with because there is plenty right in this country as well. I have spoken previously about the New York Times 1-inch story about a man named Stanley Newberg. Stanley Newberg, with his father, left his country in Europe to flee the persecution of the Jews, landed in New York, went peddling fish with his dad, went to school, an immigrant kid, went to college, became a lawyer, went to work for an aluminum company, managed the place, finally bought the place, then died. When they opened his will he left his $5.7 million to the United States of America, he said, with gratitude for the privilege of living in this great place. What a wonderful thing to hear. What a wonderful thing to do. It is a wonderful reminder, it seems to me, how important this place called America is in the heart of many people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

## THE DISCLOSE ACT

Mrs. MURRAY. Mr. President, I come to the floor once again to speak in strong support of the DISCLOSE Act, which would close the glaring campaign finance loopholes that have been opened by the Citizens United ruling. This Supreme Court ruling was a true step backward for our democracy. It overturned decades of campaign finance law and policy. It allowed corporations and special interest groups to spend unlimited amounts of their money influencing our democracy and opened the door wide for foreign corporations to spend their money on elections right here in the United States.

The Citizens United ruling has given special interest groups a megaphone they can use to now drown out the voices of average citizens in my home State of Washington and across the country. The DISCLOSE Act would tear that megaphone away and place it back in the hands of American people, where it belongs.

I am extremely disappointed that Senate Republicans continue to block this critical legislation. This is a very personal issue for me. When I first ran for the Senate back in 1992, I was a long-shot candidate with some ideas and a group of amazing and passionate volunteers by my side. Those volunteers cared deeply about making sure the voices of Washington State families were represented. They made phone calls, they went door to door, they volunteered hours of time, they talked to families all across my State who wanted more from their government.

We ended up winning that grassroots campaign because the people's voices were heard loudly and clearly. But, to be honest, I don't think it would have been possible if corporations and special interests had been able to drown out their voices with an unlimited barrage of negative ads against candidates who did not support their interests. That is exactly why I support this DISCLOSE Act. I want to make sure that no force is greater in our elections than the power of voters across our cities and towns, and no voice is louder than citizens who care about making their State and country a better place to live.

The DISCLOSE Act helps preserve those American values in a lot of ways. First of all, it shines a very bright spotlight on the entire process. The DISCLOSE Act will make corporate CEOs and special interest leaders take responsibility for their acts. When candidates put up campaign commercials on television, we put our faces on our ad and tell every voter we have approved the message. We don't try to hide what we are doing. But right now corporations and special interest groups don't have to do that. They can put up deceptive or untruthful ads with no accountability and no ability for the public to know who is trying to influence them.

The DISCLOSE Act also strengthens overall disclosure requirements for groups who are attempting to sway our elections. Too often, corporations and special interest groups are able to hide their spending behind a mask of front organizations because they know the voters will be less likely to believe their ads if they knew the motives behind the sponsors. The DISCLOSE Act ends that. It shines a light on this spending and makes sure voters have the information they need so they know what they can trust.

This bill also closes a number of other loopholes that have been opened by the Citizens United decision. It bans foreign corporations and special interest groups from spending in our U.S. elections. It makes sure that corporations are not hiding their election spending from their shareholders. It limits election spending by government contractors, to make sure taxpayer funding is never used to influence an election. It bans coordination between candidates and outside groups on advertising so that corporations and special interest groups can never sponsor a candidate.

This DISCLOSE Act is a commonsense bill. It should not be controversial. Anyone who thinks voters should have a louder voice than special interest groups ought to support this bill. Anyone who thinks that foreign entities should have no right to influence U.S. elections ought to support this bill. Anyone who agrees with Justice Brandeis that sunlight is the best disinfectant should support this bill. And anyone who thinks we should not allow corporations such as BP or Goldman Sachs to spend unlimited money influencing our elections ought to support this bill.

Every 2 years we have elections across this country to fill our federally elected offices. Every 2 years voters have the opportunity to talk to each other about who they think will best represent their communities and their families. Every 2 years it is these voices of America's citizens who decide

who gets to stand right here representing them in the Congress. That is the basis of our democracy and it is exactly what the DISCLOSE Act aims to protect. I am very proud to support this bill and I urge all our colleagues to stand up against special interests and for voters in their States and allow this bill to finally pass.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

## THE ECONOMY

Mr. SANDERS. Mr. President, I think most people understand that the United States today is in the midst of the worst economic crisis since the Great Depression of the 1930s. What I want to do is take a very few minutes to talk about how we got to where we are today and what policies we need, in my view, to move this country forward in a very bold way so that we begin to create the millions of jobs the middle class of this country desperately needs.

Let me begin by taking a quick look back to where we were in January of 2009. It is important that we take that look back because if we don't know how we got to where we are today, it is going to be very hard to move us in a different direction.

January 2009 was, as we all recall, the very last month of the Presidency of George W. Bush. In that month we lost over 700,000 jobs. That is an extraordinary number, almost unprecedented. In fact, for the last months of the Bush administration, this country was hemorrhaging jobs as a result of the financial collapse brought about by the greed, the recklessness, and the illegal behavior on Wall Street.

During that period, our gross domestic product, the total sum of all that our economy produces, had gone down by nearly 7 percent during the fourth quarter of 2008—a 7-percent reduction. That was the biggest decline in more than a quarter century. Some $5 trillion of Americans' household wealth evaporated in a 12-week period as people in Vermont and all over this country saw the value of their homes, their retirement savings, and their stocks plummet.

We were at a moment where some economists thought we might enter the worst depression in history, that the entire world's financial system would collapse. In January of 2009 we were hemorrhaging 700,000 jobs. That is where we were.

Of course, as a result of the collapse on Wall Street, the last months of the Bush administration were a total economic disaster, but let us be clear about the cumulative 8 years of the Bush administration. What happened over that 8-year period? From 2001 when President Bush came into office, until January 2009 when he left, this country lost over 600,000 private sector jobs. Let me repeat that. During the Bush 8-year period, this country lost over 600,000 jobs. The reason it is important to understand that is there are folks in this Chamber, throughout this country, who want to go back to those policies. I am not quite sure why anyone would want to go back to a set of economic policies which resulted, in an 8-year period, in a loss of 600,000 jobs. Net, there was a gain during the Bush administration of 1 million jobs—a very poor record—all of them government jobs, many of them in the military, in Homeland Security. That is, under anybody's definition, a horrendous record of job creation. In fact, it is a record of job loss.

During the Bush years, not only did we lose 600,000 private sector jobs, median income—median family income dropped by $2,200. In other words, middle-class Americans earned significantly less income at the end of the Bush era than they did when he first came into office. During those 8 years, over 8 million Americans slipped out of the middle class into poverty; over 3 million lost their pensions; and nearly 8 million lost their health insurance.

During that period, 4.5 million manufacturing jobs disappeared as companies shut down in the United States and moved to China, Mexico, Vietnam, and other low-wage countries. In the year 2000 we had over 17 million manufacturing jobs in this country. At the end of the Bush era, in 2008, we had less than 12 million. That is a huge reduction in good-paying manufacturing jobs—in fact, the fewest number of manufacturing jobs since the beginning of World War II.

Under President Bush our trade deficit with China more than tripled and our overall trade deficit nearly doubled.

I raise those issues once again because it is very important to understand that there are a number of people in this Chamber who want to go back to those policies—policies which were a demonstrative failure.

But here is another important point, and we should understand this very clearly. While the middle class was battered during the Bush years and median family income went down, while poverty increased, not everyone did badly. In fact, during the Bush administration, the wealthiest 400 Americans saw their incomes more than double. The middle class was battered, median family income was down, poverty increased, people lost their health insurance, people lost their pensions, but the wealthiest 400 Americans saw their income more than double. In 2007, these wealthiest 400 Americans earned an average of $345 million in 1 year—on average, $345 million. In terms of wealth, as opposed to income, the wealthiest 400 Americans saw an increase in their wealth of some $400 billion during the Bush years—400 people, an increase of $400 billion during the Bush years.

Let me talk for a moment about something I consider to be very important, but we do not talk about it very much in the Senate. We do not talk about it very much in the media. It is not something we engage in polite conversation, but it happens to be one of the important economic issues facing our country; that is, the issue of distribution of income and distribution of wealth.

All over America, whether it is in Minnesota or Vermont, everyone wants to know—in New England, everyone loves the New England Patriots or the Boston Celtics, and what people want to know is, at the end of the day, who won and who lost and what was going on in the game. Well, in terms of income distribution, that is the result of income as economic activity. Who won? Who lost? And let's be very clear that when we talk about winners and losers, the United States today has the most unequal distribution of income and wealth of any major country on Earth, and that inequality is getting worse. I know many people choose not to talk about it, but I think it is imperative that we do talk about it.

Today, the top 1 percent earns more income than the bottom 50 percent. Let me repeat that. The top 1 percent earns more income than the bottom 50 percent. In 2007, which is the last year for which we had good statistics, the wealthiest 1 percent, the top 1 percent of income earners, took in 23½ percent of all of the income earned in the United States. Let me repeat that. The top 1 percent earned over 23 percent of all income earned in the United States. Here is an even more amazing statistic. The top one-tenth of 1 percent—top one-tenth of 1 percent—took in 11 percent of total income, according to the latest data available.

The problem we are having in terms of income is that the situation is becoming more and more unequal. We see that in the statistics, which are very clear. In the 1970s, the top 1 percent only made 8 percent of total income earned in this country, and now that number is 23½ percent—almost four times as much.

I would point out that the last time income was this concentrated was in the year 1928, and I think we all know what happened in 1929. When you have such an unequal distribution of income and wealth, it is not only, to my mind, immoral and wrong that so few have so much and so many have so little, it is bad economics because the economy grows when all people have money to spend, when consumers can spend money. When so much of our income and wealth is concentrated on the top, we run the significant likelihood of major economic recessions, and that is what is happening right now.

Also, incredibly, in the midst of this growing inequality and while the very wealthiest people in this country became much richer and at the same time as our deficit soared, the tax rates for the people on top went down. Middle class declines, poverty increases, the rich get richer, and the tax rate for the very wealthy goes down. This was a result of not only tax breaks for the wealthy initiated during the Bush administration but also, quite frankly,

tax policy that took place before Bush. The result is that from 1992 to 2007, the latest statistics that we have, the effective Federal tax rate—effective Federal tax rate, and that is what people really pay—for the top 400 income earners in our country was cut almost in half. The rich get richer, their effective tax rates are cut almost in half.

Today, we have a Federal Tax Code that is so unfair, that it is so absurd that Warren Buffett, one of the wealthiest people in the world, often points out that he pays a lower effective tax rate than does his secretary. Hedge fund managers who make $1 billion a year now pay a lower effective tax rate than many teachers, nurses, firefighters, and police officers.

I should also add that in terms of wealth, as opposed to just income, inequality, of course, is also growing. Today, the top 1 percent owns more wealth than the bottom 90 percent, and during the Bush years, the wealthiest 400 Americans saw their wealth increase by some $400 billion. When a few people have incredible wealth and incredible income, they do not tuck that money under the mattress; they use that money.

The point Senator MURRAY of Washington was making a few moments ago on the DISCLOSE Act is a very good example of how some of those folks are making money. Not content to have the top 1 percent earning more than 23 percent of all income in America, these folks want more. Their greed has no end. And what they are now doing as a result of the DISCLOSE Act, a 5-to-4 Supreme Court decision, they and their corporate friends are now free to put as much money as they want into the political process, into television ads, into radio ads, and they do not have to disclose who they are. So you are going to have corporations with foreign interests getting involved with the American political process. You are going to have corporations putting all kinds of money into the political process, setting up phony institutions and front groups, and they do not have to tell the American people who they are.

In addition to the DISCLOSE Act and the huge amount of money now flooding into the political process, we have an enormous amount of lobbying and campaign contributions that are going right into the whole tax issue, that which we are debating now.

As you know, some of our Republican friends think, apparently, that the top 1 percent earning more income than the bottom 50 percent is not quite enough, that the fact that we have given huge tax breaks to millionaires and billionaires for the last 15 years is not enough; they need more. So what some of our Republican friends are doing and what their friends on Wall Street and big money interests are doing is pouring huge amounts of money into the political process which says that we should provide, over a 10-year period, $700 billion in tax breaks to the top 2 percent; that millionaires, those people making $1 million or more, should receive on average a $100,000 tax break. And they are fighting for tax breaks for the rich at the same time as they are saying: Oh, isn't it terrible that we have a $13 trillion national debt. So they wanted to give $700 billion in tax breaks to the top 2 percent, and then they say: Oh my goodness, isn't it awful that we have a recordbreaking deficit and a large national debt, and they want to pass on those tax breaks to our kids and grandchildren—increase the national debt so that we can give tax breaks to millionaires and billionaires. That makes zero sense to me. I think that is an incredibly dumb and irresponsible idea.

What I think we should do, what I believe we should do is that half of that $700 billion, instead of being given in tax breaks to the top 2 percent, should be used for deficit reduction. Let's do it now. And the other $350 billion should be invested in our infrastructure—rebuilding our roads, our bridges, our water systems, our schools, our transportation systems—and putting people back to work. Our infrastructure is crumbling. Everybody knows that. We are going to have to address it now or later. Let's address it now. In the middle of a recession, let's put millions of people back to work rebuilding America to make us more competitive in the global economy and make our economic system more efficient. I think, frankly, it makes a heck of a lot more sense to put millions of people to work rebuilding America's infrastructure and using $350 billion to lower the deficit than it does to give $700 billion in tax breaks to the top 2 percent. I hope that a majority of my colleagues or, in fact, 60 of my colleagues agree with that because, to me, that is the policy this country desperately needs.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH.) The Senator from Oregon is recognized.

## THE DISCLOSE ACT

Mr. WYDEN. Mr. President, I rise this afternoon to take a few minutes to talk about this issue of campaign ads being run all across the land and millions of dollars being spent by groups with misleading names, leaving our voters without any knowledge of who is behind the ads they are hearing.

To me, the lack of accountability and civility and literal accuracy in political campaigns is absolutely unacceptable, and I am of the view that we ought to be asking here in the Senate whether this is really the best we can do to ensure accountability and openness in American politics. I think the answer to that is, it is a no-brainer. There ought to be basic disclosure of who is behind all of those ads that are flooding the airwaves. That is what is behind the DISCLOSE legislation, the bill that has been brought before the Senate to ensure that it is possible for Americans, at a time when there is intense interest in American politics, to know who is sponsoring all of these commercials that are rushing at the American people pell-mell over the airwaves.

What is striking is how stark the inequities in all of this are. What I am particularly troubled about is that as a result of the Supreme Court decision, it is possible today for a foreign interest with no vote here in the United States to have a more substantial voice in our elections this fall than any hard-working American taxpayer. When you break that down, you really get a sense of just how outlandish this Supreme Court decision is. Let me repeat that. Foreign interests, through a subsidiary, with no vote here in the United States, will have a louder voice in the State of Alaska, in the State of Oregon, than any of the hard-working taxpayers whom we are honored to represent here in the Senate. I think that indicates that the campaign finance system is way out of whack.

This Supreme Court decision, in my view, has literally blown the hinges off the doors of our democracy. What is needed is legislation such as the DISCLOSE Act to ensure accountability, civility, and accuracy in political campaigns.

My view is that the lack of that kind of accountability creates not only confusion but even resentment among voters. The reason I know that is that the situation the country finds itself in now is very similar to what I saw when I first ran for the Senate in 1996 against the man who eventually became my colleague and good friend in the Senate, Gordon Smith. That was the only race in the United States at that time, the winter of 1996. Attack ads were being run by all sides, left and right. Senator Smith and I literally had no idea who was behind a lot of the attack ads. We made the judgment that while policy differences and personal criticisms are certainly a fair and legitimate part of a political campaign, what is not acceptable is the situation our country finds itself in, once again; that is, the huge numbers of ads being run where nobody could figure out who was behind some of the attacks, attacks that were pretty vicious and certainly high decibel.

So I came to the Senate in the winter of 1996, and I vowed to try to make some changes. I vowed to work with colleagues of both parties to bring transparency and accountability to campaign advertising. I had the good fortune to find a terrific partner in this effort with our colleague from Maine, Senator SUSAN COLLINS. As part of the McCain-Feingold bipartisan Campaign Reform Act of 2002, Senator COLLINS and I were able to win passage of an amendment which has come to be known as the stand by your ad disclosure requirement. Not only have we all seen these ads, everyone who has run to serve in this distinguished Chamber has recorded them. It is real simple. I am MARK BEGICH. I approved this message. I am RON WYDEN, and I approved

this message. It is not a hard thing to do. It comes about as a result of the fact that a colleague on the other side of the aisle, Senator COLLINS, joined me in this effort that I believed passionately in after that Senate special election in the winter of 1996.

