



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 156

WASHINGTON, MONDAY, JUNE 14, 2010

No. 88

## Senate

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

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

Let us pray.

Our heavenly Father, give us the courage to continue with hope when the days are difficult and our work is challenging. Stay near to our Senators, particularly when they are weary and when doubts and anxieties assail them. Give them the wisdom to do their best and leave the rest to Your loving care.

Lord, take their lips and speak through them; take their minds and think through them; take their hearts and love humanity through them.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 14, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

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

The ACTING PRESIDENT pro tempore. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business until 3 p.m. with Senators permitted to speak for up to 10 minutes each. Upon the conclusion of morning business, the Senate will resume consideration of the House message with respect to H.R. 4213, which is the tax extenders legislation.

There will be no rollcall votes today. Senators should expect the next votes to begin around 11:50 a.m. tomorrow. Those votes will be on confirmation of several District Court nominations: Tanya Pratt of Indiana, Brian Jackson of Louisiana, and Elizabeth Foote of Louisiana.

### FIXING AMERICA'S PROBLEMS

Mr. REID. Mr. President, we will learn a lot this week about who wants to fix problems and who wants to make excuses. This week will be the seventh week the emergency unemployment insurance bill has been on the Senate floor. It is another week the good families in Nevada and across the country

have to struggle to make ends meet after their benefits have expired—to simply cover the basics while they look for full-time work.

If my friends on the other side of the aisle have their way, this week will be yet another week with no lifeline for the most needy—those willing to work and who are waiting to work. The other side has slowed and stalled almost every piece of legislation this year, just as they did last year and the year before. And that is not a secret. The numbers don't lie and the Republicans make no efforts to hide their strategy of delay. That is why today they are known as the party of no.

But that strategy has consequences. The first is unemployment insurance. Years of disastrous Republican policies led to the worst economic disaster in generations. That, in turn, led to layoffs in nearly every industry in every State. When millions of Americans lost their jobs, they lost their incomes, their homes, their savings, their gas money, their tuition payments, all through no fault of their own. Democrats aren't about to turn their backs on out-of-work Americans, which is why we are trying to help them keep their heads above water in this emergency.

The second casualty is Medicaid funding, known as FMAP, so the poorest of the poor in our communities can see a doctor when they get sick. Many States, including the State of Nevada, have budgeted for this money and count on us to deliver it. Nevada is counting on more than \$100 million. Others are waiting on billions of dollars. If we don't deliver, we will leave huge holes in State budgets that will be filled with other deep and drastic cuts affecting the basic goodness of our country and directly the lives of millions. Critical services from coast to coast will bear the burden. We have to pass this bill on the FMAP legislation. We have to do it to protect those services and the jobs they create.

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



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Third, this bill will fix an injustice to doctors who treat America's senior citizens—those on Medicare. More than a decade ago, a Republican-dominated Congress passed a flawed policy regarding how doctors are reimbursed for seeing patients on Medicare. Tomorrow, these doctors will see those payments drop 21 percent—that is more than one-fifth—and it will drop overnight. That is grossly unfair to doctors and it is dangerous for seniors, veterans, and others they may soon no longer be able to treat.

But that is not all. Many HMOs and other providers base their reimbursements on Medicare rates. So you don't have to be a senior citizen or a veteran to be affected by the sharp cut scheduled to take effect tomorrow.

Some on the other side are still trying again to stand in the way. As I said, the doctors payment problem came out of a Congress that was dominated by Republicans. The Democratic Congress is determined to fix this.

Let's say a word about the BP disaster. Next week will mark 2 months since millions of gallons of oil started gushing into the Gulf of Mexico. But this week will tell us a lot about who is fighting for the taxpayers and who is fighting for corporate America.

The cost of the BP disaster isn't limited to the devastated waters and wildlife along our gulf coast. The damage extends to the lives and livelihoods of so many in that region—such as small businesses that can't operate at full speed, and the workers whose jobs are threatened when these businesses slow. Whether it is fishermen, shrimpers, or tourism businesses whose workplace—the Gulf of Mexico—has been polluted on such a large scale, the damages would stretch clear across the State of Nevada, from our California border to our Utah border. Understand how big that is. Nevada is the seventh largest State in the Union, areawise.

Another cost, of course, is the families forever changed when 11 men died in the explosion that caused the spill. Some estimate the pricetag for this disaster will climb to the tens of billions of dollars. But let's be honest: Someone is going to end up paying that bill eventually, but we are making sure it is not going to be the taxpayers. We are going to send the tab to BP.

That is why I sent a letter yesterday to Tony Hayward, BP's chief executive officer. I am pleased and encouraged that the vast majority of Democrats we could get hold of signed their names alongside mine. We told Hayward we are committed to ensuring BP is held fully responsible, and that we refuse to ask taxpayers to bail out one of the richest companies in the whole world. We asked our Republican colleagues to join us.

We are calling on BP to create a special accountability account—overseen by an independent trustee—to pay for the damages from their historic disaster and the cost of cleaning up their catastrophe. We are making these de-

mands because we don't have a lot of reason to give BP the benefit of the doubt. Shortly after the explosion, we learned of the shortcuts that led to it. We saw it all over—including a very nice piece they did on "60 Minutes." We also recently learned BP vastly understated the extent and rate of the spill. And in past disasters, we have seen other oil companies spend millions on lawsuits and public relations campaigns, all designed not to compensate the businesses and families they hurt but to improve their profits.

Our message to BP is as simple as this: If you drill and you spill, we are going to make sure you pay the bill.

#### RECOGNITION OF THE MINORITY LEADER

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

#### FLAG DAY, HEALTH CARE AND EXTENDERS

Mr. MCCONNELL. Mr. President, first, I would like to note a couple important anniversaries today. It was on this day in 1775 that the Continental Army was established and George Washington appointed to lead it. So June 14 has gone down in history not only as the beginning of America's defeat of the British Army but also as the birth of the greatest Army the world has ever known. The largest and oldest branch of the U.S. military, the Army is older than the United States itself. Its first leader became our first President. It continues to make Americans proud, and we are grateful on this day and every day for the men and women of the U.S. Army.

Incidentally, 2 years to the day after the establishment of the Army, the Second Continental Congress officially established the flag under which our military has fought ever since. The resolution in Congress said that 13 stripes would represent the 13 States, and that 13 stars would represent the Union in the form of a new constellation. President Wilson officially established this day as Flag Day in 1916. Ever since, Americans everywhere have honored this great symbol of freedom every year on Flag Day, June 14. We honor those who have fought for it, and we are proud of all that the flag of the United States of America represents here and wherever it flies around the globe.

On another topic, the Obama administration announced new regulations today that will give Americans a better sense of how the health care bill will affect them. These new regulations outline the various ways in which existing health plans will be forced to change under the new law. According to the Obama administration report we saw on all this today, these regulations could result in nearly 7 out of 10 workers—and 80 percent of workers at small businesses—seeing changes in their

plans. In other words, under the new health care bill, more than half of those who get insurance through their jobs may be forced to change their plans whether they want to or not.

This is not only bad news for the vast majority of Americans who like the plans they have. It also flatly contradicts the President's repeated promises to the contrary. A year ago this month, the President said the following on national television: "... Government is not going to make you change plans under health reform."

The implication here was that businesses might change your plans, but government won't. Today's regulations show that this isn't true. The government is about to change the plans most Americans have. Here's one more promise the administration has broken on health care and one more warning Republicans issued on this bill that's been vindicated.

Now onto the business on the floor. Since Democrats continue to argue among themselves about the extenders bill, I will be asking consent at the end of my remarks to pass a 30-day extension of the recently expired provisions in the bill that will give doctors and those looking for work the assurances they need to plan ahead. And rather than doing it in a way that simply adds to the deficit, this proposal would actually reduce the debt by \$2.5 billion. Moreover, later today Senator THUNE will offer an amendment that would provide for a long-term extension of these programs, plus the tax provisions which expired at the end of last year, without adding a dime to the deficit.

In fact, the Thune amendment would enable us to lower the deficit by \$55 billion by enacting the kinds of spending cuts Americans are demanding of lawmakers in Washington.

Many of these cuts have been proposed previously by Senator COBURN and received bipartisan support on the supplemental spending bill. We need to show the American people we are making serious efforts to cut spending. The Thune amendment gives us an opportunity to do just that today. I hope our Democrat friends join us in that effort.

As I indicated and mentioned to the majority leader when we were in private discussion a while ago, I will now propound the consent agreement to which I referred in my remarks.

UNANIMOUS-CONSENT REQUEST—S. 3421

Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 411, S. 3421; further, that the bill be read a third time and passed, and the motion to reconsider be laid upon the table; before the chair rules, for clarity, this is a paid for 30-day extension of the extenders bill, which includes unemployment insurance, doc fix, COBRA, flood insurance, and the extension of the small business loan guarantee program and the 2009 Federal poverty guidelines.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, reserving the right to object, it is my understanding, through the Chair to my distinguished friend, the senior Senator from Kentucky, that this is paid for out of stimulus money?

Mr. MCCONNELL. Mr. President, I believe most of the pay-fors are. I would say to my friend, having consulted with staff, it is some stimulus money but largely what we believe to be noncontroversial pay-fors.

Mr. REID. Mr. President, a 30-day extension doesn't solve the problems we have. A 30-day extension of unemployment, 30-day FMAP, 30-day doc fix, is just kicking them all down the road. We have to have a legitimate program to extend these benefits into the future, and 30 days does not do it. It just kicks the ball down the road.

I would also say, with money being taken from the recovery moneys—this is one of the job-creating things we have left going on in this government. It is a good program, it creates jobs.

I look forward to working with my Republican colleagues to have a more long-term fix of this difficult problem, and therefore I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each, with the time divided or controlled by the two leaders or their designees.

The Senator from New Mexico.

#### SUPPORTING DONALD BERWICK

Mr. BINGAMAN. Mr. President, I come to the floor to urge quick confirmation of President Obama's nominee, Dr. Donald Berwick, to become the Administrator for the Centers for Medicare and Medicaid Services, also known as CMS. He is highly qualified and capable. This is an extremely important position for which he has been nominated.

Unfortunately, according to recent press reports, it appears that some who oppose the new health reform law are hoping to use Dr. Berwick's confirmation process as a forum to debate the merits of this new health reform law which has now been enacted.

In my view, whether Senators favored or opposed the enactment of health care reform legislation, it is clearly in the interests of our country that we have a capable Administrator to implement the new law. Over the last year and a half, there has been an enormous focus in Congress on address-

ing the very serious problems facing our health care system. It is important the President's choice to head the CMS be confirmed so that he can take up the enormous challenge and the enormous opportunity that is presented by the enactment of this new legislation.

It is clear our Nation has urgent needs. This is not a time for the Senate to delay Dr. Berwick's nomination. I recently spent time with Dr. Berwick at the annual Health Policy Conference headed by the Commonwealth Fund this last January. I was impressed both with the depth of his understanding of the many issues facing the health care system as well as his passion for improving the quality of health care and his impressive successes in doing so.

Dr. Berwick has dedicated his career to finding ways to make our health care system work better for patients and cost less for taxpayers. These are core missions he will take on as our next CMS Administrator.

Don is the founder and CEO of the Institute for Health Care Improvement. He is a professor of health policy at the Harvard Medical School and the School of Public Health, and he is a practicing physician at some of our Nation's top hospitals. He has held numerous leadership roles at the institutions that ensure quality care in America, including service on the board of the American Hospital Association and as chair of the Advisory Council for the Agency for Healthcare Research and Quality.