That simple disclosure requirement gives voters very important information about who is behind a political ad. I am of the view that disclosure should not be required just for candidates but for anyone—interest groups, corporations—who seeks to communicate a political message. Unfortunately, after the Citizens United ruling, there are a variety of these interests that are now free to spend unlimited amounts of money on political ads without voters knowing who is paying for the ads. That is dangerous for democracy. It is wrong, and it needs to be stopped.

The stand by your ad provision of the DISCLOSE Act would require the top official, the CEO or a top official from a company, a union or any organization paying for a political advertisement to take responsibility for the ad. The DISCLOSE Act can't prevent the formation of misleading front organizations, but another provision would require disclosure of the top five funders to allow voters to know who is behind the ad.

I am of the view that companies, unions, other organizations ought to be held to the same standards of transparency and accountability in their political advertising as political candidates and political action committees. It is, in a one-sentence description, all about sunshine. Sunshine is the best disinfectant. The disclosure requirements in this legislation are going to give voters more information and help them understand who is paying for these political ads.

I continue, as the Presiding Officer knows, to do everything I can to work in the Senate in a bipartisan fashion. I am pleased to see my distinguished colleague in the chair. He has joined me with Senator GREGG and a number of colleagues on both sides of the aisle in what is the first bipartisan tax reform legislation in a quarter century. It picks up on another bipartisan model—legislation advanced by former President Reagan, Bill Bradley, Dan Rostenkowski, and others. A big day is coming up in tax reform. That is tomorrow. Chairman BAUCUS is going to lead us into the first debate in a long time about tax reform. I very much look forward to working with Chairman BAUCUS and his leadership on this issue.

I see my colleague from the Finance Committee, Senator GRASSLEY. If we are going to duplicate that important tax reform work of 1986, it is going to be Chairman BAUCUS, Senator GRASSLEY, Senator HATCH, the leaders of our committee taking us forward in a bipartisan way so the distinguished Senator from Alaska and I and other more junior members can work with our colleagues and make some history and fix the American tax system, radically simplify it. But to do that we will have to work in a bipartisan way.

I come to the floor to say, once again, I am hopeful that the DISCLOSE legislation, which provides an opportunity for transparency and accountability in campaign finance, can also become a bipartisan cause. There is absolutely nothing partisan about the question of making sure a political advertisement that is offered is one where the American people know who is behind it. That is not a partisan issue. As my friend from Alaska knows, it certainly isn't a partisan issue to take this unbelievable mess of a Tax Code that runs page after page after page, thousands of words, and simplify it to a one-page form, a one-page 1040 form. That is not partisan work, nor should disclosing campaign finance advertisements be partisan either.

I ask on this question of election reform, look at the present system, where there is no accountability, where people don't know who is behind these advertisements, and ask: Is this the best we can do? I think the answer is obviously no. I think the answer is, instead, to say that companies and unions and other organizations ought to be held to the same standard of honesty and integrity as political candidates are required to do under the legislation Senator COLLINS and I authored as part of McCain-Feingold.

The fact is, this Senate can do better in election reform. I urge colleagues to work together to bring transparency and accountability to American elections and pass the DISCLOSE Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

## K2 PRODUCTS

Mr. GRASSLEY. Mr. President, as a parent and grandparent, I have long been concerned about the dangers that face our kids. I have been especially concerned about the large amount of dangerous drugs in this country and their use by anybody but particularly young people. It is clear drug dealers will stop at nothing to get our kids hooked on drugs. All too often, we learn of new and emerging threats to communities that often have negative impacts on our youth. But when these drug threats emerge, it is crucial that we unite to halt the spread of the problem before it consumes families and communities.

Today we are confronted with new and very dangerous substances packaged as somewhat innocent products. Specifically, young people are able to go online and/or to the nearest shopping mall and purchase incense laced with chemicals that alter mind and body. These products are commonly referred to as ''K2'' or ''Spice,'' among other names. I have a chart Members can see behind me. They can see the package varieties of K2 products. I will not go into detail, but look at them.

Specifically, kids are able to actually purchase these products with a great amount of ease. Kids and drug users are smoking this product in order to obtain what they think is a legal high, and the word ''legal'' tends to imply harmless. It is believed K2 products emerged on the scene beginning 4 or 5 years ago. Their use spread quickly through Europe and the United States. According to a study conducted by the European Centre for Drugs and Drug Addiction, most of the chemicals found in K2 products are not even reported on the label. This study by the European Centre concluded that these chemicals are not listed because there is a deliberate marketing strategy to represent this product as somewhat a natural substance. However, K2 is anything but natural. Most of the chemicals the Drug Enforcement Administration has identified within K2 products were invented by Dr. John W. Huffman of Clemson University and for a very worthwhile purpose—research purposes.

These synthetic chemicals were never intended to be used for any other purpose other than research. They were never tested on humans, and no long-term effects of their use are currently known. As more and more people are experimenting with K2, it is becoming increasingly evident that K2 use is anything but safe.

The American Association of Poison Control Centers reports significant increases in the amount of calls concerning these products. There were only 13 calls related to K2 use reported in 2009. Look at the figure for 2010. There have been over 1,000 calls concerning K2 use. So it is very evident: A dramatic increase in a short amount of time of the public concerned about K2 use, probably reflecting increased use of K2.

Common effects reported by emergency room doctors include increased agitation, elevated heart rate and blood pressure, hallucinations, and seizures. The effects from the highs from K2 use are reported to last several hours, and in some cases up to one week.

Dr. Huffman has stated that since so little research has been conducted on K2 chemicals, using any one of them would be like ''playing Russian roulette.''

In fact, Dr. Anthony Scalzo, a professor of emergency medicine at St. Louis University, reports that these chemicals are significantly more potent than even marijuana. Dr. Scalzo states that the amount of chemicals in K2 varies from product to product, so naturally no one can be sure exactly the amount of drugs you are putting into your body when you use these K2 products. Dr. Scalzo reports that this can lead to significant problems such as altering the state of mind, addiction, injury, and even death. I will refer to the death issue in a moment.

According to various news articles across the Nation, K2 can cause serious erratic and criminal behavior. In Mooresville, IN, the police arrested a

group of teens after they were connected to a string of burglaries while high on K2. The local county attorney prosecuting the case stated this was an unusual crime spree. These kids were not the type who are normally seen in the criminal justice system. The county attorney stated these kids had ''no prior record, good grades, athletes, so that got me wondering: is there a correlation between K2 and the crime?''

Another case in Honolulu, HI, shows police arrested a 23-year-old man after he tried to throw his girlfriend off an 11th floor balcony after he was smoking K2.

A 14-year-old boy in Missouri nearly threw himself out of a fifth story window after smoking K2. Once the teen got over his high, he denied having any suicidal tendencies. Doctors believe he was hallucinating at the time of the incident.

K2 use is also causing serious health problems and increased visits to emergency rooms.

A Louisiana teen said he became very ill after trying K2. The teen said he experienced numbness, starting at his feet and traveling all the way to his head. He was nauseous, light-headed, and was having hallucinations. The teen stated that K2 is being passed around at the school. The teen also stated that many people were trying it without fear, assuming it was safe because it was legal. I said that previously in my remarks: a legal drug, it has to be safe is kind of the attitude.

Another case has a teenager in Indiana being admitted to an emergency room with a blood pressure of 248 over 134 after testing positive for K2.

A teen in Texas became temporarily paralyzed from the waist down after smoking K2.

Another teen in Texas had a heart attack after smoking K2 but, fortunately, survived the event.

Regrettably, K2 use also has deadly consequences. I want to speak about an individual and family who suffered from a tremendously bad consequence of K2.

The picture behind me is of David Rozga. David was a recent 18-year-old Indianola, IA, high school graduate. According to his parents and friends, David was a bright, energetic, talented student who loved music, was popular, and active in his church.

David was looking forward to attending the University of Northern Iowa this fall, my alma mater. On June 6, 2010, David, along with some of his friends, smoked a package of K2 thinking it was nothing more than just having a little fun.

David and his friends purchased this product at a mall in Des Moines, after hearing about it from some college students who were home for the summer.

After smoking this product, David's friends reported that David became highly agitated and terrified. When he got home, he found a family shotgun and committed suicide 90 minutes after smoking K2.

The Indianola police believe David was under the influence of K2 at the time of his death. David's parents and many in the community who knew David were completely shocked and, obviously, saddened by this event.

As a result, the Iowa Pharmacy Board placed an emergency ban on K2 products in Iowa, which began on July 21, 2010. David's tragic death may be the first case in the United States of K2 use leading to someone's death, but, sadly, it was only the beginning.

A month after David's tragic death, police reported that a 28-year-old Middletown, IN, mother of two passed away after smoking a lethal dose of K2. This woman's godson reported that anyone could get K2 easily because it can be sold to anyone at any price and at any time.

This last August, a recent 19-year-old Lake Highlands High School graduate in Dallas, TX, passed away after smoking K2. The medical examiner confirmed that this boy had K2 in his system at the time of his death.

These incidents throughout the country give me great concern that K2 use is a dangerous and growing problem. Twelve States, including Iowa, have acted to ban the sale and possession of the chemicals found in K2 products. Many more States, counties, and communities throughout the country have proposed bans or are in the process of banning these products.

However, a recent article in the Des Moines Register highlights the fact that some stores are working around these bans by the simple process of changing some of the chemicals and by simply relabeling the product.

So I believe it is time we have a national discussion about these dangerous substances. I hope in the coming weeks and months my colleagues will begin to take notice of this issue.

As cochairman of the Senate Drug Caucus—I cochair that with Senator FEINSTEIN from California—it is my hope we will have a hearing on this issue in the not too distant future.

It is important to fully understand the magnitude and implications of allowing these products to remain legal in the United States. It is clear the sale and use of K2 products is obviously a growing problem. People believe these products are safe because they can buy them online or at the nearest shopping mall.

We need to do a better job at educating the public and our communities about the dangers these products present. We, in fact, need to nip this problem in the bud before it grows and leads to the tragedy of more death or the tragedy of other health consequences.

I ask each of my colleagues in the Senate to join me as we explore positive actions to stem the use of K2.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest 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.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

## TRIBUTE TO PEGGY L. GREENBERG

Mr. REID. Mr. President, I rise today to recognize the extraordinary work of Peggy L. Greenberg, director of the Office of Education and Training, who is retiring at the end of this month after 11 years. Peggy has been responsible for the training and development of all Senate staff in both the Washington, DC, office and all the Senate State offices. Her department offers programs in a wide variety of areas including general professional development, management and leadership development, legislative information and technical computer skills training.

After earning her undergraduate degree in nursing from Southwestern Louisiana, Ms. Greenberg moved from nursing in Louisiana to Massachusetts, where she was a pediatric nurse. She eventually became the director of nursing inservice education and later the director of education for all of Kennedy Memorial Hospital in Boston. During that time, she earned a master's degree in adult and continuing education from Boston University.

Peggy was the director of Organization Effectiveness and Performance Consulting for Med Star Physician Partners and then a director of learning and organization development for Kaiser Permanente of the Mid-Atlantic States. She was recognized in the Kaiser Permanente organization nationwide as a leader in the training and organization development area.

Peggy Greenberg has been a key contributor to improving the effectiveness and efficiency of Senate staff. We have all benefited from her professional and personal commitment to improving every aspect of or our individual and organizational development. The Senate has been fortunate to have someone with her knowledge and experience.

The Senate community will miss Peggy, and wishes her well as she enjoys long and adventurous bike rides with her husband, Brian and continues indulging her love of tap dancing.

## ADDITIONAL STATEMENTS

### TREE FRESNO'S 25TH ANNIVERSARY

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in celebrating the 25th anniversary of Tree Fresno.

The genesis of Tree Fresno can be traced to a group of residents who had gathered during Fresno's Centennial in 1985 to explore ways to improve the city. This group of civic-minded residents determined that the planting of trees would beautify the city and create more livable and walkable neighborhoods.

The idea to beautify Fresno through the planting of trees was met with great support and enthusiasm from the community as evidenced by a telethon that netted $27,000—funds that provided seed money for Tree Fresno's maiden project that resulted in the planting of trees in downtown and the city's vibrant Tower District.

Over the past 25 years, Tree Fresno has spearheaded and successfully completed a number of community-wide efforts that have led to the greening of the greater Fresno area. Throughout the years, Tree Fresno has grown the tree canopy on local school campuses and along some of the major thoroughfares in Fresno such as Blackstone and McKinley Avenues. On one remarkable day in 2000, thousands of Tree Fresno volunteers planted 4,400 trees in and along an abandoned rail corridor between Fresno and Clovis.

In addition to the planting of trees, Tree Fresno has also been instrumental in educating the public about the importance of responsible environmental stewardship. Through programs such as Tribute Trees, Trees for Campuses and Kids and the Junior Board of Tree Fresno, the organization has made an indelible impact on raising the overall environmental awareness and efficacy of the residents, especially the young people, of Fresno and surrounding communities.

The many accomplishments of Tree Fresno over the past 25 years are a testament to the vision of its founding members, the dedication of its staff and the support and commitment of thousands of volunteers and supporters who have given so generously to help make Fresno a better place to live.

It is my pleasure to congratulate the board, staff and many friends of Tree Fresno for 25 years of environmental leadership in the greater Fresno area. I send my best wishes for many more years of continued success.●

## 2009 ALFRED P. SLOAN AWARD RECIPIENTS

● Mr. CRAPO. Mr. President, today I congratulate the 2009 winners of the Alfred P. Sloan Award for Business Excellence in Workplace Flexibility, which recognizes companies that have successfully used flexibility to meet both business and employee goals. The Sloan Awards are presented by the When Work Works initiative, which is a project of the Families and Work Institute in partnership with the Institute for a Competitive Workforce, an affiliate of the U.S. Chamber of Commerce, and the Twiga Foundation Inc. The When Work Works initiative is sponsored by the Alfred P. Sloan Foundation.

I want to draw your attention to the Sloan Awards because I think these companies are to be commended for their excellence in providing workplace flexibility practices which benefit both employers and employees. Achieving greater flexibility in the workplace—to maximize productivity while attracting the highest quality employees—is one of the key challenges facing American companies in the 21st century.

Businesses in 30 communities were eligible for recognition in the 2009 Sloan Awards. In addition, this year an at-large category was added. The Chamber of Commerce in many cities hosted an interactive business forum to share research on workplace flexibility as an important component of workplace effectiveness. In these same communities, businesses applied for and recipients were selected for the Sloan Awards through a process that included employee responses as well as employer practices.

I would like to take this opportunity to congratulate the 2009 winners of the Alfred P. Sloan Award for Business Excellence in Workplace Flexibility. These businesses are to be commended for their excellence in providing workplace flexibility.

In Arizona, the winners are Arizona Foundation for Legal Services and Education; Arizona Weddings Magazine & Website; Autohaus Arizona, Inc.; Chandler-Gilbert Community College; Contreras State Farm Agency, Inc.; Cosmopolitan Medical Communications, Custom Accounting & Tax PC; Henry & Horne, LLP; Intel Corporation; Johnson Bank; Keats, Connelly and Associates; Metro Architecture LLC; Microchip Technology; Morrison & Associates CPAs PLLC; My Computer Works; Neonatology Associates, Ltd.; Omega Legal Systems Inc.; Pima Council on Aging, Inc.; Raytheon Missile Systems Tucson, AZ; Salt River Materials Group; Western International University; Western International University—Scottsdale Campus; Whitneybell Perry Inc; and WorldatWork.

In Atlanta, GA, the winners are Delta Air Lines; Gas South, LLC; Lee Hecht Harrison; The Mom Corps Inc.; and WellStar Health System.

In Aurora, CO, the winners are Adams County Workforce & Business Center; Aurora Mental Health Center; The Medical Center of Aurora; and University of Phoenix.

In Birmingham, AL, the winners are Albert Kahn Family of Companies; Barfield Murphy Shank & Smith; Big Brothers Big Sisters; Birmingham Metropolitan YMCA; Cayenne Creative Group; Concept, Inc.; El Paso Corporation; ITAC Solutions, LLC.; Resources Global Professionals; Sain Associates; and Sellers Richardson Holman & West LLP.

In Boise, ID, the winners are American Geotechnics; Boise Rescue Mission; Givens Pursley LLP; Idaho Association for the Education of Young Children; Idaho Federation of Families for Children's Mental Health; and Trey McIntyre Project.

In Charleston, SC, the winners are AAI Services Corporation; Barling Bay, LLC; Call Experts; Charleston Metro Chamber of Commerce; Community Management Group; EMES, LLC; KFR Services, Inc.; Lowcountry Graduate Center; Morris Financial Concepts, Inc; Noisette Company; Santee Cooper; Scientific Research Corporation; Stanley, Inc.; and Tegron LLC.

In Chicago, IL, the winners are Accenture; Alma Lasers; AzulaySeiden Law Group; Falkor Group, LLC; Frost, Ruttenberg & Rothblatt, P.C.; Ketchum Inc.; Microsoft Corporation; Perspectives, Ltd; Plante & Moran, PLLC; Shakespeare Squared; The SAVO Group; True Partners Consulting; Turner Construction Company—Chicago Business Unit; and Vox, Inc.

In Columbus, OH, the winners are Kaiser Consulting; Resource Interactive; American Electric Power; Cardinal Health Inc.; Ohio College Access Network; Pillar Technology Group LLC; Resources Global Professionals; Amethyst; and OCLC Online Computer Library Center.

In Dallas, TX, the winners are Abernethy Media Professionals, Inc.; Aguirre Roden, Inc.; Capital One; Community Council of Greater Dallas; Dallas Convention & Visitors Bureau; EGW Utilities Inc.; Lee Hecht Harrison; Lockheed Martin Missiles & Fire Control; McQueary Henry Bowles Troy, L.L.P.; State Farm Insurance; Tegron; The Beck Group; The Center for American and International Law; and The North Highland Company.

In Dayton, OH, the winners are Better Business Bureau of Dayton/Miami Valley Inc.; Brower Insurance Agency LLC; Cornerstone Research Group Inc.; Iformata Communications; LeVeck Lighting Products, Inc.; Premier Community Health; and SummitQwest.

In Durham, NC, the winners are CrossComm, Inc; Durhams Partnership for Children; Expedite Group; Shodor; US Environmental Protection Agency; and WorkSmart.

In Houston, TX, the winners are Access Sciences Corporation; CenterPoint Energy; Chevron Corporation; El Paso Corporation; Fulbright & Jaworski LLP; Gimmal Group; HBL Architects; Houston Department of Health and Human Services; Jaemar International Inc.; Klotz Associates, Inc.; M.D. Anderson Cancer Center; PKF Texas; PricewaterhouseCoopers; Tegron; The Dow Chemical; The VIA Group; University of Phoenix; University of St. Thomas; and Vinson & Elkins LLP.

In Kentucky, the winners are AASHE; Analysts International; Anneken, Huey & Moser, PLLC; Benefit Insurance Marketing; Bottom Line Systems Inc.; CDP Engineers Inc; Central Baptist Hospital; Frankfort Regional Medical Center; J C Malone Associates; Kentucky Employers Mutual

Insurance (KEMI); Kentucky League of Cities; Lexmark International, Inc.; Potter & Company, LLP; Stoll Keenon Ogden PLLC; Sturgill, Turner, Barker & Moloney, PLLC; Third Rock Consultants LLC; and Woodward Hobson & Fulton LLP.

In Long Beach, CA, the winners are AES Alamitos, LLC; Bryson Financial Group; Choices of Long Beach INC dba Choices Recovery Services; Decision Toolbox, Inc.; PeacePartners, Inc.; and Tredway, Lumsdaine & Doyle, LLP.

In Long Island, NY, the winners are Albrecht, Viggiano, Zureck & Co., PC; The Alcott Group; Brookhaven Science Associates/Brookhaven National Laboratory; Cerini & Associates; Farrell Fritz, P.C.; Holtz Rubenstein Reminick LLP; and YES Community Counseling Center.

In Louisville, KY, the winners are A Speaker For You; Deming Malone Livesay & Ostroff; Greater Louisville Inc.; Hardin Shymanski and Company PSC; KiZAN Technologies LLC; Louis T. Roth & Co. PLLC; Louisville Magazine; Lyndon Fire Protection District; McCauley, Nicolas & Company, LLC; Mission Data; Mountjoy & Bressler LLP; Prestige Health Care; Raytheon Company; Stoll Keenon Ogden PLLC; Strothman & Company PSC; Studio Kremer Architects, Inc.; The Tellennium Group; WellPoint, Inc.; Woodward, Hobson & Fulton, LLP; and Yum! Brands, Inc.

In Manchester, NH, the winners are Child and Family Services, Dynamic Network Services, Inc.; Image 4; and YWCA of Manchester.

In Melbourne-Palm Bay, FL, the winners are Courtyard by Marriott; Habitat for Humanity of Brevard County, Inc.; Olive Garden Italian Restaurant; RSM McGladrey/McGladrey & Pullen; Space Coast Business, LLC; Space Coast Early Intervention Center; and Whittaker Cooper Financial Group.

In Michigan the statewide winners are Albert Kahn Family of Companies; Altair Engineering; Amerisure Mutual Insurance Company; Brown and Brown of Detroit (formerly Alcos); Detroit Regional Chamber; Dynamic Edge, Inc.; Employees Only; Farnman Group; Frank, Haron, Weiner & Navarro P.L.C.; Leader Dogs for the Blind; Menlo Innovations LLC; Michigan Civil Service Commission; Michigan Department of Education; Michigan Department of Environmental Quality; Michigan Health & Hospital Association; Michigan Occupational Safety and Health Administration; Motawi Tileworks, Inc.; Motion Marketing & Media; National Multiple Sclerosis Society, Michigan Chapter; Peckham Inc.; Plex Systems, Inc.; Public Policy Associates, Inc.; Regal Financial Group; Service Express, Inc.; Valassis; and Visteon Corporation.

In Milwaukee, WI, the winners are Foley & Lardner LLP; Herzing University; Kforce Professional Staffing; Kolb+Co SC; Laughlin/Constable; Manpower, Inc.; Metropolitan Milwaukee Association of Commerce; Mortgage Guaranty Insurance Corp; Robert W. Baird & Co.; StorerTV, Inc.; and The Novo Group.

In Morris County, NJ, the winners are BASF Corporation; Fein, Such, Kahn & Shepard, P.C.; Madison Area YMCA; Nukk-Freeman & Cerra, P.C.; One Call Medical, Inc.; and Solix Inc.

In Providence, RI, the winners are Rhode Island Housing; Rhode Island Legal Services, Inc.; and Sansiveri, Kimball, McNamee, LLP.

In Richmond, VA, the winners are Anthem Blue Cross and Blue Shield (Also listed as WellPoint); Bon Secours Richmond Health System; Capital One, Rink Management Services Corporation; and Vaco Richmond, LLC.

In Rochester, MN, the winners are Cardinal of Minnesota; Custom Alarm/CCi; First Alliance Credit Union; Rochester Area Family YMCA; Rochester Community and Technical College; Senior Citizens Services Inc.; Southern Minnesota Municipal Power Agency; United Way of Olmsted County; and Venture Computer Systems.

In Salt Lake City, UT, the winners are 1–800 CONTACTS, Inc.; AAA Fair Credit Foundation; Christopherson Business Travel; Employer Solutions Group; Intermountain Financial Group/MassMutual; McKinnon-Mulherin, Inc.; and Utah Food Services.

In Savannah, GA, the winners are Hancock Askew & Co., LLP (Listed as Qualified Plans) and Wesley Community Centers of Savannah, Inc.

In Seattle, WA, the winners are Bader Martin, P.S.; BECU; Blue Gecko; Cascadia Consulting Group, Inc.; Compendium Inc.; Miller, Hansen & Torphy, Inc. dba MHT Insurance; NRG::Seattle; Prolumina; Puget Sound Center for Teaching, Learning and Technology; Seattle Hospitality Group; Technology Services Company, Inc.; TeleCommunication Systems Inc.; The Alford Group; Washington Policy Center; Within Reach; Workforce Development County Snohomish County; and Worktank Enterprises.

In Spokane, WA, the winners are Desautel Hege Communications; Humanix Staffing and Recruiting; Inland Northwest Health Services; Principal Financial Group; Quisenberry Marketing & Design; Spokane Occupational and Hand Therapy; and St. Luke's Rehabilitation Institute.

In the Twin Cities the winners are Accenture; Best Buy; fahren HEIGHT360; General Mills; Health Services Innovations; Interventional Pain and Physical Medical Clinic; Lutheran Social Service of Minnesota; Mahoney, Ulbrich, Christiansen & Russ PA; Minnesota Child Care Resource & Referral Network; MRM Worldwide Minneapolis; Netgain; Prevent Child Abuse Minnesota; Synergystic Software Solutions; U.S. Bank; and Western National Mutual Insurance Company.

In Winona, MN, the winners are Catholic Charities of the Diocese on Winona; Hiawatha Broadband Communications (Also listed as HMC Inc.); Mediascope, Inc.; Merchants Financial Group; Sport & Spine Physical Therapy of Winona Inc.; Winona ORC Industries; and Winona Workforce Center.

The At-large winners are ACS, Inc. (Affiliated Construction Services) (Madison, WI); Averett Warmus Durkee (Orlando, FL); Barnes Dennig & Company (Cincinnati, OH); Bon Secours Hampton Roads (Norfolk, VA); Capital One (Washington, D.C.); CIBER Global Solution Center (Tampa, FL); CSC (Cincinnati, OH); Discovery Communications (Silver Spring, MD); E-IT Professionals Corp. (Canton, MI); First Things First, Inc (Chattanooga, TN); Grandparents.com (New York, NY); Kenexa (Lincoln, NE); LiveOps (Santa Clara, CA); Management Recruiters of Chattanooga-Brainerd (Chattanooga, TN); PRIZIM, Inc. (Gaithersburg, MD); and Unum (Portland, ME).

These companies demonstrate a great commitment. Thus, it is not surprising that some of them practice workplace flexibility in offices across their state and our country. Companies with winners in multiple cities are BDO Seidman, LLP; Booz Allen Hamilton; Clifton Gunderson LLP; Deloitte LLP; Ernst & Young; KPMG LLP; LS3P ASSOCIATES LTD; Merrick & Company; RSM McGladrey, Inc; Ryan, Inc.; and Warner Norcross & Judd LLP.

Again, I congratulate the 2009 winners of the Sloan awards and look forward to the ongoing recognition of this worthwhile initiative.●

## RECOGNIZING THE NORTH LITTLE ROCK VISITORS BUREAU

● Mrs. LINCOLN. Mr. President, today I congratulate the North Little Rock Visitors Bureau for being chosen as the Small Convention Visitors Bureau of the Year by the Southeast Tourism Society, which represents 12 States. The North Little Rock bureau topped the category for visitors bureaus with a budget of less than $1 million.

The Shining Example Award the North Little Rock agency received highlights ''some of the best work in travel and tourism,'' and sets ''examples that others in the industry can follow,'' according to the Southeast Tourism Society.

I salute the North Little Rock Visitors Bureau and the entire North Little Rock community for their efforts to build and grow their community. As my fellow Arkansans know, our state is a beautiful one, filled with countless opportunities for recreation, outdoor pursuits, and other leisure activities. I am proud to see North Little Rock receive this prestigious recognition.●

## RECOGNIZING THE FORT SMITH HOUSING AUTHORITY

● Mrs. LINCOLN. Mr. President, today I congratulate the Fort Smith Housing Authority for winning the Agency of the Year Award from the Arkansas Chapter of the National Association of Housing and Rehabilitation Officials.

According to the Awards Committee, the Fort Smith Authority stood out in its achievements through its Neighborhood Stabilization Program and its recently gained status as a redevelopment agency, a status that will enable it to do even more good work in the future.

The Fort Smith Housing Authority does tremendous work in its local Arkansas community, serving people with disabilities, seniors, and low income families by providing quality, affordable housing that creates positive living environments. I commend the Authority's long-standing efforts to increase the availability of safe, affordable housing and to improve quality of life and economic vitality.

I salute the Authority and the entire Fort Smith community for achieving this prestigious recognition.●

## RECOGNIZING THE ST. MARK SANCTUARY CHOIR

● Mrs. LINCOLN. Mr. President, today I recognize St. Mark Sanctuary Choir from Little Rock, which recently advanced to the national level of ''How Sweet the Sound,'' a nationwide contest in search for the best church choir in America.

St. Mark Choir earned a trip to the upcoming final competition in Washington, DC, after winning the regional ''How Sweet the Sound'' competition held in Memphis earlier this month. Under the leadership of Darius Nelson, Minister of Music, the choir surpassed its competition with a stirring rendition of ''It Is Well With My Soul.''

St. Mark Choir, comprised of adults age 18 and up, is the main service choir of St. Mark. With more than 100 active members, the choir serves faithfully each Sunday morning at the 8 and 11:30 a.m. worship services. This group of talented vocalists from the Little Rock area represent the best of Arkansas, and I am proud of their efforts to spread music and ministry to others.

I celebrate St. Mark Sanctuary Choir and all performers of gospel music for their dedication to an art form that brings a message of hope and inspiration to all people. That is why earlier this year, I submitted a bipartisan resolution in the U.S. Senate designating September as ''Gospel Music Heritage Month,'' to honor the lasting legacy of gospel music in the U.S. and around the world.

In closing, I commend these talented individuals at St. Mark Church for their dedication to serving others through music and worship. I congratulate Bishop Steven M. Arnold and the entire congregation for this tremendous achievement.●

## MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 4:11 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3562. An act to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the 'James Chaney, Andrew Goodman, Michael Schwerner, and Roy K. Moore Federal Building'.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

MEASURES DISCHARGED

Pursuant to 5 U.S.C. 802(c), the following joint resolution was discharged by petition from the Committee on Health, Education, Labor, and Pensions, and placed on the Calendar:

S.J. Res. 30. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Mediation Board relating to representation election procedures.

## DISCHARGED PURSUANT TO 5 U.S.C. 802(C) (CONGRESSIONAL REVIEW ACT)

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Health, Education, Labor, and Pensions be discharged of further consideration of S.J. Res. 30, a resolution on providing for congressional disapproval of a rule submitted by the National Mediation Board relating to representation election procedures, and further, that the resolution be immediately placed upon the Legislative Calendar under General Orders.

George S. LeMieux, Jon Kyl, Mike Crapo, John Barrasso, Richard Burr, Christopher S. Bond, James E. Risch, John Ensign, Jim DeMint, Lamar Alexander, Roger F. Wicker, George V. Voinovich, Johnny Isakson, David Vitter, John Cornyn, Judd Gregg, Mike Johanns, Chuck Grassley.

Sam Brownback, Michael B. Enzi, Thad Cochran, Roland W. Burris, Pat Roberts, Richard C. Shelby, Jeff Sessions, Kay Bailey Hutchison, Susan M. Collins, Bob Corker, Lisa Murkowski, Mitch McConnell, John McCain, Lindsey Graham, Richard G. Lugar, Robert F. Bennett, Orrin G. Hatch.

## MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3813. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes.

S. 3815. A bill to amend the Internal Revenue Code of 1986 to reduce oil consumption and improve energy security, and for other purposes.