Don's vast experience with our health care system, his award-winning career as an expert in health care quality, make him the ideal candidate to lead CMS at this critical time. The historic health reform legislation that President Obama signed into law this year takes significant steps to strengthen Medicare, reduce waste, fraud, and abuse in the system, and makes critical improvements in the way care is delivered. Implementing those changes in the smartest and most effective way is going to require an Administrator who has seen firsthand what it takes to make meaningful improvements in health care quality and efficiency. It is also going to take an Administrator with a passion to get the job done right.

Don Berwick has both. That is why he was chosen by President Obama to be the next CMS Administrator. His nomination has won praise from across the political and professional spectrum, including former CMS Administrators who served Republican Presidents. For example, Thomas A. Scully, who was CMS Administrator under President George W. Bush between 2001 and 2003, said:

Dr. Berwick is about as noncontroversial and well liked as you can get. You are not going to do any better.

Mark McClellan, CMS Administrator under George W. Bush from 2004 to 2006 said the following:

What happens at CMS over the next couple of years will determine whether the new legislation actually improves quality and low-

ers costs. Don has a unique background both in improving quality care on the ground and thinking about how our Nation's health care policies need to be reformed to help make that happen.

Dr. Nancy H. Nielsen, M.D., immediate past president of the American Medical Association, said:

We welcome President Obama's nomination of Dr. Donald Berwick to be administrator of the Centers for Medicare and Medicaid services. He is widely known and well respected for his visionary leadership efforts that focus on optimizing the quality and safety of patient care in hospitals and across health care settings.

Dr. John Rather, the executive vice president of AARP, said:

Dr. Berwick's expertise on healthcare innovation and his dedication to quality improvement and patient safety would benefit the millions of low-income and older Americans served by Medicare and Medicaid. His appointment is welcome news to Medicare beneficiaries, as it signals that quality and safety will be at the top of the agenda.

Finally, our former colleague, Dave Durenberger, a Republican from Minnesota, said:

President Obama let us know he means business on "bending the medical cost curve" by nominating Dr. Don Berwick as head of the Center for Medicare and Medicaid services. . . . This appointment will be taken as an indication that health policy and health system reform is likely to be this President's top priority in his first term. We all know that Don Berwick has the ability to make both work.

There is broad consensus that the nomination of Dr. Berwick is an excellent choice by President Obama. Our country needs Dr. Berwick's remarkable talents now, and every day his confirmation stalls or is delayed is a missed opportunity to ensure his unparalleled leadership is directing our Nation's largest and most influential health care agency.

I urge my colleagues on both sides of the aisle to swiftly approve his nomination.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I might note to my colleague from New Mexico that there is a different point of view about this particular nominee. I would venture to say that since his hearing has not been scheduled yet, it may be a while before we are able to take up that nomination. In any event, there are many on our side of the aisle who have significant concerns about whether he should be put in charge of the CMS. But I appreciate the comments of my colleague, and I will turn to a different subject at this point.

#### SPENDING

Mr. KYL. Mr. President, about the time I think Washington is beginning to get the message that the American people are fed up with runaway spending, my hopes are dashed by proposals to spend even more. I would like to refer to one here in just a moment.

First, there is no question that the American people are unhappy about

the spending binge and soaring debt that have occurred under this administration and this Congress. In the last year and a half, there has been trillions in new spending, program after program, bailout after bailout. We are about to see another one.

Every time I return home to Arizona from Washington, my constituents remind me of their frustration with Washington's lack of restraint. They know the reckless spending and borrowing cannot go on forever. They are worried about how their kids and their grandkids will pay for all of President Obama's spending priorities and associated debt.

Now, \$260 of new debt has been added to each household every week of the Obama administration. Let me repeat. For every week of this administration, every household has another \$260 of debt. Our national debt has now reached \$13 trillion, much of which is held by countries such as China. More than \$1 trillion has been added to the debt since the majority adopted legislation they called pay-go. These are so-called budget controls which require Congress to pay for what it spends. But, unfortunately for the taxpayers, the emergency designations and other budget gimmicks have been a convenient way for the majority to circumvent these pay-go rules.

Now the President is asking for some more money to spend for yet another bailout. This time it is \$23 billion for teachers' salaries and a total of \$50 billion to defray the cost of State employees' and local employees' salaries. No guarantee that the funding would be used in the case of the teachers necessarily to save jobs, or firefighters, the same. And this comes just 16 months after Congress poured \$100 billion for education into the so-called stimulus legislation, including \$48 billion in direct aid to the States. As for total Federal education spending, it has doubled since the year 2000 to 15 percent of the Federal budget now—not an inconsequential amount.

Besides more spending and debt, I see the continuation of two troubling patterns here. One is the refusal of this administration and the majority in this Congress to encourage State and local governments to economize to live within their means, just as families and private sector businesses must do. The President's latest proposal for this \$50 billion in so-called emergency funding simply bails the States out, the State and local governments that have obligations to their employees.

With regard to education, the Education Secretary, Arne Duncan, says the \$23 billion for teachers is an emergency. But, as George Will pointed out in a recent column, the private sector has lost 8.5 million jobs during the recession or 7.4 percent of workers, while local governments have only lost 141,000 workers or less than 1 percent of their workers. Will writes, "Now this supposed emergency, and states' dependency, may be becoming routine

and perpetual." In other words, the Federal Government just becomes the payor for the salaries of people who work for State and local governments.

Spending \$23 billion is not going to help unemployed private sector workers find jobs; it may actually hurt them. And spending billions of stimulus dollars on State and local governments hasn't helped them to solve their financial problems thus far. How will spending billions remedy their underlying budget problems? It is just a temporary reprieve. But if they don't do anything to address the underlying cause of the problem, we will not have helped them at all.

Education spending has not been neglected during the recession, and at some point local governments have to figure out a way to make do with what they have. The debt and out-of-control spending are the real emergencies we should be dealing with.

The second pattern I would like to note is the administration's habit of supporting legislation that designates winners and losers, especially when it comes to labor unions. They were the beneficiaries of \$85 billion in bailouts to the car companies and special tax treatment of the President's health spending law. Teachers unions are the winners if the President convinces Congress to spend another \$23 billion on teacher salaries. This is not the kind of change Americans had in mind when President Obama took office; that is, political allies getting special status and treatment.

President Obama pays lip service to fiscal responsibility but does so as long as his own priorities do not have to be put on hold; otherwise, he would not talk in the same breath about fiscal restraint on the one hand and another \$50 billion in Federal taxpayer money or borrowing from other countries in order to pay teachers' salaries, firefighters' salaries, and the like. At some point, I believe the President will have to match his rhetoric with action; otherwise, the United States will not be able to avoid unprecedented budgetary and economic crises. Is this really the legacy this administration and this Congress want to leave behind? I think not.

I think when I go home this week and I visit with constituents of mine, including another tea party group, I am going to hear an earful about how they thought Washington was beginning to get the message that we were not supposed to spend so much money we did not have; that they are tired of us going to borrow money from other countries such as China and putting it on the credit card for our kids and our grandkids to pay. I think I am going to have to tell them: Well, I thought folks were beginning to get the message, but now, with the President's new request, it appears we are going to have to deal with the problem again.

I hope that when the President's proposed legislation comes to the Congress, we are able to say to him: No,

not this time, just as we are with the legislation that is on the floor of the Senate this week, the so-called emergency that continues certain tax policies in force, extends certain benefits such as unemployment insurance, but does a lot of other things that are not paid for, that are not offset by cuts in other spending.

I don't think we can continue to just keep piling on more and more spending without finding a way to offset it with savings elsewhere. It is not as if those savings can't be found, but we will never get there if we decide to take on the obligations of State and local governments to pay for all of the governmental workers who are on their payrolls. We have to start looking at the private sector and how to encourage the private sector to begin to put more of their folks back to work instead of taking money out of the private sector in order to keep these government workers employed.

I hope my colleagues will take the message I have heard loudly and clearly from home to heart and begin to apply some fiscal discipline to the spending policies this administration is proposing and will for once say: No, we can't afford this, and so we are not going to spend the money.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for such time as I consume.

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

#### CAP-AND-TRADE

Mr. INHOFE. Mr. President, today I wish to speak on where I think this climate change debate is headed after last Thursday's vote on the Murkowski resolution. We got a very clear signal in today's Politico, which reported that President Obama, in his Oval Office address tomorrow night, will seek, as a part of the response to the BP oil spill, to "put a price on carbon."

Let's keep in mind what "a price on carbon" is. That is a tax, a carbon tax, or what we call cap and trade. Quite often people have said: Well, if those individuals really want to charge for carbon, want to stop this economy, why don't they just put a carbon tax on it? The reason they do not is then people would know how much it is costing them. As it is now, with cap and trade, they would not.

But again, he is going to have an Oval Office address. I think this will be

the first talk he will give from the Oval Office since he has been President. Of course, that is Washington-speak for cap and trade—a price on carbon.

This is remarkable. Here we have the most significant environmental disaster in our Nation's history, and the President decides now is the time for cap and trade—a massive new energy tax paid for by consumers, working families, farmers, and small businesses; a massive new energy tax that will destroy millions of jobs, in good measure by sending many of them to places such as China and India; a massive new energy tax that will make a gallon of gas more expensive; and a massive new energy tax that will not do anything to stop global warming but will increase the size of government and give more money to politicians to spend. Just how that will contain the oilspill, mitigate the environmental damage, or help those immediately affected by it remains a mystery. Put simply, it will not do any of those things, but it will damage the economy and make it harder to deal with this crisis.

We have a serious incident on our hands. People died, people's economic livelihoods are at stake, and the environment is being harmed. But instead of Presidential leadership and clear direction, we are getting pure partisan politics. One glaring example is President Obama's moratorium on deep-water drilling—something environmental groups have been seeking for many years. This is an exercise in overreaching that will do far more harm than good. The Louisiana Department of Economic Development estimates that the President's moratorium would kill 3,000 to 6,000 jobs in the next few weeks and over 10,000 Louisiana jobs in the next few months. More than 20,000 jobs are at risk in the next 12 months. That is one example of just pure politics.

Today, in a letter to supporters—we just got this, Mr. President; you may not be aware of this—this is a letter that went out today to Obama supporters all across the Nation, and it says: We are going to have a big meeting at the White House, and we are going to talk about moving forward on legislation to promote a new economy powered by green jobs, combating climate change, and ending our dependence on foreign oil.

Down further in the letter, he says that the House of Representatives has already passed comprehensive energy legislation. Let's remember what that was. That was the Waxman-Markey bill. That was a cap-and-trade bill—one that was very expensive. He says there is currently a plan in the Senate to do the same thing. That is the Kerry-Lieberman bill he is talking about and we are going to talk about.

So the whole idea of this meeting—and I understand the speech that is going to take place tomorrow night is to try to promote an agenda, a very liberal agenda, an agenda that has been rejected. Cap and trade has been re-

jected by this legislative body since the Kyoto Treaty. That was way back in the late 1990s. Then, of course, the 2003 and 2005 bills by McCain and Lieberman that have been cap-and-trade bills were rejected and every one of them since then, including the Warner-Lieberman bill and the other bills we have had. The interesting thing is, every time a cap-and-trade bill comes up here, it is defeated by a larger margin. That is why I have been saying cap and trade is something that is dead in the Senate.

Instead of Presidential leadership, we are getting rhetoric of the worst kind. A case in point came last week. We heard that the Murkowski resolution is a "big oil bailout" that will allow oil companies such as BP to pollute the air. That must be news to thousands of groups across the country because they certainly were very much in support of her resolution. I am talking about people such as the American Association of Housing Services for the Aging, Family Dairies USA, the Farm Bureau, the National Federation of Independent Business, the Brick Industry Association, the National Association of Manufacturers, the Associated Builders and Contractors—the list goes on and on of the people who realize they do not want to have this massive government takeover.

Let's keep in mind that when you talk about cap-and-trade legislation and then you talk about what the EPA is talking about doing under the Clean Air Act, it is essentially the same thing. It is just that since they could not get it passed legislatively, they are going to try to do it administratively. That is what the whole Murkowski resolution was about. It was about stopping that from taking place. Incidentally, it got 47 votes, and I am going to talk about those votes in a minute.

Well, do some Members really believe these groups have been duped, that what they are really supporting is nothing more than a sop to BP and big oil? This is simply insulting to the citizens across the country who supported the Murkowski resolution for one simple reason: It will stop the greatest bureaucratic intrusion into the lives of the American people in history.

I am confident we will keep hearing this refrain as we get closer to November. The story in today's *Politico*—and this is interesting; it just came out today—talks about a survey by a guy named Joe Benenson. He is President Obama's campaign pollster. He is an Obama guy. They are doing it for a very liberal group. Among other things, Mr. Benenson found that, based on his interpretation of the survey results, pushing for cap and trade and tying opposition to it to big oil is a "potent political weapon" for Democrats against Republicans this fall. Purely political. No one can argue that.

Well, it is my view that we should be capping that well and not the economy, but apparently the President sees it

differently. I suppose some of this was driven by last week's 47-to-53 vote on overturning the EPA's endangerment finding. The motion to proceed to the Murkowski resolution failed, but the President should not let those numbers obscure the hard political reality: there is a bipartisan majority in the Senate that supports either a delay of or an outright ban on the Obama EPA's job-killing global warming agenda.

By preventing a debate on the Murkowski resolution, the Democrat-led Senate voted last week to expand the reach of government into our daily lives. But the reason this bureaucratic intrusion will continue is that a deal was cut just prior to the vote.

Now, listen to this. It was exposed in a front-page story in the *Hill* the day of the vote. I am going to read from that story, the *Hill* story:

Democratic leaders are scrambling to prevent the Senate from delivering a stinging slap to President Barack Obama on climate change. They have offered a vote on a bill they dislike in the hopes of avoiding a loss on legislation Obama hates. The president is threatening to veto a resolution from Sen. Lisa Murkowski that would ban the Environmental Protection Agency from regulating carbon emissions. But if the president were forced to use his veto to prevent legislation emerging from a Congress in which his own party enjoys substantial majorities, it would be a humiliation for him and for Democrats on Capitol Hill. So Senate Majority Leader Harry Reid and other Democratic leaders are doing what they can to stop it. They are floating the possibility of voting on an alternative measure from Sen. Jay Rockefeller, a Democrat from the coal state of West Virginia, which they previously refused to grant floor time. . . .

This is all quoted from the article.

It appears at least seven Democrats took the deal offered to them. What is the deal? The deal is: I know you guys want to vote for the Murkowski resolution. All your people back home want you to vote for it. It is a very popular resolution to stop this overwhelming takeover. Yet, in order to keep them from getting to 51 votes, you are going to have to vote against it.

These are seven Democrats. At the same time, those same seven Democrats could use the Rockefeller amendment for cover. The Rockefeller amendment is the same as the Murkowski resolution, except it just delays it 2 years. Frankly, it accomplishes the same thing. I am for either one of them. Either one would be good. The problem with that is the Rockefeller bill would take 60 votes. So it is saying we know they can get the 51 votes, but if you seven won't vote for Murkowski, we will let you go ahead and vote for the Rockefeller thing and they won't get it anyway because it would take 60 votes.

I know it is heavy lifting. It is complicated, but that is what is going on around here. In other words, for the Democrats to ensure that the EPA can micromanage farms and other institutions in America, they have to develop a scheme to give cover to Democratic Members who should oppose the EPA takeover. I wish to emphasize that I

believe these Members are conflicted about what to do. I think they understand the economic harm and what an unfettered EPA bureaucracy could mean for their constituents—fewer jobs, more regulations, higher taxes, and a slower economy—but they were pressured by the President and the base of the Democratic Party. They were warned against defying the President on one of his top initiatives, so they turned to the Rockefeller bill as an alternative, which is a 2-year delay for implementation of this bill; in other words, not allowing the EPA to micromanage our lives at least for 2 more years, giving us a little breathing time. But it is not the end of the road.

As I see it, the Rockefeller bill should not be used as political cover. It is merely an alternative means of achieving a similar goal sought by Senator MURKOWSKI to stop the EPA from deciding our Nation's energy policy. We ought to get a vote on Rockefeller one way or another, and if it happens, I trust these seven Members—and possibly others who voted no on Murkowski—will vote with their constituents for the Rockefeller bill and against EPA taking jobs, businesses, and energy out of our struggling economy.

Let me be blunt. EPA's growing regulatory regime will lead to one of the greatest bureaucratic intrusions into the lives of the American people. Peter Glaser, an attorney with Troutman Sanders and one of the foremost Clean Air Act attorneys—the Clean Air Act passed many decades ago—said that the EPA's endangerment finding will lead to Federal regulation of schools, hospitals, nursing homes, commercial buildings, churches, restaurants, homes, hotels, malls, colleges and universities, food processing facilities, farms, sports arenas—all of these things. That is virtually everybody—and it would be a very expensive proposition.

If you look at what happened throughout the history of this endangerment finding, the debate over the Murkowski resolution began even before the resolution was introduced in January. It began with the creation of the Intergovernmental Panel on Climate Change, the IPCC. That was at the United Nations back in 1989. That led to the Kyoto Protocol, and we voted on the intent of the Kyoto Protocol right in this Chamber 95 to nothing. The question was this: We will reject any treaty that comes from the Clinton-Gore White House to us if it either hurts our economy or doesn't treat the developing nations the same as the developed nations. Of course, that is exactly what we did. That was 95 to 0.

Then, later on, as I mentioned, we had all of these different bills, including the Lieberman-Warner bill, the McCain-Warner bill, and all of these were cap-and-trade bills and they all died. All of this led to the EPA's endangerment finding. What that said

was—and this is the President: In the event that the House and the Senate refuse to vote in favor of some kind of a cap-and-trade bill, as has been mentioned, then we will go ahead and do it under the Clean Air Act. The Clean Air Act was set up to attack real pollutants such as SO<sub>x</sub>, NO<sub>x</sub>, and mercury. So they were saying we will go ahead and do it with this regulation.

Make no mistake. Despite testimony to the contrary by senior officials, the Obama administration was not forced by the Supreme Court to choose endangerment. As I noted, they had a choice. They made the wrong choice. They could have either voted not to consider CO<sub>2</sub> as endangering to health or they could do it or ignore it altogether. They decided to do it, and it didn't surprise me a bit.

So the IPCC put together this thing and we now—I can remember so well when we had Lisa Jackson, who is the Administrator of the Environmental Protection Agency, before our committee. We talked about the fact that I thought—this is before the endangerment finding. I said: Administrator Jackson, I think you are going to have an endangerment finding, and when you do, you have to base that on science. What science are you going to base it on? The answer was: The IPCC or the United Nations.

We know what has happened to the credibility of that science since that time. It has been totally debunked.

The other defense people use in trying to justify voting against the resolution as expressed by a few Democrats was that overturning endangerment would mean removing the authority from the National Highway Traffic Safety Administration—that is the NHTSA—to set Corporate Average Fuel Economy standards, CAFE standards. More specifically, some argue it would undo the historic auto deal reached last May by the two auto companies, the White House, and the EPA, DOT, and California. The only problem with this argument is that it is wrong. Ask the Obama administration. According to a February 19 letter by Kevin Vincent—that is the NHTSA's general counsel:

As a strictly legal matter, the Murkowski resolution does not directly impact NHTSA's statutory authority to set fuel economy standards under the Energy Policy and Conservation Act, as amended by the Energy Independence and Security Act of 2007.

So we are hearing that this resolution will revoke the new CAFE standards and increase the amount of oil we consume. It is patently false to assert that NHTSA said they can't continue to work on, and then implement, as they are doing today, the CAFE standards. So that argument is a phony argument.

Cap and trade. During the debate last week, I spoke briefly about the collapse of the science behind manmade global warming. I said the vote last week was not based on the science but, rather, on stopping a liberal job-killing

agenda. It is interesting because there are several people—all of the Republicans supported the Murkowski resolution. Yet there are some Republicans who actually believe that anthropogenic gas is a major cause of global warming. I am not one of those. I am at the other extreme. But there are some here who don't agree. So that wasn't what the vote was about. It was about whether they should take over control of our lives as they are talking about doing. There is no doubt that there is a wide spectrum of beliefs about the science in the Republican Party, but I am pleased that last week we stood united for protecting American jobs. That is all 41 Republicans. That is very rare. They always say Democrats are much more disciplined than Republicans are. That is where the phrase "herding cats" came from. That is why you try to get Republicans all together. It is a very unusual thing, but we were. We were all together last week.

The Clean Air Act is a monumental mistake that will shackle the American economy with job-killing regulations and higher energy taxes.

Let me now take a little time to discuss both the current state of cap and trade in the Senate and the latest science behind global warming. First, let me state the obvious. Despite the best efforts by many in the more extreme liberal wing of the Democratic Party, global warming cap-and-trade legislation is dead. It is dead. I stated that 2 months ago, and there is no way they are going to be able to bring it back. We will have to wait and see. In fact, just the term "cap and trade" is so toxic these days in the Senate, my Democratic colleagues refuse to even use the term anymore. They don't use "cap and trade." Last week Majority Leader HARRY REID said:

We don't use the words "cap and trade" . . . That's something that's been deleted from my dictionary.

Further, RollCall reported last week that Democrats in the House had a similar response to cap and trade. RollCall reported:

Both Speaker Nancy Pelosi and House Majority Leader Steny Hoyer bristled at a question about Senate Minority Leader Mitch McConnell's declaration that the House's cap-and-trade energy proposal is dead. The House passed a bill that includes the proposal last year, but the issue has stalled in the Senate. "That's not the bill they have in the Senate," Pelosi told reporters. "They don't have a cap-and-trade bill. That's not the bill they have in the Senate."

That is the bill we have in the Senate. It is cap and trade. All of those are cap and trade. The current bill, the Kerry-Lieberman bill, is cap and trade. They may change the name of it, but it is still cap and trade. They cap emissions and then they start trading around and the government picks winners and losers and tries to convince everyone that he will be the winner.

It wasn't long ago that the author of the cap-and-trade bill in the Senate tried to suggest that his bill wasn't cap and trade either. He said:



I don't know what "cap and trade" means. I don't think the average American does. This is not a cap-and-trade bill, it's a pollution reduction bill.

It is a cap-and-trade bill.

In fact, when Senators KERRY and LIEBERMAN finally introduced their bill, we soon learned that it was worse than cap and trade because it was cap and trade, but it also included a gas tax increase.

No matter the word games employed or the extent to which the Democrats wish to hide the truth from the American people, cap and trade will mean more job losses, more pain at the pump, and higher food and electricity prices for consumers. Despite the postmodern denial of "the truth" in which words can mean whatever one chooses, the next version of "putting a price on carbon" will be cap and trade, pure and simple. And if the House Waxman-Markey bill is any guide, it will showcase massive expansion of government mandates, spending, taxes, and energy rationing for America.

Now let me turn to cover the flaws of the science on which the EPA's endangerment is based. Lisa Jackson is President Obama's EPA Administrator. She admitted publicly that the EPA's finding of endangerment is in good measure a conclusion of the UN's IPCC. She told me in a public forum live on TV that EPA accepted those findings without any serious independent analysis to see whether they were true.

After climategate and the admission of errors by IPCC, we now know that the process was flawed all along. In a Senate report I released earlier this year on climategate, the report found that some of the world's leading climate scientists engaged in unethical behavior and possibly violated Federal laws. Many of those scientists appeared to have manipulated the data—this is what came out of the report—manipulated the data to fit preconceived conclusions. In other words, IPCC says, What do we have to show to come to the conclusion we have already come to 7, 8 years ago that anthropogenic gases are causing global warming. They obstructed Freedom of Information requests and dissemination of climate data—and by the way, they did show that was true in Great Britain, but the problem is the statute of limitations had already run and the IPCC had colluded to pressure journal editors against publishing scientific work contrary to their own.