S. 3816. A bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3827. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

## 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–7435. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (27); Amdt. No. 3391'' (RIN2120–AA65) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7436. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (152); Amdt. No. 3388'' (RIN2120–AA65) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7437. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (8); Amdt. No. 3389'' (RIN2120–AA65) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7438. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; 2010 Seattle Seafair Fleet Week Moving Vessels, Puget Sound, Washington'' ((RIN1625–AA87) (Docket No. USCG–2010–0709)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7439. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Thunder on Niagara, Niagara River, North Tonawanda, NY'' ((RIN1625–AA00) (Docket No. USCG–2010–0745)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7440. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Kanawha River Mile 56.7 to 57.6, Charleston, WV'' ((RIN1625–AA00) (Docket No. USCG–2010–0208)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7441. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Fireworks within the Captain of the Port Sector Boston Zone'' ((RIN1625–AA00) (Docket No. USCG–2010–0685)) received

during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7442. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Live-Fire Gun Exercise, M/V Del Monte, James River, VA'' ((RIN1625–AA00) (Docket No. USCG–2010–0585)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7443. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; DEEPWATER HORIZON Response Staging Area in the Vicinity of Shell Beach, Hopedale, LA'' ((RIN1625–AA00) (Docket No. USCG–2010–0622)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7444. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; He'eia Kea Small Boat Harbor, Kaneohe Bay, Oahu, HI'' ((RIN1625–AA00) (Docket No. USCG–2010–0458)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7445. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Transformers 3 Movie Filming, Chicago River, Chicago, IL'' ((RIN1625–AA00) (Docket No. USCG–2010–0706)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7446. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; AVI September Fireworks Display, Laughlin, Nevada, NV'' ((RIN1625–AA00) (Docket No. USCG–2010–0020)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7447. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Celebrate Erie, Presque Isle Bay, Erie, PA'' ((RIN1625–AA00) (Docket No. USCG–2010–0746)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7448. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes; and Model ERJ 190–100 LR, –100 IGW, –100 STD, –200 STD, –200LR, and –200 IGW Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0497)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7449. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate No. A00010WI Previously Held by Raytheon Aircraft Company) Model 390 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0523)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7450. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 and 440) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0482)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7451. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Air Tractor, Inc. Models AT–802 and AT–802A Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0827)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7452. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0804)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7453. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0799)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7454. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0798)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7455. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney Canada (PandWC) PW530A, PW545A, and PW545B Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0860)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7456. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Models TAE 125–01 and TAE 125–02–99 Reciprocating Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0683)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7457. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; GA 8 Airvan (Pty) Ltd Models GA8 and GA8–TC320 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0847)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7458. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney (PW) PW4000 Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0217)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7459. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sikorsky Aircraft Corporation Model S–76A, S–78B, and S–76C Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2008–0609)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7460. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model CL–600–2C10 (Regional Jet Series 700, 701 and 702), CL–600–2D15 (Regional Jet Series 705), and CL–600–2D24 (Regional Jet Series 900) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–1110)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7461. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 737–700 (IGW) Series Airplanes Equipped with Auxiliary Fuel Tanks Installed in Accordance with Configuration 3 of Supplemental Type Certificate ST00936NY'' ((RIN2120–AA64) (Docket No. FAA–2010–0037)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7462. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model DHC–8–200 and DHC–8–300 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0432)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7463. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area: Galveston Channel, TX'' ((RIN1625–AA11) (Docket No. USCG–2009–0931)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7464. A communication from the Attorney Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area: Boom Deployment Strategy Testing, Great Bay, NH'' ((RIN1625–AA11) (Docket No. USCG–2010–0666)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7465. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Elizabeth River, Norfolk, VA'' ((RIN1625–AA09) (Docket No. USCG–2009–0754)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7466. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments, Sector Columbia River, WA'' ((RIN1625–ZA25) (Docket No. USCG–2010–0351)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7467. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments, Sector Puget Sound, WA'' ((RIN1625–ZA25) (Docket No. USCG–2010–0351)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7468. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments, Bridges'' ((RIN1625–ZA25) (Docket No. USCG–2010–0351)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7469. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation for Marine Events; Elizabeth River, Portsmouth, VA'' ((RIN1625–AA08) (Docket No. USCG–2010–0713)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7470. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Marine Events Within the Captain of the Port Sector Boston Zone'' ((RIN1625–AA08) (Docket No. USCG–2010–0675)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7471. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Electronic On-Board Recorders for Hours-of-Service Compliance'' (RIN2126–AA89) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7472. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Compliance with Interstate Motor Carrier Noise Emission Standards: Exhaust Systems'' (RIN2126–AB31) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7473. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Parts and Accessories Necessary for Safe Operation: Antilock Brake Systems'' (RIN2126–AB27) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7474. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pilot, Flight Instructor, and Pilot School Certification'' ((RIN2120–AI86) (Docket No. FAA–2006–26661)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7475. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Minor Editorial Corrections and Clarifications'' (RIN2137–AE61) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7476. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace; Kaneohe, HI'' ((RIN2120–AA66) (Docket No. FAA–2010–0530)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7477. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Eastsound, WA'' ((RIN2120–AA66) (Docket No. FAA–2010–0387)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7478. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Litchfield, MN'' ((RIN2120–AA66) (Docket No. FAA–2010–0401)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7479. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Center, TX'' ((RIN2120–AA66) (Docket No. FAA–2010–0181)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7480. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Port Angeles, WA'' ((RIN2120–AA66) (Docket No. FAA–2010–0002)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7481. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Astoria, OR'' ((RIN2120–AA66) (Docket No. FAA–2009–0902)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7482. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Chinook Salmon Bycatch Management in the Bering Sea Pollock Fishery'' (RIN0648–AX89) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7483. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska'' (RIN0648–XY57) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7484. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Quarterly Listings; Safety Zones; Security Zones; Special Local Regulations; Regulated Navigation Areas; Drawbridge Operation Regulations'' (Docket No. USCG–2010–0732) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7485. A communication from the Chief of the Foreign Species Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Rule to List the Medium Tree-Finch (Camarhynchus pauper) as Endangered Throughout Its Range'' (RIN1018–AW01) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7486. A communication from the Chief of the Foreign Species Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for Five Penguin Species'' (RIN1018–AW40) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7487. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Richard C. Zilmer, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–7488. 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 ''Nebraska: Final Authorization of

State Hazardous Waste Management Program Revisions'' (FRL No. 9205–3) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7489. 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; Maryland; Adoption of Control Techniques Guidelines for Flexible Packaging and Printing'' (FRL No. 9205–9) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7490. 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; Maryland; Control Technique Guidelines for Paper, Film, and Foil Coatings'' (FRL No. 9206–4) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7491. 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; Michigan; PSD Regulations'' (FRL No. 9205–6) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7492. 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 Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Michigan; Redesignation of the Allegan County Areas to Attainment for Ozone'' (FRL No. 9204–5) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7493. 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 ''Mandatory Reporting of Greenhouse Gases'' (FRL No. 9204–7) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7494. 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 ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' (FRL No. 9204–3) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7495. 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; Indiana; Revised Format for Materials Being Incorporated by Reference'' (FRL No. 9200–1) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7496. 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 ''Ocean Dumping; Correction of Typographical Error in 2006 Federal Register Final Rule for Designation of Ocean Dredged Material Disposal Site at Coos Bay, Oregon, Site F; Restoration of Coordinates for Ocean Dredged Material Disposal Site at Coos Bay, Oregon, Site H'' (FRL No. 9161–6) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7497. 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; New Mexico; Revisions to Emissions Inventory Reporting Requirements, and General Provisions'' (FRL No. 9187–8) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7498. 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 Implementation Plans; Commonwealth of Kentucky; Prevention of Significant Deterioration and Nonattainment New Source Review Rules: Nitrogen Oxide as Precursor to Ozone'' (FRL No. 9201–1) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7499. 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; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Prevention of Significant Deterioration (PSD)'' (FRL No. 9199–8) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7500. 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 Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Nonattainment NSR (NNSR) for the 1-Hour and the 1997 8-Hour Ozone Standard, NSR Reform, and a Standard Permit'' (FRL No. 9199–6) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7501. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Navy and was assigned case number 09–06; to the Committee on Appropriations.

EC–7502. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Navy and was assigned case number 09–05; to the Committee on Appropriations.

EC–7503. 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 ''Technical Amendments to Pesticide Regulations'' (FRL No. 8844–7) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7504. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six–month periodic report on the national emergency declared in Executive Order 12978 of October 21, 1995, with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC–7505. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran as declared in Executive Order 12957; to the Committee on Banking, Housing, and Urban Affairs.

EC–7506. 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 Hungary; to the Committee on Banking, Housing, and Urban Affairs.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–138. A resolution adopted by the St. Charles County Council of the State of Missouri relative to the Comprehensive Plan for Flood Control on the Mississippi and Illinois Rivers; to the Committee on Environment and Public Works.

POM–139. A resolution adopted by the City of Wentzville, Missouri relative to the Comprehensive Plan for Flood Control on the Mississippi and Illinois Rivers; to the Committee on Environment and Public Works.

POM–140. A message from the Canadian Parliament extending best wishes to the United States Congress and the people of the United States of America as they celebrate Independence Day on July 4, 2010; to the Committee on Foreign Relations.

POM–141. A message from the National Assembly of Kuwait to the President of the Senate expressing congratulations on the occasion of the National Day of the United States of America; to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

H.R. 3553. A bill to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family (Rept. No. 111–299).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

H.R. 2092. A bill to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes (Rept. No. 111–300).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2925. A bill to establish a grant program to benefit victims of sex trafficking, and for other purposes.

## 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. DODD (for himself, Mr. ENZI, and Mr. HARKIN):

S. 3817. A bill to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 3818. A bill to amend the Internal Revenue Code of 1986 to allow credits for the establishment of franchises with veterans; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Mr. KERRY):

S. 3819. A bill to amend the Internal Revenue Code of 1986 to reduce the mileage threshold for the deduction for National Guard and Reservists overnight travel expenses; to the Committee on Finance.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 3820. A bill to authorize the Secretary of the Interior to issue permits for a microhydro project in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 3821. A bill to amend title VI of the Civil Rights Act of 1964 to prohibit discrimination on the ground of religion in educational program or activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 3822. A bill to adjust the boundary of the Carson National Forest, New Mexico; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS:

S. 3823. A bill to remove preferential treatment for sleeping bags under the Generalized System of Preferences, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3824. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation and to provide for enhanced reliability in the transportation of United States energy products by pipeline, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. RISCH (for himself and Mr. CRAPO):

S. 3825. A bill to amend the Endangered Species Act of 1973 to remove certain portions of the distinct population segment of the Rocky Mountain gray wolf from the list of threatened species or the list of endangered species published under the Endangered Species Act of 1973, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DEMINT (for himself, Mr. SESSIONS, Mr. GRASSLEY, Mr. COBURN, Mr. CORNYN, Mr. ENSIGN, Mr. VITTER, Mr. THUNE, Mr. RISCH, Mr. INHOFE, Mr. ENZI, Mr. WICKER, and Mr. HATCH):

S. 3826. A bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself, Mr. LUGAR, and Mr. LEAHY):

S. 3827. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; read the first time.

By Mr. PRYOR:

S. 3828. A bill to make technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010 and the amendments made by that Act; considered and passed.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. VITTER, Mr. LIEBERMAN, Mr. ENZI, Mrs. SHAHEEN, Mr. ISAKSON, Mrs. HAGAN, Mr. THUNE, Ms. CANTWELL, Mr. BOND, Mr. WICKER, Mr. RISCH, and Mr. PRYOR):

S. Res. 638. A resolution celebrating the 30th anniversary of the Small Business Development Center network; considered and agreed to.

By Mr. BROWNBACK:

S. Con. Res. 72. A concurrent resolution recognizing the 45th anniversary of the White House Fellows Program; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 455

At the request of Mr. ROBERTS, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 833

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 1695

At the request of Mr. BURRIS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1695, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1760

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1760, a bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes.

S. 2814

At the request of Ms. COLLINS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2814, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 2828

At the request of Mr. KERRY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2828, a bill to amend the Public Health Service Act to authorize the National Institute of Environmental Health Sciences to conduct a research program on endocrine disruption, to prevent and reduce the production of, and exposure to, chemicals that can undermine the development of children before they are born and cause lifelong impairment to their health and function, and for other purposes.

S. 3178

At the request of Mr. BROWN of Ohio, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3178, a bill to amend the Workforce Investment Act of 1998 to provide for the establishment of Youth Corps programs and provide for wider dissemination of the Youth Corps model.

S. 3293

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3293, a bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 3527

At the request of Mr. BROWN of Ohio, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of 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.

S. 3641

At the request of Mr. WHITEHOUSE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3641, a bill to create the National Endowment for the Oceans to promote the protection and conservation of United States ocean, coastal, and Great Lakes ecosystems, and for other purposes.

S. 3704

At the request of Mr. BEGICH, the names of the Senator from Colorado

(Mr. BENNET) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 3704, a bill to improve the financial safety and soundness of the FHA mortgage insurance program.

S. 3767

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3767, a bill to establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated.

S. 3786

At the request of Mr. KERRY, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 3786, a bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications.

S. 3813

At the request of Mr. BINGAMAN, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3813, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes.

S. 3815

At the request of Mr. REID, the names of the Senator from Utah (Mr. HATCH) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 3815, a bill to amend the Internal Revenue Code of 1986 to reduce oil consumption and improve energy security, and for other purposes.

S. 3816

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. BROWN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 3816, a bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas.

S. RES. 586

At the request of Mr. FEINGOLD, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 586, a resolution supporting democracy, human rights, and civil liberties in Egypt.

S. RES. 603

At the request of Mr. INHOFE, his name was added as a cosponsor of S. Res. 603, a resolution commemorating the 50th anniversary of the National Council for International Visitors, and designating February 16, 2011, as ''Citizen Diplomacy Day''.

S. RES. 618

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 618, a resolution designating October 2010 as ''National Work and Family Month''.

AMENDMENT NO. 4627

At the request of Mrs. MURRAY, the names of the Senator from Missouri (Mr. BOND) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 4627 intended to be proposed to S. 3454, an original bill 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.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 3820. A bill to authorize the Secretary of the Interior to issue permits for a microhydro project in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BEGICH. Mr. President, I wish to speak about legislation I am introducing today with support from my fellow senator from Alaska, Senator MURKOWSKI.

It is all too rare that we get to talk about successful partnerships between private industry and the Federal Government. This legislation would cement just such a successful partnership between a subsidiary of an Alaska Native Corporation, Doyon Limited and the National Park Service.

Briefly this measure would authorize a special use permit and over the longer term an equal value land trade to facilitate a micro-hydro project within the non-wilderness portion of the Denali National Park. The microhydro project would allow Kantishna Roadhouse, a backcountry lodge that accommodates thousands of visitors a year, to substantially reduce their diesel use.

Because the lodge is not connected to any utility grid, it must generate its own power. By converting much of the load to a renewable resource, the lodge would improve local air quality and reduce truck traffic on the single park access road, thus improving the experience for visitors to the lodge and park as a whole. It additionally would help the lodge's bottom line.

The legislation has been developed with the assistance of Alaska Region of the National Park Service, and they are supportive of the project. Eureka Creek, the source of the hydro power, is not a fish-bearing stream, and the Park Service is interested in acquiring the lands to be traded from Doyon ownership.

After a good deal of outreach this summer by Doyon and others, we are aware of no opposition to this permit, land trade and the legislation itself. I want to thank the National Park Service for their willingness to come to the table and work constructively to solve problems. Additionally, I particularly want to thank the senior senator from Alaska and her staff for their work on this legislation. It's been a good partnership and I appreciate her help.

By Mr. SPECTER:

S. 3821. A bill to amend title VI of the Civil Rights Act of 1964 to prohibit discrimination on the ground of religion in educational program or activities; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition to urge support for legislation I am introducing today to amend Title VI of the Civil Rights Act of 1964.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin by any organization, program or activity that receives federal financial assistance, including colleges and universities. If recipients fail to comply, the federal agency providing the assistance may terminate funding, and organizations risk losing their eligibility for future funding.

The Department of Education's Office for Civil Rights, OCR, is tasked with enforcing Title VI as it applies to colleges and universities. OCR, however, believes that it does not have jurisdiction over complaints based solely on religion as opposed to race, color, or national origin. This means that when a Jew, or a Muslim, or a Sikh is harassed or discriminated against for being a Jew, a Muslim, or a Sikh, OCR must first determine whether the harassment or discrimination is a result of the student's religion or a result of her race, color, or national origin.

In most cases involving such discrimination, the perpetrator himself probably wouldn't even know if his hatred stems from prejudice based on religion or prejudice based on race, color, or national origin. Yet, before acting to protect these students, OCR has to determine the motive behind the perpetrator's actions. This wastes valuable time and allows the discrimination to continue pending the determination. Furthermore, it sets a dangerous example to require OCR to make such a determination and then in essence say the harassment and discrimination is okay provided it was based on religion and not on race, color, or national origin.

Many people are not aware that Title VI does not explicitly prohibit discrimination on the basis of religion. This is because discrimination on the basis of religion is prohibited in virtually every other civil rights law and has become such a fundamental principle of our country that we just assume the protection exists. For example, titles other than Title VI of the Civil Rights Act prohibit religious discrimination in other contexts.