The U.K. Government has already found that scientists from the Climate Research Unit, or CRU, who are at the center of this scandal, violated its Freedom of Information Act.

Importantly, the Senate report shows many of the scientists involved in this scandal worked for the UN's IPCC, the Intergovernmental Panel on Climate Change. They helped compile the IPCC's 2007 Fourth Assessment Report. That is important because that report is a primary basis for the EPA's endangerment finding for greenhouse

gases. The media has uncovered several errors and mistakes in the report which undermine the credibility of the IPCC's science.

The things I am going to list right here were found both in Al Gore's movie as well as the IPCC report. They are all in this thing together. They said it would melt the Himalayan glaciers by 2035. That is just flat not true. They admit that is not true. They said it would destroy 40 percent of the Amazon's rain forest. That is not true. They said it would melt the ice in the Andes, the Alps, and in Africa. That is not true. They said it would drastically increase the cost of climate-related natural disasters. That is not true. It would drive 20 to 30 percent of the species to extinction. That is not true. It would slash crop production by 50 percent in Africa by 2020. All of these things have been fabricated and since proven not to be true. Yet that is the science on which the endangerment finding has been based. Oh, yes. The IPCC said the Netherlands is 50 percent below sea level. That is not true, either, as we well know. There is even more, but I think we have made our point here.

The fact is that the EPA accepted the IPCC's erroneous claims wholesale without doing its own independent review. So EPA's endangerment finding rests on bad science. The EPA minority report provides further proof that EPA needs to scrap the endangerment finding and start all over again. By the way, anyone interested in this can look at my Web site where we cover all the details and all the documentation on everything I have been saying.

The Obama administration, however, is pressing ahead. We have been told that the science still stands. We have been told that IPCC's mistakes are trivial. We have been told that climategate was just gossipy e-mails between scientists. Yet global warming alarmism has been sold on the very notion that manmade greenhouse gases are causing environmental catastrophes, such as the Himalayan glaciers melting and all that stuff. So the science is certainly not so.

Further, the challenges to the integrity and credibility of the IPCC merit closer examination by the Congress. The ramifications of the IPCC spread far and wide, most notably to the endangerment finding.

The EPA's finding rests on the IPCC's conclusions, and the EPA has accepted them wholesale, without independent assessment.

Remember how the Telegraph of London referred to all this? That is one of their largest publications, the London Telegraph. They said climategate and the IPCC's errors amount to "the greatest scientific scandal of our time." That is a publication that was very favorable to the IPCC before climategate came along. Climategate—even though it happened this last December, if anybody wants to document how far back this was first discovered,

I made a speech at this podium on the Senate floor 4 or 5 years ago that documented all these scientists coming in and saying how they were rejected from the process of the IPCC because they would not verify their conclusions.

At this pivotal time, as the Obama EPA is preparing to enact policies potentially costing trillions of dollars and thousands of jobs, IPCC's errors make plain that we need openness, transparency, and accountability in the scientific research financed by U.S. taxpayers.

Mr. President, let me conclude with this: As the most conservative Member of the Senate, as ranked by the National Journal, I have spent the past 2 years speaking out against the unprecedented liberal agenda coming out of Washington. I have stood up and spoken out about massive out-of-control spending in Washington, increased government intervention into our daily lives, the gutting of our national defense, and of the costly global warming agenda.

In the midst of these challenges, we also face an unprecedented environmental catastrophe in the gulf. Today, as the American people continue to face high unemployment and a struggling economy, we must remain focused on finding every opportunity to stand on the side of the American worker and create opportunities.

In the gulf, we all have to work together and stay focused on mitigating and containing the environmental impacts and providing assistance to the gulf's affected commercial and recreational industries and investigating the causes so we can prevent a disaster of this kind from happening again. Staying focused will help us make prudent decisions.

The bottom line is, for the sake of our Nation, we must be willing to put aside the costly liberal agenda of the left and not allow them to use the gulf tragedy to advance their cap-and-trade energy tax, which is completely unrelated to stopping the spill and helping the people in the gulf. There is no relationship between cap and trade and the gulf disaster. There is no relationship between what the EPA endangerment finding would allow one bureaucrat to do and the gulf tragedy. By their own admission—to say they can parlay this into their own agenda is something we cannot let happen.

Twenty years ago, a very similar thing happened with the Exxon Valdez. It was tragic, and I went up there. The environmental extremists were up there celebrating and saying: We are going to parlay this into retarding the exploration and production on the North Slope. I made the statement there—it is all in writing—how can you figure this out? How can you stop oil production domestically in Alaska by using this issue?

Well, the issue was a transportation issue. It wasn't an oilspill or a production accident. It was a transportation accident.

I said: If you stop our production, we are going to be more dependent upon other countries for our ability to run this machine called America. They are going to have more transportation and a greater possibility of transportation accidents. That is what we are faced with now.

Clearly, I appreciate the two statements that were made by President Obama's old director of the EPA that the endangerment finding is based on the science that we now know is false science. By the way, even though it is not the end of the world that the Murkowski resolution failed, four key lawsuits are filed challenging the law on which they are basing this endangerment finding.

Even if we were to pass any of the cap-and-trade bills, it would not reduce worldwide emissions any. It would only affect the United States. I argue it would increase CO<sub>2</sub> emissions because as we lose jobs in the United States with cap and trade and force a lot of our manufacturers to other countries—they would go to countries such as China, India, and Mexico where they don't even have strong emissions standards.

With that, let's not politicize this any more. If they want to bring up cap and trade, let's do it, and we can defeat it like we have done over the past 10 years.

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

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

#### OIL AND GAS PRODUCTION

Mr. INHOFE. Mr. President, there doesn't seem to be anybody else here, so I will make one comment about amendments coming up that are closely related to the subject we just discussed. It is Sanders amendment No. 4318. I knew this would happen—that the bill would be used to pass another agenda. Sure enough, that is what is happening.

The Sanders amendment is aimed at stopping oil production altogether. It does three things: It repeals expensing for tangible drilling costs, it repeals percentage depletion for marginal oil and gas wells, and it repeals the manufacturing deduction for oil and gas production.

I predicted the spill in the Gulf of Mexico would be used as an opportunity to shut down domestic oil and gas wells owned and operated by independent oil and gas producers throughout the country. That is what is happening with this amendment.

Repealing expensing of intangible drilling costs eliminates the ability to

expense intangible drilling and development costs, called IDC, which would force at least a 25- to 30-percent reduction in drilling budgets, leading to lost jobs, lost production, and higher prices for consumers. We have not talked much about higher prices to the consumers.

With cap and trade—if they were successful in that—we would feel that in a matter of weeks. Despite the rhetoric, IDC expensing is firmly grounded in sound accounting practices and principles, and it has been in the Tax Code since 1913. IDC expensing is similar to expensing by other companies for technology, wages, and fuels which other industries expense for operations. So they are singling out the oil and gas industry, just willfully, to stop them and put them out of business.

Likewise, since 1926, small producers and millions of royalty owners have had the option to utilize percentage depletion to both simplify and account for the decline in the value of minerals produced from a property. It is complicated, but percentage depletion recognizes that oil and gas reservoirs are depleted by production, so it is the amount which small producers can expense to reinvest in production. Percentage depletion is particularly important for the production of America's over 600,000 low-volume marginal wells.

I am particularly interested in this because in my State of Oklahoma we have mostly marginal well production. Marginal wells produce less than 15 barrels a day. It is a smaller type of production. The average marginal well produces barely two barrels a day—we have been talking about millions of barrels in the gulf—yet, cumulatively, they account for nearly 28 percent of domestic production in the lower 48 States.

Since every on-shore natural gas and oil well eventually declines into marginal production, the economic lifespan and corresponding production of nearly all natural gas and oil wells would be reduced through the elimination of percentage depletion.

Finally, Congress has already frozen the manufacturers' tax deduction specifically for only oil and natural gas companies less than 2 years ago. All other domestic manufacturing can deduct income at a higher rate than oil and gas companies. Repealing the entire reduction for oil and gas companies is only targeting oil and gas production, and it shows what the motivation is.

We have to remember a couple of very important points when we seek to target certain industries for tax treatment. First, oil and gas companies employ Americans and fund our communities. Oil and gas companies employ over 9 million people in the United States. Approximately 3 million land and mineral owners from coast to coast are the beneficiaries of monthly checks from the royalties produced on their properties. Many of these individuals are small property owners—very

small—and some are just small family farms. In fact, just today the National Association of Royalty Owners ranked this as its No. 1 concern on its Web site. That was today.

They say the Sanders amendment is their No. 1 target. These are not rich people. They are small farm owners and landowners. States annually collect billions of dollars in oil and gas excise and severance taxes that furnish critical funding for roads, schools, and law enforcement. By punishing America's oil and gas industry, this amendment only puts unemployment and State and local funding in peril.

Secondly, punishing our oil and gas industry only makes us more dependent on foreign sources of energy. After President Jimmy Carter imposed a windfall profit tax on the oil and gas industry in 1980, the nonpartisan Congressional Research Service later determined that its results were hugely counterproductive, saying:

The windfall profit tax reduced domestic oil production between 3 and 6 percent, and increased oil imports from between 8 and 16 percent. . . . This made the U.S. more dependent upon imported oil.

America's natural gas and oil companies are already paying taxes at the highest rates. Figures from the Energy Information Agency indicate that America's major oil producers already pay, on average, more than a 40-percent income tax rate.

The EIA also reported in December of 2009 that, on average, 53 percent of the net incomes of oil and gas companies are paid in taxes compared to 32 percent from others in the manufacturing sector.

Now is not the time to group the entire oil and gas industry together for punishment. Punishing the entire industry in the sledge hammer approach this amendment uses only increases the cost of energy for all Americans, and it makes us more dependent upon foreign countries to run this machine called America, as I often say.

People say they don't want oil, gas, coal, or nuclear. Well, in the final analysis, how do you run the country without it? You can't. If we retard in any way the ability to produce oil and gas, it will make us more dependent upon foreign countries for us to drive this machine called America.

With that, I yield the floor.

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

Mr. REID. Mr. President, would the Chair be kind enough to have the bill reported.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the



Senate will resume consideration of the House message to accompany H.R. 4213, which the clerk will report.

The assistant legislative clerk read as follows:

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

Pending:

Baucus motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus amendment No. 4301 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute.

Franken amendment No. 4311 (to amendment No. 4301), to establish the Office of the Homeowner Advocate for purposes of addressing problems with the Home Affordable Modification Program.

Sanders amendment No. 4318 (to amendment No. 4301), to amend the Internal Revenue Code of 1986 to eliminate big oil and gas company tax loopholes, and to use the resulting increase in revenues to reduce the deficit and to invest in energy efficiency and conservation.

Vitter amendment No. 4312 (to amendment No. 4301), to ensure that any new revenues to the Oil Spill Liability Trust Fund will be used for the purposes of the fund and not used as a budget gimmick to offset deficit spending.

AMENDMENT NO. 4344 TO AMENDMENT NO. 4301

Mr. REID. Mr. President, I have an amendment at the desk, and I ask unanimous consent that the pending amendment be set aside.

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

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4344 to Amendment No. 4301.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to extend the time for closing on a principal residence eligible for the first-time homebuyer credit)

At the end of part I of subtitle B of title II, insert the following:

**SEC. —. FIRST-TIME HOMEBUYER CREDIT.**

(a) IN GENERAL.—Paragraph (2) of section 36(h) is amended by striking “paragraph (1) shall be applied by substituting ‘July 1, 2010’” and inserting “and who purchases such residence before October 1, 2010, paragraph (1) shall be applied by substituting ‘October 1, 2010’”.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 36(h)(3) is amended by inserting “and for ‘October 1, 2010’” after “for ‘July 1, 2010’”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to residences purchased after June 30, 2010.

(d) OFFSET.—

(1) DISALLOWANCE OF DEDUCTION FOR PUNITIVE DAMAGES.—

(A) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(ii) by striking “If” and inserting:

“(1) TREBLE DAMAGES.—If”, and

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

“(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).”.

(B) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting “OR PUNITIVE DAMAGES” after “LAWS”.

(2) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(A) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

**“SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.**

“Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer’s liability (or agreement) to pay punitive damages.”.

(B) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

“(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person’s liability (or agreement) to pay punitive damages.”.

(C) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

“Sec. 91. Punitive damages compensated by insurance or otherwise.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to damages paid or incurred after December 31, 2011.

Mr. REID. Mr. President, I will talk briefly on this amendment. It is an important amendment. Last year, in November, we passed the Worker, Home Ownership and Business Assistance Act containing a number of important provisions to support our economy.

First of all, let me say the idea for this came from the Senator from Georgia, JOHN ISAKSON.

It is a great idea. He was a businessman before he came here. This certainly indicates he must have been a good businessman. This credit has been so helpful to our economy, not only in Nevada but around the country.

As part of this bill we passed in November, we expanded and extended the home buyer tax credit. We made the credit available to more individuals and families who purchase a home.

We also extended the credit through April 30 of this year and allowed anybody who signed a binding contract on a home and makes the purchase before July 1 to benefit from that credit.

When this provision became law last November, the housing market was just beginning to recover. But further support was necessary given the importance of the housing industry to the overall economy.

Now we are beginning to see more signs of recovery. Sales have increased since January. Median home prices have increased since November. Still, in States such as Nevada, the housing

market is struggling. Across the State a significant percent of mortgages are underwater. That means the amount owed on the mortgage is greater than the value of the home.

The home buyer tax credit is helping to alleviate some of that pressure. Economists estimate that the home buyer tax credit increased demand by about 1 million buyers.

The stories I have been told about people being able to buy their first home are remarkable. Someone who worked for me had a girlfriend who wanted to buy a home. She was finally able to do that. She was so happy. She tried eight different times before she got one for which she qualified.

I was doing a tour of one of the hotels, the cafeteria in the Paris Hotel. It is actually two large rooms where they eat coming off their shifts. I was asked by one of the executives taking me around to come and talk to this man. He was so happy. He had come to this country. He was an immigrant. He had become a citizen. He was so excited because his son was able to buy a home because of this first-time home buyer tax credit. You could not have seen anyone happier than this man. He was proud of his son being able to buy a home.

This tax credit helps to increase the value of homes and, just as important, it adds jobs to the housing industry. This shows the credit is doing what it was designed to do—help stimulate the housing market in a tough economic climate.

There are some home buyers who entered into a binding sales contract by April 30 of this year expecting to receive a credit but will be unable to close by July 1, 2010, through no fault of theirs. There is a huge backlog of people wanting to buy these homes. They should not be prevented from doing this because of the paperwork.

These home buyers are doing everything they can to close by the deadline, but completion of the sale will take longer than some originally expected. One reason is because of the volume of work. The other reason is because some of the financial institutions are very slow, for administrative reasons, especially on sales of bank-owned properties where paperwork can take an inordinate amount of time.

An extension of the date to close the transaction from July 1 of this year to October 1 of this year will give these home buyers who properly secured a binding contract for their new home before April 30 the ability to receive the credit. This will especially help States still struggling to recover from the troubled housing market. These States have higher levels of bank-owned properties.

To remind my colleagues, this extension only applies to those home buyers who are already under a binding contract. This amendment is not an extension of the time to enter into a contract.

To quote my friend, the Senator from Georgia, whose idea this is, this whole concept:

As I tell so many who call me, it is not going to be extended because credits such as that are designed to do what it has done; that is, to bring the marketplace back and hopefully stabilize values and move forward.

We must make sure those home buyers who are already under a binding contract or committed to the purchase of a new home are able to receive the home buyer tax credit. This amendment is necessary to ensure we follow through on the commitment to help the struggling housing market. This extension of time is fully paid for with an offset included in the President's tax compliance proposals. The offset would deny a tax deduction for payments made for punitive damages.

Punitive damages are intended to be just that—punitive. The American taxpayers should not be subsidizing payments intended to be punitive in nature through a tax deduction. These exemplary damages entered should not be something they can write off. This offset is good policy and will help pay for our Nation's ongoing economic recovery. I urge my colleagues to support this amendment.

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

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, could I ask my friend to yield?

Mr. THUNE. I will be happy to yield to the leader.

Mr. REID. He will have the floor right back. I told the Republican leader earlier today I would file cloture. I am going to do that right now, recognizing this is not in any way going to hinder people offering amendments, but I told the Republican leader I would do that and, frankly, I want to do it now so I will not have to worry about it later.

#### CLOTURE MOTION

Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment on H.R. 4213, the American Workers, State, and Business Relief Act of 2010, with an amendment No. 4301.

Harry Reid, Max Baucus, Richard J. Durbin, Roland W. Burris, Benjamin L. Cardin, John D. Rockefeller IV, John F. Kerry, Thomas R. Carper, Jeff Bingaman, Bill Nelson, Tom Harkin, Jack Reed, Jeanne Shaheen, Byron L.

Dorgan, Frank R. Lautenberg, Robert P. Casey, Jr., Tom Udall.

Mr. REID. I express my appreciation to my friend from South Dakota.

#### AMENDMENT NO. 4333 TO AMENDMENT NO. 4301

Mr. THUNE. Mr. President, I ask to call up amendment No. 4333, and ask it be made pending.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for himself, Mr. MCCAIN, Mr. MCCONNELL, Mr. BOND, Mr. COBURN, Mr. ISAKSON, and Mr. ROBERTS, proposes an amendment numbered 4333 to amendment No. 4301.

The amendment is as follows:

(The text of the amendment is printed in the RECORD of June 9, 2010, under "Amendments Submitted.")

Mr. THUNE. Mr. President, the amendment I offer is cosponsored by Senators MCCAIN, MCCONNELL, BOND, COBURN, ISAKSON, and ROBERTS. It is an alternative to the legislation that is under consideration by the Senate today. That is the tax extenders bill that was the subject of some debate last week, that we will continue to do this week, perhaps into next week. I am not sure exactly when it will conclude.

What my amendment does is present an alternative because the amendment under consideration that has been offered up by the Democratic majority here in the Senate adds almost \$80 billion to the Federal debt, it raises taxes by \$70 billion, and increases spending by \$126 billion.

To put that into proper context, it is important to remember that we have a current \$13 trillion debt. The amount of publicly held debt is \$8.6 trillion, but if you include the amount of debt owed between intergovernmental agencies, intergovernmental debt is \$13 trillion that our government owes and is in debt.

What has been proposed by the other side is in direct contradiction of some legislation that we passed here a few months ago that suggested everything we were going to do around here, or almost everything, was going to be paid for. It was called pay-go. We passed the pay-go rules. It was highly touted at the time. There was great fanfare associated with the passage of pay-go rules that would insist when there is new spending or tax cuts that those be offset by some spending cuts or some combination of tax increases that would make sure there was no net impact on the deficit.

What is happening here is the exact opposite of that because what we are seeing happen with the legislation that is before the Senate today is, in fact this bill were enacted and became law, it ends up being about \$200 billion in new debt, debt we have added to the public debt since pay-go has been enacted.

I appreciate the Senator from Nevada, the majority leader, yielding

back time so I can continue to speak about this amendment. I understand the process for consideration of this legislation will now be somewhat truncated if in fact cloture is invoked. I suspect it will not be long now we will be having a vote on that. But I hope my colleagues will defeat the motion to invoke cloture until such time as we have had an opportunity to debate many of these important amendments.

Clearly I believe the amendment I am discussing right now is one we need to vote on. I suspect there will be others of my colleagues who will want to offer amendments that I hope we will be able to debate and vote on before this legislation moves forward.

The point I wanted to make is this. Since the enactment of the pay-as-you-go rules here in the Senate, about \$200 billion, if the current legislation on the floor today is enacted, will have been added to the Federal debt. That is \$200 billion which we hand to our children and grandchildren to pay, notwithstanding what we have said publicly here in the Senate a few months ago, that all these things are going to be paid for and we are now going to be serious here in the Senate and in the Congress about making sure we are not piling more and more debt on future generations. That is completely contradicted by the legislation we will be voting on here in the near future on this tax extenders bill because it does increase the debt by almost \$80 billion and, as I said earlier, raises taxes by almost \$70 billion.

What I offer is an alternative to that approach. What this alternative does is, rather than increasing and raising taxes, it reduces taxes by \$26 billion, it cuts spending by \$100 billion, and it reduces the debt by \$55 billion. So instead of more spending, more taxes, and more debt in the middle of an economy that is trying to get back on its feet and create jobs, my alternative and the one I will offer on behalf of my colleagues—who, as I mentioned earlier, are cosponsors of this amendment—will in fact reduce spending, reduce taxes, and reduce debt.

I think that is a good deal for the American taxpayer. I think it strikes at the very heart of what we ought to be focused on, which is job creation. We hear the other side talk a lot about job creation, but when it comes time to create jobs, you cannot find many policies coming out of Washington, DC, today that actually are additive when it comes to job creation. In fact, as I said earlier, it is just the opposite. You have a massive new health care entitlement that, when it is fully implemented, will cost \$2.5 trillion over 10 years, which in my view will add enormously to the Federal debt because of all the double counting that was used to understate the true cost of that legislation; you had a trillion-dollar stimulus bill passed a year ago which was totally put on the debt for America's future generations; you have now discussion of a new energy tax in the form

of some cap-and-trade legislation that could come before the Senate in the next few months—and you just go down the list. At every turn, what this Congress has done in the last several months, in the last year and a half since the new administration came to office, is to increase taxes, to increase spending, to increase debt, and to increase the size and the scope of government. We continue to see this effort to expand government. When we expand government, obviously it takes more revenues to fund that government, create new bureaucracies—which is what we will see with regard to the health care legislation—and in the end takes more and more of those dollars out of the private economy where the real permanent job creation should be occurring.

Instead, what we should be focused on is creating incentives for small businesses to create jobs. Rather than creating more government, expanding the size of government here in Washington, DC, we ought to be looking at what we can do to provide incentives for the economic engine in our economy—and that is our small businesses—to go out there and do what they do best, which is create jobs.

But what you hear from small businesses not only in South Dakota but all across the country is there is so much policy uncertainty coming out of Washington and there is so much concern about the spending and the debt and the taxes, that a lot of the small businesses that might be making investments that would create jobs—hire new personnel, hire new people, buy a new piece of equipment, make capital investment—are sitting on that investment for fear the next policy to come out of Washington, DC, could be a new energy tax, it could be higher taxes. We all know starting next year you are going to see higher taxes on dividends, higher taxes on capital gains, higher taxes on marginal income, unless Congress takes steps to extend some of these expiring tax provisions.

That being said, what we are doing here today is we are going to make matters that much worse. If you are a small business person in this country, if you are someone who is in this economy and is concerned about Federal debt, is concerned about Federal spending, is concerned about taxes, then the legislation that is before the Senate right now, if adopted, is going to add, as I said earlier, another almost \$80 billion to the Federal debt, will raise taxes by \$70 billion, and increase spending by \$126 billion.