In 1941, President Roosevelt issued an executive order prohibiting discrimination in the Federal Government and in the defense industry on grounds of ''race, creed, color, or national origin.'' The Civil Rights Act of 1957 established the U.S. Commission on Civil Rights to investigate discrimination on the basis of ''color, race, religion, or national origin.'' The Civil Rights Act of 1964 itself included numerous prohibitions on religious discrimination, just not in Title VI. For example, Title VII of the 1964 Act prohibits discrimination in employment. The Civil Rights Act of 1968 governing housing, continued to prohibit discrimination on the basis of ''race, color, religion, sex, or national origin.''

When it comes to education, the 1964 Act provides two mechanisms that address religious discrimination. First, the Attorney General is given limited authorization to sue public colleges that deny admission on the basis of race, color, religion, sex, or national origin in a way that limits educational desegregation. Second, the Attorney General is authorized to intervene in certain pending equal protection cases claiming discrimination ''on account of race, color, religion, sex or national origin'' if the case is of sufficient public importance. However, the Justice Department may not institute such actions on its own, and no federal agency is authorized to investigate run-of-the-mill religious discrimination cases at educational institutions or cases in which the victim has been unable to initiate litigation.

Why was religious discrimination left out of Title VI? Key members of Congress wanted to make sure that religiously affiliated colleges maintained their ability to discriminate in favor of co-religionists in admissions and extracurricular activities. The original version of the bill that would become Title VI, drafted by the Department of Justice, did ban religious discrimination in federally assisted programs or activities. However, Emanuel Celler, the House Judiciary Committee Chairman and sponsor of the bill, explained during floor debate that he wanted to permit denominational colleges to engage in certain forms of discrimination in favor of co-religionists. Celler stated that he wanted to ''avoid a good many problems'' relating to funding that ''goes to sectarian schools and universities.'' He explained that ''for these reasons, the subcommittee and, I am sure, the full committee or the majority thereof deemed it wise and proper and expedient—and I emphasize the word 'expedient'—to omit the word 'religion.' ''

Congressman Celler may have been right that eliminating religion made it expedient, but it did not make it correct. Congressman Celler's concerns could have been addressed with some clarifying language that such institutions would still be allowed to favor co-religionists.

The bill that I am introducing contains such language. It states that the amendment is not to limit an educational entity with a religious affiliation, mission, or purpose from applying admissions policies, degree criteria, student conduct regulations, student organization regulations, or policies for faculty and staff employment, when these policies relate to the religious affiliation, mission, or purpose of the institution. Furthermore, it does not require educational entities to provide accommodation to any student's religion obligations such as dietary restrictions and school absences. Finally, if the educational entity permits expressive organizations to exist by funding or otherwise recognizing them, the amendment does not require the entity to limit such organizations from exercising their freedom of expressive association by establishing membership or leadership criteria.

Therefore, I am proposing an amendment to Title VI of the Civil Rights Act of 1964. The amendment simply provides the same protection against discrimination based on religion that this title already provides for discrimination based on race, color, and national origin.

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By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3824. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation and to provide for enhanced reliability in the transportation of United States energy products by pipeline, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, on September 9, a gas pipeline underneath a neighborhood in San Bruno, California, just south of San Francisco, exploded, turning a quiet residential area into something resembling a war zone.

The resulting inferno damaged or destroyed 55 homes, injured 66, and killed an estimated 7 people. Three likely victims have yet to be identified.

This tragedy shows the heavy toll, in death and destruction, when high pressure natural gas pipelines fail. The risk is unacceptably high.

So today I join with my colleague, Senator BARBARA BOXER, to introduce the Strengthening Pipeline Safety and Enforcement Act of 2010.

This legislation is drafted to repair clear shortcomings in pipeline oversight that have, unfortunately, come to our attention as the result of a devastating tragedy in San Bruno, CA.

Specifically, this legislation would improve pipeline safety and oversight by expanding Federal inspection capacity; increasing fines for safety violations; adding information to the national pipeline mapping system, to assure greater transparency for the public and the regulator; closing jurisdictional loopholes that allow gathering lines, carbon dioxide pipelines, and biofuel pipelines to operate without oversight; requiring widespread adoption of automatic shut-off valves that could shut off a pipeline immediately in emergency situations; requiring that high-pressure pipelines be inspected on a regular basis with either internal instrumented internal inspection devices, known as smart pigs, or other inspection methods that are certified to be just as effective; prohibiting pipelines that cannot be inspected with the best, most-modern techniques from operating at high pressure; requiring regulators to consider seismicity and the age of pipes when identifying pipelines that deserve the highest level of oversight; and establishing the first standards for effective leak detection systems in natural gas pipelines.

Together, Senator BOXER and I believe these improvements to pipeline safety will bring about a safer national pipeline system in which disasters, such as the tragedy in San Bruno, can be prevented.

At 6:11 p.m. on September 9, 2010, a 30-inch steel natural gas pipeline exploded in San Bruno, California.

The blast in the Crestmoor neighborhood two miles west of San Francisco International Airport shook the ground like an earthquake. The fire raged for more than two hours and burned 15 acres.

The resulting loss of life, serious injuries and property damage are heartbreaking.

Two days after the fire, I visited San Bruno. I walked through the devastation with Christopher Hart, vice chairman of the National Transportation Safety Board.

I was struck by what I saw: Homes leveled or charred; cars burned out; the burned and bent pipeline—now a key part of the investigation—which revealed the intensity of the heat; and a gaping crater that demonstrated the size of the initial blast.

I was saddened by the disaster and I am determined to act to prevent this type of catastrophe from recurring.

I left San Bruno once again impressed by the professionalism of the NTSB.

Their team was on site and in charge, and I am confident they will work meticulously to find out what caused this deadly disaster.

I am confident that their feedback will make pipelines safer in the future.

But I also left San Bruno determined to introduce legislation to address the known weaknesses in our pipeline oversight system.

Let me explain the key provisions in the Bill. First, we propose to double the number of Federal pipeline safety inspectors.

The Department of Transportation's Pipeline and Hazardous Materials Safety Administration currently has 100 pipeline inspectors, responsible for 217,306 miles of interstate pipeline. Each inspector is responsible for 2,173 miles of pipeline—the distance from San Francisco to Chicago.

The vast amount of pipeline per inspector has led to lax oversight of pipeline operators, according to NTSB investigations.

NTSB Chairman Deborah Hersman testified in June that:

NTSB is concerned that the level of . . . oversight currently being exercised is not uniformly applied by . . . PHMSA to ensure that the risk-based safety programs are effective. The NTSB believes that . . . PHMSA must establish an aggressive oversight program that thoroughly examines each operator's decision-making process for each element of its integrity management program.

Doubling the number of inspectors will still require each inspector to oversee more than 1,000 miles of pipeline, but the thoroughness of inspection and oversight will be far greater.

Second, this legislation will require deployment of electronic valves capable of automatically shutting off the gas in a fire or other emergency.

I was shocked to learn that it took hours to turn off the gas in San Bruno.

Manually operated valves had to be located, buildings had to be opened, and workers had to physically turn off the valves. Every minute that passed, a flaming inferno burned on.

In today's era we have electronic water faucets, and furnaces all deploy electronic valves to shut off the supply of natural gas in an emergency.

If electronic valves can be deployed in our homes and offices, I believe they should be deployed on gas pipelines pumping millions of cubic feet of fuel through urban areas. Gas pipeline safety technology should be brought into the modern era.

Third, this legislation will require inspections by ''smart pigs'' in all pipes, or the use of an inspection method certified to be equally effective at finding corrosion.

Department of Transportation accident statistics over the past decade, 2000–2009, identify corrosion as the leading cause of all reported pipeline accidents.

We need to inspect our pipes to find problems before they cause deadly explosions. Every pipe needs effective inspection, regardless of age or design.

Fourth, if natural gas pipelines cannot be inspected using the most effective inspection technology, this bill would require operation at lower pressure.

This precautionary approach to pipeline operations assures that pipelines more likely to have undetected problems are operated at lower risk.

Department of Transportation experts believe that a breach or other major problem with a pipeline operating at lower pressure is more likely to produce a leak instead of a catastrophic or deadly explosion.

The cause of the San Bruno pipeline fire remains under investigation, but we know that this pipe could not be inspected using the most modern smart pigs, and we know it was operating at high pressure.

Had this law been in place, either this pipe would have been inspected by other means certified to be just as effective as a smart pig, or it would have been operating at a pressure far less likely to cause the kind of catastrophe we saw.

Fifth, this legislation will require the Secretary of Transportation to consider pipe age and the seismicity of an area when identifying pipelines deserving the highest level of safety oversight.

Today, regulators consider a pipeline's proximity to homes and buildings. Other risk factors, such as age of pipe, are not a defining consideration.

We know in San Bruno that this pipe was very old.

This old pipe had unique twists and turns, and numerous welds that I was told would not be allowed on a pipe installed today. NTSB identified failed welds as the cause of another major pipeline disaster in 2009, so these deserve special attention.

Sixth, this legislation would require standards for natural gas leak detection equipment and methods to identify pipeline leaks as expeditiously as technologically possible.

In San Bruno, some have asserted that they smelled gas for weeks. Records are still being checked to determine whether consumers reported these leaks, but no equipment on the pipeline clearly demonstrates that no leak existed.

Finally, this legislation adopts a number of commonsense provisions proposed last week by Secretary of Transportation LaHood to improve pipeline safety, including increasing civil penalties for safety violations; expending data collection to be included in the national pipeline mapping system; closing jurisdictional loopholes to assure greater oversight of unregulated pipelines; and requiring consideration of a firm's safety record when considering its request for regulatory waivers.

Senator BOXER and I introduce this legislation today in order to initiate quick action to make our pipeline system safer.

We have put forward our best ideas to improve inspection, address old pipes, and advance modern safety technology. We hope to improve these ideas as new information comes forward about the San Bruno accident.

We look forward to working with the Department of Transportation and the Senate Commerce Committee to move and improve this legislation expeditiously.

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. 3824

*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 ''Strengthening Pipeline Safety and Enforcement Act of 2010''.

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



**SEC. 2. REFERENCES TO TITLE 49, UNITED STATES CODE.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

**SEC. 3. ADDITIONAL RESOURCES FOR PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION.**

(a) IN GENERAL.—The Secretary shall increase the number of full-time equivalent employees of the Pipeline and Hazardous Materials Safety Administration by not fewer than 100 compared to the number of full-time equivalent employees of the Administration employed on the day before the date of the enactment of this Act to carry out the pipeline safety program, of which—

(1) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2011;

(2) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2012;

(3) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2013; and

(4) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2014.

(b) FUNCTIONS.—In increasing the number of employees under subsection (a), the Secretary shall focus on hiring employees—

(1) to conduct data collection, analysis, and reporting;

(2) to develop, implement, and update information technology;

(3) to conduct inspections of pipeline facilities to determine compliance with applicable regulations and standards;

(4) to provide administrative, legal, and other support for pipeline enforcement activities; and

(5) to support the overall pipeline safety mission of the Pipeline and Hazardous Materials Safety Administration, including training pipeline enforcement personnel.

**SEC. 4. CIVIL PENALTIES.**

(a) PENALTIES FOR MAJOR CONSEQUENCE VIOLATIONS.—Section 60122 is amended by striking subsection (c) and inserting the following:

''(c) PENALTIES FOR MAJOR CONSEQUENCE VIOLATIONS.—

''(1) IN GENERAL.—If the Secretary determines, after written notice and an opportunity for a hearing, that a person has committed a major consequence violation of subsection (b) or (d) of section 60114, section 60118(a), or a regulation prescribed or order issued under this chapter such person shall be liable to the United States Government for a civil penalty of not more than $250,000 for each such violation.

''(2) SEPARATE VIOLATIONS.—A separate violation occurs for each day the violation continues.

''(3) MAXIMUM CIVIL PENALTY.—The maximum civil penalty under this subsection for a related series of major consequence violations is $2,500,000.

''(4) DEFINITION.—In this subsection, the term 'major consequence violation' means a violation that contributed to an incident resulting in any of the following:

''(A) One or more deaths.

''(B) One or more injuries or illnesses requiring hospitalization.

''(C) Environmental harm exceeding $250,000 in estimated damage to the environment including property loss.

''(D) A release of gas or hazardous liquid that ignites or otherwise presents a safety threat to the public or presents a threat to the environment in a high consequence area, as defined by the Secretary in accordance with section 60109.''.

(b) PENALTY FOR OBSTRUCTION OF INSPECTIONS AND INVESTIGATIONS.—Section 60118(e) is amended—

(1) by striking ''If the Secretary'' and inserting the following:

''(1) IN GENERAL.—If the Secretary''; and

(2) by adding at the end the following:

''(2) CIVIL PENALTIES.—The Secretary may impose a civil penalty under section 60122 on a person who obstructs or prevents the Secretary from carrying out an inspection or investigation under this chapter.''.

(c) NONAPPLICABILITY OF ADMINISTRATIVE PENALTY CAPS.—Section 60120 is amended by adding at the end the following:

''(d) NONAPPLICABILITY OF ADMINISTRATIVE PENALTY CAPS.—The maximum amount of civil penalties for administrative enforcement actions under section 60122 shall not apply to enforcement actions under this section.''.

(d) JUDICIAL REVIEW OF ADMINISTRATIVE ENFORCEMENT ORDERS.—

(1) IN GENERAL.—Section 60119(a)(1) is amended by striking ''about an application for a waiver under section 60118(c) or (d) of'' and inserting ''under''.

(2) CLERICAL AMENDMENT.—The heading for section 60119(a) is amended to read as follows: ''REVIEW OF REGULATIONS, ORDERS, AND OTHER FINAL AGENCY ACTIONS''.

**SEC. 5. COLLECTION OF DATA ON TRANSPORTATION-RELATED OIL FLOW LINES.**

Section 60102 is amended by adding at the end the following:

''(n) COLLECTION OF DATA ON TRANSPORTATION-RELATED OIL FLOW LINES.—

''(1) IN GENERAL.—The Secretary may collect geospatial, technical, or other pipeline data on transportation-related oil flow lines, including unregulated transportation-related oil flow lines.

''(2) TRANSPORTATION-RELATED OIL FLOW LINE DEFINED.—In this subsection, the term 'transportation-related oil flow line' means a pipeline transporting oil off of the grounds of the production facility where it originated across areas not owned by the producer regardless of the extent to which the oil has been processed.

''(3) CONSTRUCTION.—Nothing in this subsection may be construed to authorize the Secretary to prescribe standards for the movement of oil through—

''(A) production, refining, or manufacturing facilities; or

''(B) oil production flow lines located on the grounds of production facilities.''.

**SEC. 6. REQUIRED INSTALLATION AND USE IN PIPELINES OF REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.**

Section 60102, as amended by section 5, is further amended by adding at the end the following:

''(o) REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.—

''(1) IN GENERAL.—Not later than 18 months after the date of the Strengthening Pipeline Safety and Enforcement Act of 2010, the Secretary shall prescribe regulations requiring the installation and use in pipelines and pipeline facilities, wherever technically and economically feasible, of remotely or automatically controlled valves that are reliable and capable of shutting off the flow of gas in the event of an accident, including accidents in which there is a loss of the primary power source.

''(2) CONSULTATIONS.—In developing regulations prescribed in accordance with paragraph (1), the Secretary shall consult with appropriate groups from the gas pipeline industry and pipeline safety experts.''.

**SEC. 7. STANDARDS FOR NATURAL GAS PIPELINE LEAK DETECTION.**

Section 60102, as amended by sections 5 and 6, is further amended by adding at the end the following:

''(p) NATURAL GAS LEAK DETECTION.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall establish standards for natural gas leak detection equipment and methods, with the goal of establishing a pipeline system in which substantial leaks in high consequence areas are identified as expeditiously as technologically possible.''.

**SEC. 8. CONSIDERATIONS FOR IDENTIFICATION OF HIGH CONSEQUENCE AREAS.**

Section 60109 is amended by adding at the end the following:

''(g) CONSIDERATIONS FOR IDENTIFICATION OF HIGH CONSEQUENCE AREAS.—In identifying high consequence areas under this section, the Secretary shall consider—

''(1) the seismicity of the area;

''(2) the age of the pipe; and

''(3) whether the pipe at issue can be inspected using the most modern instrumented internal inspection devices.''.