There is a better way. That is why I offer this amendment. This amendment does a number of things. It reduces spending in a number of areas. It deals with some of the provisions of expiring tax law that everybody here agrees needs to be fixed. There are things both sides agree on. Both Democrats and Republicans here in the Senate believe it is important that we extend unemployment insurance for those people who

have lost jobs in the economy. Both Republicans and Democrats think it is important that there are certain expiring tax provisions that need to be extended—a research and development tax credit, for example, is one thing that comes to mind. But there is a whole list of these expiring tax provisions that need to be extended that both sides agree should be done.

The difference in how we go about doing that is I think what is going to be the difference in the amendment that I offered versus the underlying legislation. Again, what I will do is reduce Federal spending and address the expiring tax law, the need to extend unemployment insurance in a way that does not raise taxes, add to the debt, and increase dramatically Federal spending in this country.

What does the amendment essentially do? Very briefly, it includes all the major priorities that both parties want to accomplish but it drops the spending that has been rejected by the Senate. It would eliminate the \$24 billion that is in the Senate bill that was not in the House bill that deals with the bailout for States around the country. It does offer, by the way, an additional year of the so-called doc fix. There has been a lot of discussion here about extending the doc fix into the future.

And the underlying bill the Democratic majority has put forward does extend the doc fix. The reimbursement physicians receive under Medicare would drop dramatically if nothing is done by Congress to address that, and both sides agree that needs to be addressed. Frankly, it should have been done during the health care debate, but it was not. So the underlying bill, the majority Democratic bill before the Senate, would extend the doc fix through the end of 2011.

What my alternative amendment would do is extend the doc fix through the end of the year 2012. So you get an additional year for the doc fix. That is something physicians around the country are interested in, and I know for a fact that it is because my physicians in South Dakota—and I am sure most of my colleagues hear on a regular basis from their physicians around the country.

It drops all the tax increases in the bill, including carried interest, the tax on professional service S corps, the international provisions, and the increase in the per-barrel tax that funds the Oil Spill Liability Trust Fund that will raise gas prices for consumers around the country.

The alternative amendment I filed is fully paid for with spending cuts. It offers more than \$100 billion in savings by actually doing what the American people want; that is, reducing spending. Every American is dealing with a tough economy. A lot of Americans have lost jobs. A lot of Americans certainly have lost income. A lot of Americans have seen their net worth plummet as a result of the economic cir-

cumstances in which the country finds itself. So they are all making hard decisions. They are sitting around the kitchen table and they are having these discussions with their family about what part of their budget to cut or what they are going to have to do without. The only place where that hasn't been true is here in Washington, DC. Why shouldn't we, as the leaders of this country, be willing to make the hard decisions that every American family is having to make?

Well, this legislation does that. It takes \$37.5 billion of the \$50 billion in unobligated stimulus funds and uses that to extend existing tax and benefit provisions. It cuts money from the government by reducing congressional budgets right here close to home. We ought to have to do what every American family and what every American business is having to do right now; that is, make some hard decisions and reduce our own spending. So it does reduce congressional budgets.

It rescinds unspent Federal funds, those funds that have been appropriated but not spent. It requires the government to sell unused land and auction off unused equipment. So it generates some additional revenue that way.

It imposes a 1-year freeze on the salaries of Federal employees and eliminates their bonuses, and it caps the total number of Federal employees at current levels. In other words, the Federal Government can't continue to grow and expand at a time when we see a lot of our businesses around this country having to lay workers off or cut back their hours. It collects \$3 billion in unpaid taxes from Federal employees.

It encourages responsibility and prioritizing by requiring a 5-percent across-the-board discretionary spending cut for all agencies except the VA and the Department of Defense. So 5 percent across the board for all agencies except VA and DOD. And we think, again, that is an important step to take if we are serious about getting our own spending under control and addressing what is a very serious problem for the future of this country; that is, the ballooning Federal debt, the continual growth of government and spending and taxes.

It saves \$5 billion by eliminating nonessential government travel, and it eliminates bonuses for poor-performing government contractors.

Finally, it adds a new deficit-reduction trust fund where rescinded balances and money saved through this amendment will be deposited for the purposes of paying down the Federal debt.

This amendment ought to be a no-brainer for all of our colleagues in the Senate because it reduces the deficit by over \$50 billion; it cuts spending by over \$100 billion; it extends the existing tax law, the provisions we have all talked about that both sides think are important; and it provides 6 more

months of stimulus unemployment benefits for those who have lost jobs in our economy.

As I said earlier, that is the exact opposite of the approach taken by the Democratic majority, which is, as I said before, the way they finance all of these things is through \$70 billion in new taxes. Again, many of those taxes are going to hit squarely on our small businesses, which are the economic engine and the job creators in our economy and are going to hopefully lead us out of this economic malaise and get us on to times where we are growing and expanding and creating more and more jobs. And it adds \$80 billion to the Federal debt, which, as I mentioned earlier, is at \$13 trillion. If you include all of the Federal debt—that amount held by the public, held by foreign countries, held by people here in this country—and then you add in the government, the intergovernmental debt that is owed to various agencies of government, we are at \$13 trillion and counting.

In fact, if you look at the trajectory going into the future, we are talking about doubling and tripling that debt, doubling it in 5 years and tripling it in 10. And we are going to get to the point where over 4 percent of our entire economy is spent just paying interest on the debt.

Think about that. Over 4 percent of our entire economy—we have a \$14 trillion economy—would be spent just paying for interest on our Federal debt. There is going to come a point, 10 years out from now, when the amount of money we have to spend to finance our debt, to pay for the interest on the debt, exceeds the amount we spend on our military. Think about that. We would spend more financing the debt we owe, spend more on interest payments on the debt we owe, than we actually spend on our national security. That is a staggering thought, if you think about it. That is what we have to try to avoid. The only way we do that is by getting serious and starting here and starting now.

My colleagues on the Democratic majority side have said that because they passed pay-go, now we are on a different path; it is a different set of rules, a new sheriff in town; we are going to deal with these issues differently. But unfortunately what we are seeing is the same pattern, the same old way of doing things, which is to declare everything an emergency, borrow the money from China, and hand the bill to our children and grandchildren. It is time that stopped. This amendment gives us an opportunity to do that.

To put things into perspective because I think sometimes these numbers get to be very abstract, and you listen to politicians get up and talk about debt and spending and deficits and that sort of thing, and it is hard to kind of comprehend, if you will, the dimensions we are talking about—I mean, \$13 trillion. It is hard to even contemplate

what \$1 trillion is. So just to put that into proper perspective, if you were to equate a dollar to a second, how much is 1 trillion seconds?

I spoke at Boys State a week ago or a little over a week ago now, and I asked the Boys Staters to sit down and do the arithmetic and to figure out how much 1 trillion seconds is because I think it helps put into perspective how much \$1 trillion is. It is hard to even wrap your mind around what \$1 trillion represents. But if you equate that to 1 trillion seconds, 1 trillion seconds is 31,746 years—31,746 years. That is what 1 trillion seconds represents.

Well, we are not \$1 trillion in debt; we are \$13 trillion in debt. How much is 13 trillion seconds? Over 412,000 years. Over 412,000 years. If you were to help people understand and put it in a certain perspective, that is the amount of money—the \$13 trillion that we now owe, that is today. As I said before, if you look at the publicly held portion of that, we are expected to double that in 5 and triple it in 10 years.

It took us 200 years of American history to get to \$1 trillion, and we have exploded that. If you look at the trendlines and where we are headed as a nation, it is a very, very scary thought. It should be scary to all Americans, and I know it is. It certainly should be scary to the Members of this Chamber. That is why, every time we deal with a major piece of legislation, foremost in our mind ought to be, how is this going to impact the fiscal balance sheet of this country? How is this going to make the next generation—how is it going to improve their standard of living, their quality of life? What is it going to do to them? Are we going to be the first generation to bequeath to the next generation a lower standard of living and a lower quality of life because we haven't been willing to make the hard choices and to make the hard decisions that are so essential if we are going to get our country on a fiscal path?

This amendment does address the issues on which both sides agree. It addresses the issue of extending expiring tax provisions that many people on both sides care about. It extends unemployment insurance until the end of the year. It does extend the doc fix beyond what the base bill does. The base bill extends it through the end of the year 2011. What this amendment would do would be to extend it to end of the year 2012.

So we have an opportunity for Senators to take a vote and to let everybody know, let their constituents know whether they are serious about getting spending under control; about making sure we are doing everything we can to create the right economic conditions for job creation, and by that I mean keeping taxes low on small businesses, not raising taxes by \$70 billion, which is what this bill does; and whether we are serious here in Washington, DC, about listening to the American people and what they are saying with regard

to spending. They want us to cut federal spending. They want us to do what they are having to do in their family budgets and in their small business budgets. What every American is now having to deal with is becoming more fiscally responsible, dealing with austere measures that will keep them from having to go deeply into hock or into bankruptcy. We are doing that here—we are going into bankruptcy. We just have the luxury here in Washington, DC, of being able to continue to borrow and borrow and put it on the credit card and hand the bill to our children and grandchildren. It is time for that to stop. It can stop with this amendment.

I hope that as we continue debate on the underlying bill and get votes on those amendments, my colleagues in the Senate will do the right thing for the future of this country and start to get spending under control and start to pay for what we continue to borrow for so that we are not piling more and more debt on future generations.

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.

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

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

#### MORNING BUSINESS

Mr. REID. I now ask that we be allowed to 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.

#### BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Madam President, I rise to submit to the Senate the sixth budget scorekeeping report for the 2010 budget resolution. The report, which covers fiscal year 2010, was prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

The report shows the effects of congressional action through June 7, 2010, and includes the effects of legislation enacted since I filed my last report for fiscal year 2010 on April 15, 2010. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the 2010 budget resolution.

The estimates show that for fiscal year 2010 current level spending is above the levels provided in the budget resolution by \$3.1 billion for budget authority and \$5.8 billion above for outlays. For revenues, current level shows that \$14.2 billion in room remains relative to the budget resolution level.

I ask unanimous consent that the letter and accompanying tables from CBO be printed in the RECORD.

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, June 10, 2010.

Hon. KENT CONRAD,  
Chairman, Committee on the Budget,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2010 budget and is current through June 7, 2010. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Since my last letter, dated April 15, 2010, the Congress has cleared and the President has signed the Continuing Extension Act of 2010 (Public Law 111-157). The entire act was designated as an emergency requirement pursuant to section 403 of S. Con. Res. 13. Provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes the budgetary effects of that act, as well as those of other emergency requirements (see footnote 2 of Table 2 of the report).

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JUNE 7, 2010

[In billions of dollars]

	Budget resolution <sup>1</sup>	Current level <sup>2</sup>	Current level over under (—) resolution
<b>ON-BUDGET</b>			
Budget Authority .....	2,897.5	2,900.5	3.1
Outlays .....	3,010.1	3,015.9	5.8
Revenues .....	1,612.3	1,626.5	14.2
<b>OFF-BUDGET</b>			
Social Security Outlays <sup>3</sup> .....	544.1	544.1	0.0
Social Security Revenues .....	668.2	668.1	—0.1

<sup>1</sup> S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes \$10.4 billion in budget authority and \$5.4 billion in outlays as an allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts.

<sup>2</sup> Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of Table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

<sup>3</sup> Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JUNE 7, 2010

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted: <sup>1</sup>			
Revenues .....	n.a.	n.a.	1,633,385
Permanents and other spending legislation .....	1,656,952	1,651,725	n.a.
Appropriation legislation <sup>2</sup> .....	1,917,749	2,048,775	n.a.
Offsetting receipts .....	—690,252	—690,252	n.a.
Total, previously enacted .....	2,884,449	3,010,248	1,633,385
Enacted this session:			
An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti (P.L. 111-126) .....	0	0	—40
Emergency Aid to American Survivors of the Haiti Earthquake Act (P.L. 111-127) .....	50	50	0
Social Security Disability Applicants' Access to Professional Representation Act of 2010 (P.L. 111-142) .....	—4	—4	0
United States Capitol Police Administrative Technical Corrections Act of 2009 (P.L. 111-145) .....	10	6	0
Hiring Incentives to Restore Employment Act (P.L. 111-147) .....	20,903	141	—4,380
Patient Protection and Affordable Care Act (P.L. 111-148) .....	8,500	3,130	—580
Satellite Television Extension Act of 2010 (P.L. 111-151) .....	2	0	2
Health Care and Education Reconciliation Act of 2010 (P.L. 111-152) .....	1,130	220	—1,930
Total, enacted this session .....	30,591	3,543	—6,928
Entitlements and mandates:			
Budget resolution estimates of appropriated entitlements and other mandatory programs .....	—14,500	2,066	0
Total Current Level <sup>2,3</sup> .....	2,900,540	3,015,857	1,626,457
Total Budget Resolution <sup>4</sup> .....	2,907,837	3,015,541	1,612,278
Adjustment to the budget resolution for disaster allowance <sup>5</sup> .....	—10,350	—5,448	n.a.
Adjusted Budget Resolution .....	2,897,487	3,010,093	1,612,278
Current Level Over Budget Resolution .....	3,053	5,764	14,179
Current Level Under Budget Resolution .....	n.a.	n.a.	n.a.

<sup>1</sup> Includes legislation affecting budget authority, outlays, or revenues that was enacted in the first session of the 111th Congress.

<sup>2</sup> Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2010, which are not included in the current level totals, are as follows:

	Budget authority	Outlays	Revenues
Previously Enacted (see footnote 1) .....	12,042	21,040	—4,475
Temporary Extension Act of 2010 (P.L. 111-144) .....	7,942	7,901	—704
Continuing Extension Act of 2010 (P.L. 111-157) .....	14,401	14,337	—1,292
Total, amounts designated as emergency requirements .....	34,385	43,278	—6,471

<sup>3</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

<sup>4</sup> Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution. Those revisions are as follows:

	Budget authority	Outlays	Revenues
Original Budget Resolution Totals .....	2,888,691	3,001,311	1,653,682
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 401(c)(4)) .....	5	2,004	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307) .....	0	0	40
For the Congressional Budget Office's reestimate of the President's request for discretionary appropriations (section 401(c)(5)) .....	3,766	2,355	0
For further revisions to a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307) .....	10	13	6
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4)) .....	6	—1,175	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303) .....	32	36	0
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4)) .....	—11	—11	0
For an amendment in the nature of substitute to H.R. 3548, the Unemployment Compensation Extension Act of 2009 (sections 306(f) and 306(b)) .....	5,708	5,708	—38,940
For the Patient Protection and Affordable Care Act of 2009 (section 301(a)) .....	12,500	11,500	9,100
For the Department of Defense Appropriations Act, 2010 (section 401(c)(4)) .....	0	1,950	0
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a)) .....	—5,220	—6,670	—9,630
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a)) .....	—7,280	—4,830	530
For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a)) .....	8,500	3,130	—580
For the Health Care and Education Reconciliation Act of 2010 (section 301(a)) .....	1,130	220	—1,930
Revised Budget Resolution Totals .....	2,907,837	3,015,541	1,612,278

<sup>5</sup> S. Con. Res. 13 includes \$10,350 million in budget authority and \$5,448 million in outlays as an allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts.

Source: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

# OBJECTION TO EXECUTIVE NOMINATIONS

Mr. GRASSLEY. Madam President, pursuant to a public letter to Secretary Sebelius dated September 24, 2009, there is a pending objection to unanimous consent requests for the following nominees: Jim Esquea, nominated for HHS Assistant Secretary for Legislation, and Richard Sorian, nominated for HHS Assistant Secretary for Public Affairs. I ask unanimous consent that a public letter dated September 24, 2009, be printed in the RECORD.

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

SEPTEMBER 24, 2009.

Hon. KATHLEEN SEBELIUS,  
*Secretary, Department of Health and Human  
Services, Washington, DC.*

DEAR SECRETARY SEBELIUS: America's 11 million seniors enrolled in the Medicare Advantage program deserve to be informed of any actions by the federal government that could affect this program and its broad implications. Medicare Advantage Plans and Prescription Drug Plans that provide services through the Medicare program have a constitutional right to provide information about these Medicare programs to their customers. Therefore, I hope you can understand our grave concern with the recent Centers for Medicare and Medicaid Services directive barring all such providers from any and all communications of this kind with America's seniors. This gag order must be immediately lifted.

As the Supreme Court has repeatedly recognized, our constitutional tradition is one of "a profound commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open." Health plans, of course, have the right to speak on matters of public concern—a fundamental principle that your Department, until recently, had recognized and respected. Specifically, the Department of Health and Human Services (HHS) previously noted that there was no legal authority to justify prohibiting a health plan "from informing its members of proposed legislation and exhorting them to express their opinions" about it. In fact, HHS had previously determined that shutting down communication of this sort "would violate basic freedom of speech and other constitutional rights of the Medicare beneficiary as a citizen."

Now, the Obama administration has reversed this longstanding HHS decision—in the midst of a critical debate about the future of health care services in our country—to shut down communication between private companies and America's seniors on an issue that has a direct impact on their health care. And your Department has done so by imposing an industry-wide gag order without apparent justification or basis in law and completely contradictory to your past public guidance and the plain language and spirit of the First Amendment, among the most sacred tenets of our democracy.

America's seniors and the health plans that serve them deserve to have their free speech rights respected. Their rights should not be subject to the whims of any Administration, and the health plans that serve them should not be threatened with punishment if they speak out on a matter of public concern simply because the Administration disagrees with their position.

Until your Department rescinds its gag order and allows seniors to receive information about matters before Congress, we will

not consent to time agreements on the confirmation of any nominees to your Department or associated agencies.

Thank you for your consideration of this matter of such great importance to America's seniors.

Signed,

MITCH MCCONNELL.  
JON KYL.  
LAMAR ALEXANDER.  
JOHN CORNYN.  
LISA MURKOWSKI.  
JOHN THUNE.  
MICHAEL B. ENZI.  
CHUCK GRASSLEY.

## FREMONT COUNTY FLOODING

Mr. ENZI. Madam President, this past week, Fremont County in my home State of Wyoming has been hit hard by flooding. I want to take this opportunity to commend the communities in Wyoming that have come together and worked so hard to respond to the flooding, to help protect each other's homes, and whose willingness to step up and volunteer to help their neighbors really shows the true Wyoming spirit.

I want to thank the individuals who have been filling sandbags all week. Literally hundreds of thousands of sandbags have been filled to help hold back the floodwaters and protect homes and businesses. I am told that there are more sandbags if we need them and I know that people in my home State won't hesitate for a second to do the hard work that will help protect a neighbor's home or a community business. This truly is a community effort, and I am proud of the example that our small businesses, our community organizations, and Wyoming's volunteers are making.

Nearly 240 Wyoming National Guard members are in Fremont County right now. Their service is critical to our communities in times like these, and I want to recognize and thank them for their hard work. They are making a huge difference in helping make sure that communities like Lander, Ethete, Fort Washakie, and many other places have the help they need.

The extent of the damage from this disaster is still unclear, but our communities—both in Wyoming and in other States that have been hit by natural disasters—must have the resources to recover and put their towns and neighborhoods back together. For those agricultural producers affected by this flood, this is the very reason why I worked with my colleagues during the 2008 farm bill to enact a permanent disaster program—so funding would be available when it is most needed and would not require emergency congressional action.

I know Senator BARRASSO and Representative LUMMIS are working hard to make sure Fremont County can get the support it needs. Their energy and hard work have been critical to the teamwork that we do. Wyoming is a big State, so I am glad that we have always worked together to make sure we

can get different jobs done in different places.

I want to thank everyone who has helped respond to this disaster for their hard work and persistence. They have truly demonstrated what it means to part of the Wyoming community. Our prayers are with everyone at this difficult time.

## FLAG DAY

Mr. CARDIN. Madam President, today I commemorate the 233rd Flag Day in the United States. On June 14, 1777, nearly a year after our Nation declared its independence, the Second Continental Congress approved the design of our national flag. The 13 stripes that alternate red and white and the white stars on a field of blue have proudly stood as a beacon of liberty and justice around the world ever since.

Flag Day—the anniversary of the Flag Resolution of 1777—was officially established by the Proclamation of President Woodrow Wilson in 1916. While Flag Day was celebrated in various communities for years after Wilson's proclamation, it was not until 1949 that President Truman signed an act of Congress designating June 14 of each year as National Flag Day and the corresponding week as National Flag Week.

My home State of Maryland plays an integral role in the rich history of our flag. The flag was the source of inspiration for Francis Scott Key's "Star Spangled Banner" which became our national anthem. That most famous of American flags flew over Fort McHenry in Baltimore Harbor. It bravely withstood the torrent of British buckshot and still hangs today in the Smithsonian Museum of American History. Each year the National Flag Day Foundation of Baltimore, MD, sponsors a moving ceremony at the Fort McHenry National Monument and Historic Shrine which brings our community together in celebration and remembrance of our glorious past.

America's flag graces classrooms, statehouses, courtrooms, and churches, serving as a daily reminder of this Nation's past accomplishments and ongoing dedication to safeguarding individual rights. The brave members of our Armed Forces carry "Old Glory" with them as they fulfill their mission to defend the blessings of democracy and peace across the globe; our banner flies from public buildings as a sign of our national community; and its folds drape the tombs of our distinguished dead. The flag is a badge of honor to all and a sign of our citizens' common purpose.

This week and throughout the year let us do all we can to teach younger generations the significance of our flag. Its 13 red and white stripes represent not only the original colonies



but also the courage and purity of our Nation, while its 50 stars stand for the separate but United States of our Union. Let us pledge allegiance to this flag to declare our patriotism and raise its colors high to express our pride and respect for the American way of life.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO PETER AND SUZIE ARNOLD

• Mr. KOHL. Madam President, the State of Wisconsin has a long and proud tradition of lands conservation. Wisconsin was home to John Muir and Aldo Leopold—two of our Nation's great conservationists. It is also home to Senator Gaylord Nelson who established the first Earth Day 40 years ago. At the first Earth Day, Senator Nelson noted that his goal was not just one of clean air and water, but also "an environment of decency, quality and mutual respect for all other human beings and all other living creatures." He knew that this goal was achievable through grassroots efforts by every day Americans.

Today I am pleased to congratulate Peter and Suzie Arnold for recently being named the Wisconsin Conservation Farmer of the Year Award Recipients by the Wisconsin Land and Water Conservation Association. Their leadership and dedication to land conservation over the last 11 years has been a model for grazing lands conservation. Through the years their farm near Edgar, WI, has served to educate other dairy farmers on the benefits of grazing lands conservation and served as a research site for the U.S. Department of Agriculture's Dairy Forage Research Center.

The Arnolds have adopted a number of conservation practices to improve soil, air, and water quality on their farm. Over the past several years the organic matter levels in their soils have increased from an average of 2.7 percent to 6 percent while attaining the highest Soil Quality Index score measured by the Natural Resource Conservation Service. This is a true testament to their commitment to conservation. I congratulate the Arnolds for their strong commitment to environmental stewardship and their willingness to continue Wisconsin's proud conservation legacy. The Arnolds are showing that Senator Nelson's vision of "an environment of decency, quality and mutual respect for all other human beings and all other living creatures" is achievable through grassroots efforts by every day Americans.●

##### RECOGNIZING AGAR, SD

• Mr. THUNE. Madam President, today I recognize Agar, SD. Founded in 1910, the town of Agar will celebrate its 100th anniversary this year.

Located in Sully County, Agar possesses the strong sense of community

that makes South Dakota an outstanding place to live and work. Agar is a little town with a big heart, and has continued to be a strong reflection of South Dakota's greatest values and traditions. The community of Agar has much to be proud of and I am confident that Agar's success will continue well into the future.