**SEC. 9. REGULATION BY SECRETARY OF TRANSPORTATION OF GAS AND HAZARDOUS LIQUID GATHERING LINES.**

(a) GAS GATHERING LINES.—Paragraph (21) of section 60101(a) is amended to read as follows:

''(21) 'transporting gas' means the gathering, transmission, or distribution of gas by pipeline, or the storage of gas, in interstate or foreign commerce.''.

(b) HAZARDOUS LIQUID GATHERING LINES.—Section 60101(a)(22)(B) is amended—

(1) by striking clause (i); and

(2) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

**SEC. 10. INCLUSION OF NON-PETROLEUM FUELS AND BIOFUELS IN DEFINITION OF HAZARDOUS LIQUID.**

Section 60101(a)(4) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) non-petroleum fuels, including biofuels that are flammable, toxic, corrosive, or would be harmful to the environment if released in significant quantities; and''.

**SEC. 11. REQUIRED PERIODIC INSPECTION OF PIPELINES BY INSTRUMENTED INTERNAL INSPECTION DEVICES.**

Section 60102(f) is amended by striking paragraph (2) and inserting the following:

''(2) PERIODIC INSPECTIONS.—

''(A) IN GENERAL.—Not later than 270 days after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2010, the Secretary shall prescribe additional standards requiring the periodic inspection of each pipeline the operator of the pipeline identifies under section 60109.

''(B) INSPECTION WITH INTERNAL INSPECTION DEVICE.—

''(i) IN GENERAL.—Except as provided in clause (ii), the standards prescribed under subparagraph (A) shall require that an inspection shall be conducted at least once every 5 years with an instrumented internal inspection device.

''(ii) EXCEPTION FOR SEGMENTS WHERE DEVICES CANNOT BE USED.—If a device described in clause (i) cannot be used in a segment of a pipeline, the standards prescribed in subparagraph (A) shall require use of an inspection method that the Secretary certifies to be at least as effective as using the device in—

''(I) detecting corrosion;

''(II) detecting pipe stress; and

''(III) otherwise providing for the safety of the pipeline.

''(C) OPERATION UNDER HIGH PRESSURE.—The Secretary shall a prohibit pipeline segment from operating under high pressure if the pipeline segment cannot be inspected—

''(i) with a device described in clause (i) of subparagraph (B) in accordance with the standards prescribed pursuant to such clause; or

''(ii) using an inspection method described in clause (ii) of such subparagraph in accordance with the standards prescribed pursuant to such clause.''.

**SEC. 12. MINIMUM SAFETY STANDARDS FOR TRANSPORTATION OF CARBON DIOXIDE BY PIPELINE.**

Subsection (i) of section 60102 is amended to read as follows:

''(i) PIPELINES TRANSPORTING CARBON DIOXIDE.—The Secretary shall prescribe minimum safety standards for the transportation of carbon dioxide by pipeline in either a liquid or gaseous state.''.

**SEC. 13. COST RECOVERY FOR PIPELINE DESIGN REVIEWS BY SECRETARY OF TRANSPORTATION.**

Subsection (n) of section 60117 is amended to read as follows:

''(n) COST RECOVERY FOR DESIGN REVIEWS.—

''(1) IN GENERAL.—If the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a gas or hazardous liquid pipeline or liquefied natural gas pipeline facility, including construction inspections and oversight, the Secretary may require the person proposing the construction, expansion, or operation to pay the costs incurred by the Secretary relating to such reviews.

''(2) FEE STRUCTURE AND COLLECTION PROCEDURES.—If the Secretary exercises the authority under paragraph (1) with respect to conducting facility design safety reviews, the Secretary shall prescribe—

''(A) a fee structure and assessment methodology that is based on the costs of providing such reviews; and

''(B) procedures to collect fees.

''(3) ADDITIONAL AUTHORITY.—This authority is in addition to the authority provided under section 60301.

''(4) NOTIFICATION.—For any pipeline construction project beginning after the date of the enactment of this subsection in which the Secretary conducts design reviews, the person proposing the project shall notify the Secretary and provide the design specifications, construction plans and procedures, and related materials not later than 120 days prior to the commencement of such project.

''(5) PIPELINE SAFETY DESIGN REVIEW FUND.—

''(A) IN GENERAL.—There is established in the Treasury of the United States a revolving fund known as the 'Pipeline Safety Design Review Fund' (in this paragraph referred to as the 'Fund').

''(B) ELEMENTS.—There shall be deposited in the fund the following, which shall constitute the assets of the Fund:

''(i) Amounts paid into the Fund under any provision of law or regulation established by the Secretary imposing fees under this subsection.

''(ii) All other amounts received by the Secretary incident to operations relating to reviews described in paragraph (1).

''(C) USE OF FUNDS.—The Fund shall be available to the Secretary, without fiscal year limitation, to carry out the provisions of this chapter.''.

**SEC. 14. INTERNATIONAL COOPERATION AND CONSULTATION ON PIPELINE SAFETY AND REGULATION.**

Section 60117 is amended by adding at the end the following:

''(o) INTERNATIONAL COOPERATION AND CONSULTATION.—

''(1) INFORMATION EXCHANGE AND TECHNICAL ASSISTANCE.—Subject to guidance from the Secretary of State, the Secretary may engage in activities supporting cooperative international efforts to share information about the risks to the public and the environment from pipelines and means of protecting against those risks if the Secretary determines that such activities would benefit the United States. Such cooperation may include the exchange of information with domestic and appropriate international organizations to facilitate efforts to develop and improve safety standards and requirements for pipeline transportation in or affecting interstate or foreign commerce.

''(2) CONSULTATION.—Subject to guidance from the Secretary of State, the Secretary may, to the extent practicable, consult with interested authorities in Canada, Mexico, and other interested authorities to ensure that the respective pipeline safety standards and requirements prescribed by the Secretary and those prescribed by such authorities are consistent with the safe and reliable operation of cross-border pipelines.

''(3) CONSTRUCTION REGARDING DIFFERENCES IN INTERNATIONAL STANDARDS AND REQUIREMENTS.—Nothing in this section shall be construed to require that a standard or requirement prescribed by the Secretary under this chapter be identical to a standard or requirement adopted by an international authority.''.

**SEC. 15. WAIVERS OF PIPELINE STANDARDS BY SECRETARY OF TRANSPORTATION.**

(a) NONEMERGENCY WAIVERS.—Paragraph (1) of section 60118(c) is amended to read as follows:

''(1) NONEMERGENCY WAIVERS.—

''(A) IN GENERAL.—Upon receiving an application from an owner or operator of a pipeline facility, the Secretary may, by order, waive compliance with any part of an applicable standard prescribed under this chapter with respect to the facility on such terms as the Secretary considers appropriate, if the Secretary determines that such waiver is not inconsistent with pipeline safety.

''(B) CONSIDERATIONS.—In determining whether to grant a waiver under subparagraph (A), the Secretary shall consider—

''(i) the fitness of the applicant to conduct the activity authorized by the waiver in a manner that is consistent with pipeline safety;

''(ii) the applicant's compliance history;

''(iii) the applicant's accident history; and

''(iv) any other information the Secretary considers relevant to making the determination.

''(C) EFFECTIVE PERIOD.—

''(i) OPERATING REQUIREMENTS.—A waiver of 1 or more pipeline operating requirements under subparagraph (A) shall be effective for an initial period of not longer than 5 years and may be renewed by the Secretary upon application for successive periods of not longer than 5 years each.

''(ii) DESIGN OR MATERIALS REQUIREMENT.—If the Secretary determines that a waiver of a design or materials requirement is warranted under subparagraph (A), the Secretary may grant the waiver for any period the Secretary considers appropriate.

''(D) PUBLIC NOTICE AND HEARING.—The Secretary may waive compliance under subparagraph (A) only after public notice and hearing, which may consist of—

''(i) publication of notice in the Federal Register that an application for a waiver has been filed; and

''(ii) providing the public with the opportunity to review and comment on the application.

''(E) NONCOMPLIANCE AND MODIFICATION, SUSPENSION, OR REVOCATION.—After notice to a recipient of a waiver under subparagraph (A) and opportunity to show cause, the Secretary may modify, suspend, or revoke such waiver for—

''(i) failure of the recipient to comply with the terms or conditions of the waiver;

''(ii) intervening changes in Federal law;

''(iii) a material change in circumstances affecting safety; including erroneous information in the application; and

''(iv) such other reasons as the Secretary considers appropriate.''.

(b) FEES.—Section 60118(c) is amended by adding at the end the following:

''(4) FEES.—

''(A) IN GENERAL.—The Secretary shall establish reasonable fees for processing applications for waivers under this subsection that are based on the costs of activities relating to waivers under this subsection. Such fees may include a basic filing fee, as well as fees to recover the costs of technical studies or environmental analysis for such applications.

''(B) PROCEDURES.—The Secretary shall prescribe procedures for the collection of fees under subparagraph (A).

''(C) ADDITIONAL AUTHORITY.—The authority provided under subparagraph (A) is in addition to the authority provided under section 60301.

''(D) PIPELINE SAFETY SPECIAL PERMIT FUND.—

''(i) IN GENERAL.—There is established in the Treasury of the United States a revolving fund known as the 'Pipeline Safety Special Permit Fund' (in this subparagraph referred to as the 'Fund').

''(ii) ELEMENTS.—There shall be deposited in the Fund the following, which shall constitute the assets of the Fund:

''(I) Amounts paid into the Fund under any provision of law or regulation established by the Secretary imposing fees under this paragraph.

''(II) All other amounts received by the Secretary incident to operations relating to activities described in subparagraph (A).

''(iii) USE OF FUNDS.—The Fund shall be available to the Secretary, without fiscal year limitation, to process applications for waivers under this subsection.''.

**SEC. 16. COLLECTION OF DATA ON PIPELINE INFRASTRUCTURE FOR NATIONAL PIPELINE MAPPING SYSTEM.**

Section 60132 is amended—

(1) in the matter before paragraph (1), by striking ''Not later than 6 months after the date of the enactment of this section, the'' and inserting ''Each'';

(2) in subsection (a), by adding at the end the following:

''(4) Such other geospatial, technical, or other pipeline data, including design and material specifications, as the Secretary considers necessary to carry out the purposes of this chapter, including preconstruction design reviews and compliance inspection prioritization.''; and

(3) by adding at the end the following:

''(d) NOTICE.—The Secretary shall give reasonable notice to the operator of a pipeline facility of any data being requested under this section.''.

**SEC. 17. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS TRANSPORTED BY PIPELINE.**

(a) AUTHORITY TO CARRY OUT ANALYSIS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Transportation shall conduct an analysis of the transportation of non-petroleum hazardous liquids by pipeline for the purpose of identifying the extent to which pipelines are currently being used to transport non-petroleum hazardous liquids, such as chlorine, from chemical production facilities across land areas not owned by the producer that are accessible to the public. The analysis shall identify the extent to which the safety of the lines is unregulated by the States and evaluate whether the transportation of such chemicals by pipeline across areas accessible to the public would present significant risks to public safety, property, or the environment in the absence of regulation.

(b) REPORT.—Not later than 365 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the findings of the Secretary with respect to the analysis conducted pursuant to subsection (a).

**SEC. 18. CLARIFICATION OF PROVISIONS OF LAW RELATING TO PIPELINE SAFETY.**

(a) AMENDMENT OF PROCEDURES CLARIFICATION.—Section 60108(a)(1) is amended by striking ''an intrastate'' and inserting ''a''.

(b) OWNER OPERATOR CLARIFICATION.—Section 60102(a)(2)(A) is amended by striking ''owners and operators'' and inserting ''any or all of the owners or operators''.

(c) ONE CALL ENFORCEMENT CLARIFICATION.—Section 60114(f) is amended by adding at the end the following: ''This limitation shall not apply to proceedings against persons who are pipeline operators.''.

Mrs. BOXER. Mr. President, I am proud to introduce the Strengthening Pipeline Safety and Enforcement Act of 2010 today along with my colleague, Senator FEINSTEIN.

On September 9, 2010, San Bruno, California suffered a terrible tragedy when a natural gas transmission pipeline unexpectedly exploded beneath a busy residential neighborhood.

The catastrophic explosion and the resulting fire was a horrific event, creating a massive fireball that many described as the largest earthquake they had ever felt.

The tragedy killed four people, injured 66, and destroyed nearly three

dozen homes. Preliminary estimates put the cost of the damage and recovery at $65 million.

This tragic incident should not have happened.

Californians and all Americans must feel confident that their communities are safe and that the regulatory agencies responsible for ensuring the safety of natural gas pipelines are doing everything possible to guarantee their safety.

That is why we are introducing this legislation today. Our bill is based on the Department of Transportation's, DOT, proposal for improving pipeline safety and includes additional provisions to address concerns raised by the San Bruno blast.

The Strengthening Pipeline Safety and Enforcement Act of 2010 will increase the number of Federal inspectors and require the Department of Transportation to certify an inspection method for gas lines that cannot use ''smart pig'' technology. ''Smart pig'' technology is used to test the structural integrity of a pipe and identify any defects.

The bill would also require DOT to promulgate regulations for the installation of automatic and remote shutoff valves, update the definition of ''high consequence areas'' to include seismicity of the area, age of the pipe and whether a pipe is able to use the ''smart pig'' technology, and require DOT to set standards for detecting leaks on natural gas lines.

This legislation strengthens pipeline safety standards to ensure that a tragedy like this never happens again. I urge my colleagues to support this legislation and work for final passage as quickly as possible.

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By Mr. RISCH (for himself and Mr. CRAPO):

S. 3825. A bill to amend the Endangered Species Act of 1973 to remove certain portions of the distinct population segment of the Rocky Mountain gray wolf from the list of threatened species or the list of endangered species published under the Endangered Species Act of 1973, and for other purposes; to the Committee on Environment and Public Works.

Mr. RISCH. Mr. President, I come here today on behalf of myself and my colleague, Senator CRAPO, from Idaho to introduce the State Wolf Management Act. This act as drawn is aimed at some particular issues we have in Idaho with the management of wolves, and that other adjoining States that share Idaho's boundaries have with the Federal Government.

First of all, I want to thank the Governor of the great State of Idaho, the Honorable Butch Otter, for his assistance in crafting this bill. I can tell you, Governor Otter, as the chief executive of Idaho, his predecessor, who happens to be yours truly, and my predecessor, as Governors of the great State of Idaho have all joined in the effort to obtain delisting of the wolf in Idaho. That is particularly true as we attempt to wrest management of this particular species away from the Federal Government.

What the act does is it identifies as a distinct population a segment of the gray wolf population. Specifically, it identifies this specific population in eastern Washington and eastern Oregon, in which there are few if any wolves, and the State of Montana and the State of Idaho, all of those States in which there are a lot of wolves and indeed are too many wolves.

First of all, let me say, the official estimates, in 2008, for Idaho are that there were 846 wolves in Idaho, with 39 breeding pairs. Virtually everyone in the State agrees that estimate is very low. In the year 2010, again virtually everyone agrees there are well over 1,000 gray wolves in Idaho and well over 39 breeding pairs.

How did we get to where we are?

Wolves have been gone from the State of Idaho and adjoining areas for many years. In 1995, someone—I cannot identify who—in their infinite wisdom, who lived back here on the banks of the Potomac River, decided we in Idaho needed wolves again.

The State of Idaho was indeed not very happy about the decision. The chief executive of the State, the executive branch of the State, the legislative branch of the State, and the vast majority of Idahoans were absolutely opposed to reintroducing wolves back into the State of Idaho.

After litigation, and after the usual things you go through, nonetheless, 34 wolves were captured in Canada and brought to the State of Idaho and introduced into the State of Idaho against the objections of almost everyone. Indeed, there was a group of people who did want to see wolves brought to Idaho, and they got their way.

To give you a little bit of background as to what happened, we in the State of Idaho are very proud of our big game management. Under common law in this country, and indeed in England before this country, all wild game belonged to the sovereign. The United States of America is probably surprised to hear they are not the sovereign, that indeed the States are the sovereign. As a result of that, over the centuries—the couple of centuries we have been in existence as the United States of America—litigation after litigation has determined that indeed all wildlife in the State belongs to the sovereign; that is, the State in which they are located.

Idaho has a long and proud history and culture of hunting and outdoor life. We have managed our wildlife to the point that we are getting—or had been getting—the maximum out of our wildlife for big game harvest every year. Before Europeans inhabited Idaho, there were very few deer and even less elk. Elk were a plains species. They were not a mountain species. After settlement of the State, the elk were pretty much removed from the plains and took up residence in the mountains, where they have done very well and adapted very well.

Again, over the years, the premier species in Idaho, as determined by the people of the State of Idaho, has been elk. Elk are difficult to manage; that is, they are not as easy to manage as deer. They are not as prolific as deer. As a result, they require relatively intensive management.

As a result, the State has broken into many different game units for elk, and each of these units is carefully managed by the fish and game department to determine the birthrate of the elk each year and the survival rate over the winter and a determination of how many elk can be harvested. As a result, we have had a robust and relatively stable population of elk in the State of Idaho.

Fast forward to 1995. The Federal Government released its 34 wolves into the State of Idaho, and contrary to what some people believe, they are not vegetarians. Also contrary to what some people believe, they need to eat every day. And when they eat, they eat our elk.

As a result, there has been considerable depredation on our elk herds and for that matter on domestic livestock. The domestic livestock losses are not large in number, unless, of course, it is your livestock they are preying on, of which a number of us in the livestock business have experienced losses in that regard.

Back to the elk. We want to continue to manage our elk. We want to continue to manage our deer. Indeed, we manage a lot of big game species. We manage moose, we manage bears, we manage cats, we manage all big game in the State of Idaho and do a pretty decent job of that.

On top of the Federal Government's introduction of these 34 wolves into Idaho, which have now exploded into 1,000 wolves, with regulations that at the outset were very, very intrusive, to the point where you couldn't shoot wolves—even if you found them attacking your livestock, it was unlawful to take a wolf. Of course, the regulations that were imposed on us by the Federal Government have created a considerable amount of animosity and bad blood.

What we want at this point is the ability to manage the wolves just as we manage every other population of big game and animal species in Idaho. The fact is that the wolves are there. They are going to be there. We obviously made the effort at the outset to not have them. We did our best to keep them out. We lost that fight, so now we have to accept the fact that they are there. But the fact that they are there does not mean that we, in the sovereign State of Idaho, should not have the ability to manage our own game species.

Recently, because the numbers have exploded in the amount that they have—when I was Governor, I pressed

the U.S. Fish and Wildlife Service to start the delisting process, which happened on my watch. The start of the delisting happened on my watch as Governor. As time went on, my successor, Governor Otter, did an excellent job of continuing to press the case for delisting. After all, the Federal Government has absolutely no business in the State of Idaho dealing with wolves other than the hook it has of the Endangered Species Act. To argue that a species that has been introduced—34 of them—and then explodes to well over 1,000 is endangered simply flies in the face of not only science, but it also flies in the face of logic.

Let me tell my colleagues what we were told and what we were promised by the Federal Government at the time they brought in the wolves. They told us that once we got to the point of 300 wolves and got to the point of 30 breeding pairs, the party was over and they would delist. Well, we reached that point in 3 years, and we have been trying to delist ever since. We got them delisted. The matter went to court. We actually had a hunting season last year. But now it has gone back to court, and, again, those who are trying to protect the number of wolves, to the great disadvantage of elk, won again, and they got the judge to order that the wolves be listed again in Idaho and Montana.

That is as a result of a dispute the State of Wyoming also has with the Federal Government, and they have been unable to reach an agreement as to how wolves should be managed. The Federal Government, the Fish and Wildlife Service, and the Department of the Interior were perfectly happy with the plans from Idaho and Montana, but because they have been unable to settle with Wyoming, we now find ourselves at a tremendous disadvantage. This simply isn't fair.

This bill will very simply turn management of the wolves back over to the State of Idaho unless and until the time that the Federal Government can again or can ever claim that they are an endangered species. When that happens, the State again will be subject to the lawsuits that will inevitably come if, indeed, they are endangered. But in the meantime, I will urge every Senator to vote for this bill. This is a States rights issue. We are a sovereign State. We are entitled to take over management of these wolves. I can promise everyone that the State of Idaho will do a substantially better job, a cheaper job, and a much more efficient job of managing the wolves in the State of Idaho than the Federal Government could ever do or will ever do, and we will be able to do it with due deference to all the other species in the State of Idaho.

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By Mr. DURBIN (for himself, Mr. LUGAR, and Mr. LEAHY):

S. 3827. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; read the first time.

Mr. DURBIN. 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. 3827

*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 ''Development, Relief, and Education for Alien Minors Act of 2010'' or the ''DREAM Act of 2010''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given that term in section 101(a) of title 10, United States Code.

**SEC. 3. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.**

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) EFFECTIVE DATE.—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

**SEC. 4. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.**

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 5, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act and was younger than 16 years of age on the date the alien initially entered the United States;

(B) the alien has been a person of good moral character since the date of the enactment of this Act;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), (10)(A), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien—

(i) has been admitted to an institution of higher education in the United States; or

(ii) has earned a high school diploma or obtained a general education development certificate in the United States;

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years; and

(F) the alien was younger than 35 years of age on the date of the enactment of this Act.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(4) DEADLINE FOR SUBMISSION OF APPLICATION.—An alien shall submit an application for cancellation of removal or adjustment of status under this subsection no later than the date that is one year after the date the alien—

(A) was admitted to an institution of higher education in the United States; or

(B) earned a high school diploma or obtained a general education development certificate in the United States.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this Act.

**SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.**

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 6, an alien whose status has been adjusted under section 4 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that the alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

**SEC. 6. RETROACTIVE BENEFITS UNDER THIS ACT.**

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 4(a)(1) and section 5(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 4. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 5(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 5(d)(1) during the entire period of conditional residence.

**SEC. 7. EXCLUSIVE JURISDICTION.**

(a) IN GENERAL.—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

**SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.**

Whoever files an application for relief under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

**SEC. 9. CONFIDENTIALITY OF INFORMATION.**

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this Act to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this Act with a designated entity, that designated entity, to examine applications filed under this Act.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

**SEC. 10. HIGHER EDUCATION ASSISTANCE.**

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

**SEC. 11. GAO REPORT.**

Not later than seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 4(a);

(2) the number of aliens who applied for adjustment of status under section 4(a);

(3) the number of aliens who were granted adjustment of status under section 4(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 5.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 638—CELEBRATING THE 30TH ANNIVERSARY OF THE SMALL BUSINESS DEVELOPMENT CENTER NETWORK

Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. VITTER, Mr. LIEBERMAN, Mr. ENZI, Mrs. SHAHEEN, Mr. ISAKSON, Mrs. HAGAN, Mr. THUNE, Ms. CANTWELL, Mr. BOND, Mr. WICKER, Mr. RISCH, and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

S. RES. 638

Whereas the Small Business Development Center (referred to in this preamble as ''SBDC'') network will celebrate its 30th anniversary at a conference to be held September 21 through 24, 2010, in San Antonio, Texas;

Whereas the conference will be held to continue the professional development of employees of SBDCs and to commemorate the educational and technical assistance offered by SBDCs to small businesses across the United States;

Whereas for 30 years, SBDCs have been among the preeminent organizations in the United States for providing business advice, one-on-one counseling, and indepth training to small businesses;

Whereas, during the 30 years prior to the approval of this resolution, the SBDC network has grown from 9 fledgling centers to a nationwide network of 63 lead centers, with more than 4,000 business advisors providing services at over 1,000 service locations;

Whereas the SBDC network has worked for 30 years with the Small Business Administration, institutions of higher education, State governments, Congress, and others to significantly enhance the economic health and strength of small businesses in the United States;

Whereas SBDCs have assisted more than 20,000,000 small businesses throughout the 30 years prior to the approval of this resolution and continue to aid and support hundreds of thousands of small businesses annually;

Whereas 33 percent of all SBDC clients are minorities, 43 percent of all SBDC clients are women, and 9 percent of all SBDC clients are veterans;

Whereas, since the inception of SBDCs, SBDCs have continued to redefine and transform the services offered by SBDCs, including training and advising, and have taken on new missions, in order to ensure that small businesses have relevant and significant assistance in all economic conditions; and

Whereas Congress continues to support SBDCs and the role of SBDCs in assisting small businesses and building the economic success of the United States: Now, therefore, be it

*Resolved,* That the Senate—

(1) celebrates the 30th anniversary of the Small Business Development Center network; and

(2) expresses appreciation for—

(A) the steadfast partnership between the Small Business Development Center network and the Small Business Administration; and

(B) the work of the Small Business Development Center network in ensuring quality assistance to small business and access for all to the American Dream.

### SENATE CONCURRENT RESOLUTION 72—RECOGNIZING THE 45TH ANNIVERSARY OF THE WHITE HOUSE FELLOWS PROGRAM

Mr. BROWNBACK submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 72

Whereas in 1964, John W. Gardner presented the idea of selecting a handful of outstanding men and women to travel to Washington, D.C. to participate in a fellowship program that would educate such men and women about the workings of the highest levels of the Federal Government and about leadership, as they observed Federal officials in action and met with these officials and other leaders of society, thereby strengthening the abilities of such individuals to contribute to their communities, their professions, and the United States;

Whereas President Lyndon B. Johnson established the President's Commission on White House Fellowships, through Executive Order 11183 (as amended), to create a program that would select between 11 and 19 outstanding young citizens of the United States every year and bring them to Washington, D.C. for ''first hand, high-level experience in the workings of the Federal Government, to establish an era when the young men and women of America and their government belonged to each other—belonged to each other in fact and in spirit'';

Whereas the White House Fellows Program has steadfastly remained a nonpartisan program that has served 9 Presidents exceptionally well;

Whereas the 672 White House Fellows who have served have established a legacy of leadership in every aspect of our society, including appointments as cabinet officers, ambassadors, special envoys, deputy and assistant secretaries of departments and senior White House staff, election to the House of Representatives, Senate, and State and local governments, appointments to the Federal, State, and local judiciary, appointments as United States Attorneys, leadership in many of the largest corporations and law firms in the United States, service as presidents of colleges and universities, deans of our most distinguished graduate schools, officials in nonprofit organizations, distinguished scholars and historians, and service as senior leaders in every branch of the United States Armed Forces;

Whereas this legacy of leadership is a resource that has been relied upon by the Nation during major challenges, including organizing resettlement operations following the Vietnam War, assisting with the national response to terrorist attacks, managing the aftermath of natural disasters such as Hurricanes Katrina and Rita, providing support to earthquake victims in Haiti, performing military service in Iraq and Afghanistan, and reforming and innovating the national and international securities and capital markets;

Whereas the 672 White House Fellows have characterized their post-Fellowship years with a lifetime commitment to public service, including creating a White House Fellows Community of Mutual Support for leadership at every level of government and in every element of our national life; and

Whereas September 1, 2010, marked the 45th anniversary of the first class of White House Fellows to serve this Nation: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress—

(1) recognizes the 45th anniversary of the White House Fellows program and commends the White House Fellows for their continuing lifetime commitment to public service;

(2) acknowledges the legacy of leadership provided by White House Fellows over the years in their local communities, the Nation, and the world; and

(3) expresses appreciation and support for the continuing leadership of White House Fellows in all aspects of our national life in the years ahead.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4654. Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 3454, 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; which was ordered to lie on the table.

SA 4655. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 4654.** Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 3454, 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

**SEC. 526. AUTHORIZED SERVICE OF MEMBERS OF THE RETIRED RESERVE IN CERTAIN HIGH-LEVEL NATIONAL GUARD BUREAU POSITIONS.**

(a) CHIEF OF THE NATIONAL GUARD BUREAU.—Section 10502(a) of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting '', or members of the Retired Reserve who served as officers of the Army National Guard of the United States or the Air National Guard of the United States,'' after ''Air National Guard of the United States''; and

(2) in paragraph (4), by inserting ''or retired in a grade above brigadier general, as applicable'' before the semicolon.

(b) DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.—Section 10505(a) of such title is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting '', or members of the Retired Reserve who served as officers of the Army National Guard of the United States or the Air National Guard of the United States,'' after ''Air National Guard of the United States''; and

(B) in subparagraph (C), by inserting ''or retired in a grade above colonel, as applicable'' before the period; and

(2) in paragraph (2), by inserting ''or retired members'' after ''members''.

(c) OTHER SENIOR NATIONAL GUARD BUREAU POSITIONS.—Section 10506(a) of such title is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''two general officers'' and all that follows through ''United States'' and inserting ''two individuals selected by the Secretary of the Army from general officers of the Army National Guard of the United States and members of the Retired Reserve who served as general officers of the Army National Guard of the United States''; and

(B) in subparagraph (B), by striking ''two general officers'' and all that follows through ''United States'' and inserting ''two individuals selected by the Secretary of the Air Force from general officers of the Air National Guard of the United States and members of the Retired Reserve who served as general officers of the Air National Guard of the United States''; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by inserting ''and members of the Retired Reserve who served as general officers of the Army National Guard of the United States'' after ''Army National Guard of the United States''; and

(ii) by inserting ''and members of the Retired Reserve who served as general officers of the Air National Guard of the United States'' after ''Air National Guard of the United States''; and

(B) in subparagraphs (B) and (E), by striking ''officer'' each place it appears and inserting ''individual''.

**SA 4655.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3454, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 236. REVISION OF NATIONAL MISSILE DEFENSE POLICY OF THE UNITED STATES AS STATED IN THE NATIONAL MISSILE DEFENSE ACT OF 1999.**

Section 2 of the National Missile Defense Act of 1999 (Public Law 106–38; 113 Stat. 205; 10 U.S.C. 2431 note) is amended by striking ''to deploy'' and all that follows and inserting the following: ''to deploy as rapidly as technology permits an effective and layered Missile Defense system capable of defending the territory of the United States and its allies against all ballistic missile attacks (whether accidental, unauthorized, or deliberate) with funding subject to the annual authorization of appropriations and the annual appropriation of funds for Missile Defense.''.

## NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

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 Energy. The hearing will be held on Wednesday, September 29, 2010, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on the Propane Education and Research Council, PERC, and National Oilheat Research Alliance, NORA.

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 may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224–4756 or Rosemarie Calabro at (202) 224–5039.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 22, 2010, at 10 a.m., to conduct a hearing entitled ''Oversight of the SEC Inspector General's Report on the 'Investigation of the SEC's Response to Concerns Regarding Robert Allen Stanford's Alleged Ponzi Scheme.' ''

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

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 22, 2010, at 2 p.m., to conduct a hearing entitled ''Reauthorization of the National Flood Insurance Program.''

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

COMMITTEE ON FINANCE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 22, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Tax and Fiscal Policy: Effects on the Military and Veterans Community.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 22, 2010, at 10 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 22, 2010, at 11 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 22, 2010, at 3 p.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BROWN of Ohio. 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 September 22, 2010, at 10 a.m., to conduct a hearing entitled ''Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland.''

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

COMMITTEE ON THE JUDICIARY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized

to meet during the session of the Senate on September 22, 2010, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Electronic Communications Privacy Act: Promoting Security and Protecting Privacy in the Digital Age.''

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

COMMITTEE ON THE JUDICIARY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on September 22, 2010, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Investigating and Prosecuting Financial Fraud after the Fraud Enforcement and Recovery Act.''

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on September 22, 2010, at 10 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on September 22, 2010. The Committee will meet in room 345 in the Cannon House Office Building beginning at 10 a.m.

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

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 22, 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. MERKLEY. Mr. President, I ask unanimous consent that Peter Gaulke, a legislative fellow in my office, be granted floor privileges for the remainder of this Congress.

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

Mr. MERKLEY. I also ask unanimous consent that Caitlin Kilborn, an intern in my office, be granted floor privileges for today.

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

Mr. ENZI. Mr. President, I ask unanimous consent that Kristen Leis of my personal office have floor privileges for today.

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

## UNANIMOUS CONSENT AGREEMENT—S. 3628

Mr. REID. Mr. President, I ask unanimous consent that on Thursday, September 23, upon the disposition of S.J. Res. 30, the Senate then proceed to consideration of the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3628, the DISCLOSE Act; that the motion to reconsider be agreed to and that at 2:15 p.m. the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to S. 3628, with the time until then equally divided and controlled between the two leaders, or their designees.

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

## MAKING TECHNICAL CORRECTIONS IN THE TWENTY-FIRST CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3828, introduced earlier today.

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

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3828) to make technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010 and the amendments made by that Act.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 3828) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3828

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

**SEC. 2. AMENDMENT OF TWENTY-FIRST CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT OF 2010.**

The Twenty-First Century Communications and Video Accessibility Act of 2010 is amended—

(1) by striking the item relating to section 105 in the table of contents in section 1(b) and inserting the following:

''Sec. 105. Relay services for deaf-blind individuals.'';

(2) by striking ''requirement'' in section 201(e)(1)(B) and inserting ''objectives'';

(3) by striking ''requirement'' in section 201(e)(2)(B) and inserting ''objectives'';

(4) by inserting ''or digital broadcast television'' after '' protocol'' in section 201(e)(2)(C); and

(5) by inserting ''or digital broadcast television'' after ''protocol'' in section 201(e)(2)(E).

**SEC. 3. AMENDMENT OF COMMUNICATIONS ACT OF 1934.**

The Communications Act of 1934 (47 U.S.C. 151 et seq.), as amended by the Twenty-First Century Communications and Video Accessibility Act of 2010, is amended—

(1) by striking ''do not'' in section 716(d);

(2) by striking ''facilities'' in section 716(e)(1)(D) and inserting ''facilitate'';

(3) by striking ''provider in the manner prescribed in paragraph (3),'' in section 717(a)(5)(C) and inserting ''provider,'';

(4) by striking ''Equal Access to 21st Century Communications Act'' in section 719(a) and inserting ''Twenty-First Century Communications and Video Accessibility Act of 2010'';

(5) by inserting ''low-income'' after ''accessible by'' in section 719(a);

(6) by striking ''and'' in section 713(f)(2)(A) and inserting ''such'';

(7) by inserting ''have'' after ''that'' the first place it appears in section 713(f)(2)(B);

(8) by inserting ''and Commerce'' after ''Energy'' in section 713(f)(4)(C)(iii);

(9) by striking ''programming distribution'' in section 713(c)(2)(D)(iii) and inserting ''programming distributors'';

(10) by striking ''progamming'' in section 713(c)(2)(D)(v) and inserting ''programming'';

(11) by striking ''and video description signals and make'' in section 713(c)(2)(D)(vi) and inserting ''and makes'';

(12) by striking ''by'' in section 303(aa)(3) and inserting ''for'';

(13) by striking ''and'' after the semicolon in section 303(bb)(1);

(14) by striking ''features.'' in section 303(bb)(2) and inserting ''features; and''; and

(15) by striking the matter following subdivision (2) of section 303(bb) and inserting the following:

''(3) that, with respect to navigation device features and functions—

''(A) delivered in software, the requirements set forth in this subsection shall apply to the manufacturer of such software; and

''(B) delivered in hardware, the requirements set forth in this subsection shall apply to the manufacturer of such hardware.''.

## VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 550, S. 3107.

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

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3107) to amend title 28, United States Code, to provide for an increase, effective December 1, 2010, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

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

Mr. AKAKA. Mr. President, today, as chairman of the Senate Committee on Veterans' Affairs, I urge all of my colleagues to support S. 3107/H.R. 4667, the Veterans' Compensation Cost-of-Living Adjustment Act of 2010. This measure would direct the Secretary of Veterans

Affairs to increase, effective December 1, 2010, the rates of veterans' compensation to keep pace with the rising cost of living in this country. The rate adjustment is equal to that provided on an annual basis to Social Security recipients and is based on the Consumer Price Index.

Congress regularly enacts legislation that would provide for a cost-of-living adjustment for veterans' compensation in order to ensure that inflation does not erode the purchasing power of the veterans and their families who depend upon this income to meet their daily needs. The 2011 COLA has not yet been determined.

The COLA affects, among other benefits, veterans' disability compensation and dependency and indemnity compensation for surviving spouses and children. Many of the recipients of those benefits depend upon these tax-free payments not only to provide for their own basic needs, but those of their spouses and children as well. Without a COLA increase, these veterans and their families would see the value of their hard-earned benefits slowly diminish if there was an increase in inflation. If there is an increase in inflation, we in Congress would be neglecting our duty to ensure that those who sacrificed so much for this country receive the benefits and services to which they are entitled.

It is important that we view veterans' compensation, including the COLA, and indeed all benefits earned by veterans, as a continuing cost of war. It is clear that the ongoing conflicts in Iraq and Afghanistan will continue to result in injuries and disabilities that will yield an increase in claims for compensation. Currently, there are more than 3.1 million veterans in receipt of VA disability compensation.

Disbursement of disability compensation to our Nation's veterans constitutes one of the central missions of the Department of Veterans Affairs. It is a necessary measure of appreciation afforded to those veterans whose lives were forever altered by their service to this country.

I urge our colleagues to support passage of this COLA bill. I also ask our colleagues for their continued support for our Nation's veterans.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time; that the Veterans Affairs Committee be discharged from further consideration of H.R. 4667, which is the companion measure from the House, and the Senate proceed to its immediate consideration; that the bill, H.R. 4667, be read the third time and passed; further, that S. 3107 be returned to the calendar; that the motions to reconsider be laid on the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The bill was ordered to a third reading and was read the third time.

The bill (H.R. 4667) was ordered to be read a third time, was read the third time, and passed.

## 99-YEAR TRIBAL LEASE AUTHORITY ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 507, S. 1448.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1448) to amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1448) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1448

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

**SECTION 1. LEASES OF RESTRICTED LAND.**

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence by inserting ''land held in trust for the Coquille Indian Tribe, land held in trust for the Confederated Tribes of Siletz Indians, land held in trust for the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, land held in trust for the Klamath Tribes, and land held in trust for the Burns Paiute Tribe,'' after ''lands held in trust for the Confederated Tribes of the Warm Springs Reservation of Oregon,''.

## MODIFYING TRIBAL LEASE PROVISIONS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 508, S. 2906.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2906) to amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with amendments, as follows:

S. 2906

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

**SECTION 1. LEASES INVOLVING CERTAIN INDIAN TRIBES.**

The first section of the Act of August 9, 1955 (25 U.S.C. 415), is amended—

(1) in subsection (a), in the second sentence, by inserting ''and land held in trust for the Kalispel Tribe of Indians, *the Puyallup Tribe of Indians,*'' after ''the Kalispel Indian Reservation''; and

(2) in subsection (b), by inserting '', the Puyallup Tribe *of Indians*, the Swinomish Indian Tribal Community, or the Kalispel Tribe of Indians'' after ''Tulalip Tribes''.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 2906), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

## REDUNDANCY ELIMINATION AND ENHANCED PERFORMANCE FOR PREPAREDNESS GRANTS ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 566, H.R. 3980.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3980) to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Redundancy Elimination and Enhanced Performance for Preparedness Grants Act''.*

***SEC. 2. IDENTIFICATION OF REPORTING REDUNDANCIES AND DEVELOPMENT OF PERFORMANCE METRICS FOR HOMELAND SECURITY PREPAREDNESS GRANT PROGRAMS.***

*(a) IN GENERAL.—Title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:*

***''SEC. 2023. IDENTIFICATION OF REPORTING REDUNDANCIES AND DEVELOPMENT OF PERFORMANCE METRICS.***

*''(a) DEFINITION.—In this section, the term 'covered grants' means grants awarded under section 2003, grants awarded under section 2004, and any other grants specified by the Administrator.*

*''(b) INITIAL REPORT.—Not later than 90 days after the date of enactment of the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act, the Administrator shall submit to the appropriate committees of Congress a report that includes—*

*''(1) an assessment of redundant reporting requirements imposed by the Administrator on*

*State, local, and tribal governments in connection with the awarding of grants, including—*

*''(A) a list of each discrete item of data requested by the Administrator from grant recipients as part of the process of administering covered grants;*

*''(B) identification of the items of data from the list described in subparagraph (A) that are required to be submitted by grant recipients on multiple occasions or to multiple systems; and*

*''(C) identification of the items of data from the list described in subparagraph (A) that are not necessary to be collected in order for the Administrator to effectively and efficiently administer the programs under which covered grants are awarded;*

*''(2) a plan, including a specific timetable, for eliminating any redundant and unnecessary reporting requirements identified under paragraph (1); and*

*''(3) a plan, including a specific timetable, for promptly developing a set of quantifiable performance measures and metrics to assess the effectiveness of the programs under which covered grants are awarded.*

*''(c) BIENNIAL REPORTS.—Not later than 1 year after the date on which the initial report is required to be submitted under subsection (b), and once every 2 years thereafter, the Administrator shall submit to the appropriate committees of Congress a grants management report that includes—*

*''(1) the status of efforts to eliminate redundant and unnecessary reporting requirements imposed on grant recipients, including—*

*''(A) progress made in implementing the plan required under subsection (b)(2);*

*''(B) a reassessment of the reporting requirements to identify and eliminate redundant and unnecessary requirements;*

*''(2) the status of efforts to develop quantifiable performance measures and metrics to assess the effectiveness of the programs under which the covered grants are awarded, including—*

*''(A) progress made in implementing the plan required under subsection (b)(3);*

*''(B) progress made in developing and implementing additional performance metrics and measures for grants, including as part of the comprehensive assessment system required under section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749); and*

*''(3) a performance assessment of each program under which the covered grants are awarded, including—*

*''(A) a description of the objectives and goals of the program;*

*''(B) an assessment of the extent to which the objectives and goals described in subparagraph (A) have been met, based on the quantifiable performance measures and metrics required under this section, section 2022(a)(4), and section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749);*

*''(C) recommendations for any program modifications to improve the effectiveness of the program, to address changed or emerging conditions; and*

*''(D) an assessment of the experience of recipients of covered grants, including the availability of clear and accurate information, the timeliness of reviews and awards, and the provision of technical assistance, and recommendations for improving that experience.*

*''(d) GRANTS PROGRAM MEASUREMENT STUDY.—*

*''(1) IN GENERAL.—Not later than 30 days after the enactment of Redundancy Elimination and Enhanced Performance for Preparedness Grants Act, the Administrator shall enter into a contract with the National Academy of Public Administration under which the National Academy of Public Administration shall assist the Administrator in studying, developing, and implementing—*

*''(A) quantifiable performance measures and metrics to assess the effectiveness of grants administered by the Department, as required under this section and section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749); and*

*''(B) the plan required under subsection (b)(3).*

*''(2) REPORT.—Not later than 1 year after the date on which the contract described in paragraph (1) is awarded, the Administrator shall submit to the appropriate committees of Congress a report that describes the findings and recommendations of the study conducted under paragraph (1).*

*''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this subsection.''.*

*(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:*

*''Sec. 2023. Identification of reporting redundancies and development of performance metrics.''.*

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3980), as amended, was read the third time and passed.

## IMPROVING THE OPERATION OF CERTAIN FACILITIES AND PROGRAMS OF THE HOUSE OF REPRESENTATIVES

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H.R. 5682, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5682) to improve the operation of certain facilities and programs of the House of Representatives, and for other purposes.

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

Mr. REID. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid on the table, and that any statements be printed in the RECORD.

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

The bill (H.R. 5682) was ordered to a third reading, was read the third time, and passed.

## COMMENDING THE ENTERTAINMENT INDUSTRY

Mr. REID. I ask unanimous consent the Commerce Committee be discharged from further consideration of S. Res. 623 and the Senate proceed to its immediate consideration.

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. 623) commending the encouragement of interest in science, technology, engineering, and mathematics by the entertainment industry, and for other purposes.

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

Mr. REID. I ask the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 623) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 623

Whereas science, technology, engineering, and mathematics (referred to in this preamble as ''STEM'') are vital fields of increasing importance in driving the economic engine of the United States;

Whereas STEM-educated graduates have and will continue to play critical roles in helping to develop clean energy technologies, to find life-saving cures for diseases, to solve security challenges, and to discover new solutions for deteriorating transportation and infrastructure;

Whereas through 2018, STEM occupations are projected to provide 2,800,000 job openings;

Whereas over 90 percent of STEM occupations require at least some postsecondary education;

Whereas students across the country, especially young women and underrepresented minorities, need greater understanding and appreciation of STEM careers, and access to quality STEM opportunities;

Whereas the entertainment industry of the United States, comprised of movies, television, theater, radio, DVDs, video games, as well as other video and audio recordings and means of communications, has an extraordinary ability to reach the people of the United States, especially young people;

Whereas the entertainment industry has begun to make significant investments in support of STEM education; and

Whereas, for example, the Entertainment Industries Council has developed the Ready on the S.E.T. and . . . Action! initiative to elevate the importance of science, engineering, and technology in national entertainment and news productions by connecting STEM experts, companies, and organizations with the entertainment industry in order to disseminate accurate information about STEM professionals and careers, and producing the first-ever S.E.T. Awards Show this year to award accurate and impactful portrayals of STEM in movies, television series, radio and television news programs, and print and online journalism: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the effective use of the substantial influence and resources of the entertainment industry of the United States, by those members of the entertainment industry, such as the Entertainment Industries

Council, who are working to encourage interest in the fields of science, technology, engineering, and mathematics; and

(2) urges the entertainment industry to continue to use the creative talent, skills, and audience-reach at its disposal to communicate the importance of science, technology, engineering, and mathematics.

## CELEBRATING 30TH ANNIVERSARY OF SMALL BUSINESS DEVELOPMENT CENTER NETWORK

Mr. REID. I ask we now proceed to S. Res. 638, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 638) celebrating the 30th anniversary of the Small Business Development Center Network.

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

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 638) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 638

Whereas the Small Business Development Center (referred to in this preamble as ''SBDC'') network will celebrate its 30th anniversary at a conference to be held September 21 through 24, 2010, in San Antonio, Texas;

Whereas the conference will be held to continue the professional development of employees of SBDCs and to commemorate the educational and technical assistance offered by SBDCs to small businesses across the United States;

Whereas for 30 years, SBDCs have been among the preeminent organizations in the United States for providing business advice, one-on-one counseling, and indepth training to small businesses;

Whereas, during the 30 years prior to the approval of this resolution, the SBDC network has grown from 9 fledgling centers to a nationwide network of 63 lead centers, with more than 4,000 business advisors providing services at over 1,000 service locations;

Whereas the SBDC network has worked for 30 years with the Small Business Administration, institutions of higher education, State governments, Congress, and others to significantly enhance the economic health and strength of small businesses in the United States;

Whereas SBDCs have assisted more than 20,000,000 small businesses throughout the 30 years prior to the approval of this resolution and continue to aid and support hundreds of thousands of small businesses annually;

Whereas 33 percent of all SBDC clients are minorities, 43 percent of all SBDC clients are women, and 9 percent of all SBDC clients are veterans;

Whereas, since the inception of SBDCs, SBDCs have continued to redefine and transform the services offered by SBDCs, including training and advising, and have taken on new missions, in order to ensure that small businesses have relevant and significant assistance in all economic conditions; and

Whereas Congress continues to support SBDCs and the role of SBDCs in assisting small businesses and building the economic success of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates the 30th anniversary of the Small Business Development Center network; and

(2) expresses appreciation for—

(A) the steadfast partnership between the Small Business Development Center network and the Small Business Administration; and

(B) the work of the Small Business Development Center network in ensuring quality assistance to small business and access for all to the American Dream.

## MEASURE READ THE FIRST TIME—S. 3827

Mr. REID. Mr. President, I am told that S. 3827, introduced earlier today by Senator DODD, is at the desk and ready for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3827) to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

Mr. REID. I ask for a second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for a second time on the next legislative day.

## APPOINTMENT

The PRESIDING OFFICER. Mr. President, the Chair, on behalf of the majority leader pursuant to Public Law 107–252, title II, section 214, appoints the following individual to serve as a member of the Election Assistance Board of Advisors: Dr. Barbara Simons, of California.

## ORDERS FOR THURSDAY, SEPTEMBER 23, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, September 23; 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; that following any leader remarks, the Senate proceed to a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the second half; further, upon the completion of morning business, the Senate proceed to the consideration of S.J. Res. 30, a joint resolution of disapproval regarding the National Mediation Board, as provided under the previous order.

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

## PROGRAM

Mr. REID. Mr. President, tomorrow the Senate will consider the motion to proceed to S.J. Res. 30. Under the consent agreement for consideration of the joint resolution, there will be 2 hours of debate prior to a vote on the motion to proceed. This vote is expected to occur as early as 12:30 p.m. tomorrow. That will be the first vote of the day.

Also, as provided under a previous order, at 2:15 p.m., the Senate will proceed to a rollcall vote on cloture on the motion to proceed to S. 3628, the DISCLOSE Act.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, 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 7:20 p.m., adjourned until Thursday, September 23, 2010, at 9:30 a.m.