The town of Agar will commemorate the 100th anniversary of its founding with celebrations held June 11 through June 13. I would like to offer my congratulations to the citizens of Agar on this milestone anniversary and wish them continued prosperity in the years to come.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13466 OF JUNE 26, 2008, WITH RESPECT TO THE CURRENT EXISTENCE AND RISK OF THE PROLIFERATION OF WEAPONS-USABLE FISSILE MATERIAL ON THE KOREAN PENINSULA—PM 62

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency declared in Executive Order 13466 of June 26, 2008, is to continue in effect beyond June 26, 2010.

The existence and the risk of proliferation of weapons-usable fissile material on the Korean Peninsula constitute a continuing unusual and extraordinary threat to the national se-

curity and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency and maintain certain restrictions with respect to North Korea and North Korean nationals.

BARACK OBAMA.  
THE WHITE HOUSE, June 14, 2010.

#### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

##### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on June 14, 2010, during the adjournment of the Senate, received a message from the House announcing that the Speaker has signed the following enrolled bill:

S. 3473. An act to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill.

##### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on June 14, 2010, she had presented to the President of the United States the following enrolled bill:

S. 3473. An act to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill.

#### 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-6186. 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 "Sodium 1,4-Dialkyl Sulfosuccinates; Exemption from the Requirement of a Tolerance" (FRL No. 8825-2) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6187. A communication from the Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Competitive and Noncompetitive Nonformula Federal Assistance Programs—Administrative Provisions and Subpart K for Biomass Research and Development Initiative" (RIN0524-AA61) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6188. A communication from the General Counsel of the Department of Defense, transmitting proposed legislation entitled "Procedures for Judicial Review of Certain Military Personnel Decisions"; to the Committee on Armed Services.

EC-6189. A communication from the General Counsel of the Department of Defense, transmitting proposed legislation relative to Extension of Maximum Age for Appointment to Service Academies for Limited Number of Exceptional Candidates; to the Committee on Armed Services.

EC-6190. A communication from the General Counsel of the Department of Defense,

transmitting proposed legislation relative to Authority to Expedite Background Investigations for Hiring of Wounded Warriors and Spouses by Department of Defense and Defense Contractors; to the Committee on Armed Services.

EC-6191. A communication from the General Counsel of the Department of Defense, transmitting proposed legislation relative to Exception to Full and Open Competition to Permit Consideration of Supply Chain Risk in the Interest of National Security; to the Committee on Armed Services.

EC-6192. A communication from the General Counsel of the Department of Defense, transmitting proposed legislation relative to Expansion of Authority Relating to Phase II of Three-Phase Approach to Joint Professional Military Education; to the Committee on Armed Services.

EC-6193. A communication from the Secretary of Energy, transmitting proposed legislation relative to Elimination of Requirement for Annual Update and Report to Congress on Workforce Restructuring Plans; to the Committee on Armed Services.

EC-6194. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6195. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Final Rulemaking to Establish Take Prohibitions for the Threatened Southern Distinct Population Segment of North American Green Sturgeon" (RIN0648-AV94) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6196. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 10; Correction" (RIN0648-AY00) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6197. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico and South Atlantic; Revisions to Allowable Bycatch Reduction Devices" (RIN0648-AY58) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6198. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Revisions to Framework Adjustment 44 to the Northeast Multispecies Fishery Management Plan and Sector Annual Catch Entitlements: Updated Annual Catch Limits for Sectors and the Common Pool for Fishing Year 2010" (RIN0648-AY29) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6199. 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 Northeastern United States; Northeastern Multispecies Fishery; Reductions to Trip Limits for Five Groundfish Stocks" (RIN0648-AY52) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6200. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus A318, A319, A320, A321 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0129)) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6201. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF34-1A, -3A, -3A1, -3A2, -3B and -3B1 Turbofan Engines; Correction" ((RIN2120-AA64) (Docket No. FAA-2007-27687)) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6202. A communication from the Deputy Associate General Counsel for General Law, Office of the General Counsel, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the Department of Homeland Security in the position of Assistant Secretary/Administrator of the Transportation Security Administration, received in the Office of the President of the Senate on June 9, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6203. A communication from the Assistant General Counsel for Legislation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Weatherization Assistance for Low-Income Persons: Maintaining the Privacy of Applicants for and Recipients of Services" (RIN1904-AC16) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Energy and Natural Resources.

EC-6204. 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 "Withdrawal of the Emission-Comparable Fuel Exclusion under RCRA" (FRL No. 9160-9) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Environment and Public Works.

EC-6205. 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 "Primary National Ambient Air Quality Standard for Sulfur Dioxide" (FRL No. 9160-4) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Environment and Public Works.

EC-6206. A communication from the Deputy Associate Commissioner, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Consultative Examination—Annual Onsite Review of Medical Providers" (RIN0960-AH17) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Finance.

EC-6207. A communication from the Deputy Associate Commissioner, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Revised Medical Criteria for Evaluating Hearing Loss—2862F" (RIN0960-AG20) received in the Office of the President of the Senate on June 9, 2010; to the Committee on Finance.

EC-6208. A communication from the Secretary of Labor, transmitting proposed legislation entitled "Unemployment Compensation Program Integrity Act of 2010"; to the Committee on Finance.

EC-6209. A communication from the General Counsel of the Department of Defense, transmitting proposed legislation entitled "Consolidation and Modification of Semiannual Reports on Progress Toward Security and Stability in Afghanistan and Pakistan; to the Committee on Foreign Relations.

EC-6210. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department's Office of Inspector General's Semiannual Report for the period of October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6211. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department of Health and Human Services Office of Inspector General's Semiannual Report for the period of October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6212. A communication from the Chairman, Postal Regulatory Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report to Congress for the period of October 1, 2009, through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6213. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, the Semiannual Report from of the Inspector General for the period from October 1, 2009, through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6214. A communication from the General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6215. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2009, through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6216. A communication from the General Counsel of the Department of Defense, transmitting proposed legislation entitled "Enhanced Retirement Benefits for Certain Employees of the Pentagon Force Protection Agency"; to the Committee on Homeland Security and Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2852. A bill to establish, within the National Oceanic and Atmospheric Administration, an integrated and comprehensive ocean, coastal, Great Lakes, and atmospheric research, prediction, and environmental information program to support renewable energy (Rept. No. 111-206).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 3951. A bill to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondenno, Sr. Post Office Building".

#### 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 Ms. SNOWE (for herself and Ms. KLOBUCHAR):

S. 3483. A bill to amend section 139 of title 49, United States Code, to increase the effectiveness of Federal oversight of motor carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MCCASKILL (for herself and Mr. BENNETT):

S. 3484. A bill to require the Director of the Office of Management and Budget to issue guidance on the use of peer-to-peer file sharing software to prohibit the personal use of such software by Government employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KAUFMAN (for himself, Mr. CASEY, Mr. LIEBERMAN, Mr. MCCAIN, Mrs. SHAHEEN, Mr. KYL, Mr. FEINGOLD, Mr. BROWNBACK, Mr. MENENDEZ, Mr. GRAHAM, and Mr. LEVIN):

S. Res. 551. A resolution marking the one year anniversary of the June 12, 2009, presidential election in Iran, and condemning ongoing human rights abuses in Iran; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 332

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 616

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 616, a bill to amend the Public Health Service Act to authorize medical simulation enhancement programs, and for other purposes.

S. 686

At the request of Ms. MIKULSKI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 686, a bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary

to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1112

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1112, a bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes.

S. 1335

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1335, a bill to require reports on the effectiveness and impacts of the implementation of the Western Hemisphere Travel Initiative, and for other purposes.

S. 1580

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1580, a bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes.

S. 3102

At the request of Mr. MERKLEY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3102, a bill to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use.

S. 3181

At the request of Mr. BROWNBACK, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3181, a bill to protect the rights of consumers to diagnose, service, maintain, and repair their motor vehicles, and for other purposes.

S. 3184

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3211

At the request of Mrs. SHAHEEN, the names of the Senator from Nebraska

(Mr. NELSON) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 3211, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by designating certain certified diabetes educators as certified providers for purposes of outpatient diabetes self-management training services under part B of the Medicare Program.

S. 3225

At the request of Mr. BEGICH, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3225, a bill to direct the Secretary of Commerce to establish a comprehensive grant program to promote domestic regional tourism.

S. 3276

At the request of Mr. WYDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3276, a bill to provide an election to terminate certain capital construction funds without penalties.

S. 3302

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3302, a bill to amend title 49, United States Code, to establish new automobile safety standards, make better motor vehicle safety information available to the National Highway Traffic Safety Administration and the public, and for other purposes.

S. 3326

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3326, a bill to provide grants to States for low-income housing projects in lieu of low-income housing credits, and to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of the low-income housing credit, and for other purposes.

S. 3339

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3345

At the request of Mr. WHITEHOUSE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3345, a bill to amend title 46, United States Code, to remove the cap on punitive damages established by the Supreme Court in *Exxon Shipping Company v. Baker*.

S. 3412

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3412, a bill to provide emergency operating funds for public transportation.

S. 3463

At the request of Mr. LEAHY, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from

Wisconsin (Mr. FEINGOLD) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3463, a bill to amend chapter 303 of title 46, United States Code, to provide fair treatment for the families of those killed on the high seas.

S. 3478

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3478, a bill to amend title 46, United States Code, to repeal certain limitations of liability and for other purposes.

S.J. RES. 30

At the request of Mr. ISAKSON, the names of the Senator from Arizona (Mr. KYL) and the Senator from Idaho (Mr. RISCHE) were added as cosponsors of 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.

S. RES. 519

At the request of Mr. DEMINT, the names of the Senator from Missouri (Mr. BOND) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 548

At the request of Mr. CORNYN, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Res. 548, a resolution to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship Mavi Marmara.

AMENDMENT NO. 4318

At the request of Mr. SANDERS, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 4318 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4322

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 4322 intended to be

proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4324

At the request of Mr. WHITEHOUSE, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 4324 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4333

At the request of Mr. THUNE, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), the Senator from Missouri (Mr. BOND), the Senator from Oklahoma (Mr. COBURN), the Senator from Massachusetts (Mr. BROWN) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 4333 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4342

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 4342 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Ms. KLOBUCHAR):

S. 3483. A bill to amend section 139 of title 49, United States Code, to increase the effectiveness of Federal oversight of motor carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that I believe will ensure that our motor vehicle operators, particularly those smallest businesses who rely on only one or two vehicles, are no longer subject to the nefarious practices of unscrupulous logistic companies and brokers.

The Bureau of Transportation Statistics has indicated that by 2020, freight volume will double in this country. A critical component of moving that vast expansion of freight to distributors and retailers will be motor carriers—that is, trucks.

However, for years, trucking operators, particularly the smallest companies who not only perform the back-breaking work of transporting freight across the country, but simultaneously run their own businesses, have fallen victim to fly-by-night brokers and intermediaries who connect the truck operators with shippers who need goods moved, then defraud the operators of their payments before vanishing in the night, depriving the operator of any

legal recourse in an effort to recover their losses.

How can they do this? Aren't these actions criminal? Unfortunately, the current regulations are long outdated. Beyond a prospective broker being required to pay a ten thousand dollar bond, there is little in the way of registration requirements or government oversight under present law. According to trucking experts, a broker can rake in revenues far in excess of that ten thousand dollar upfront payment in less than a month, allowing them to disappear in the night, losing their bond but more than making up for it in revenues stolen from hard-working truck operators who are left with nothing to show for their delivery, and no way to recoup those losses. The time has come to provide these operators that chance to defend themselves.

That is why I have taken this opportunity to introduce the Motor Carrier Protection Act. This legislation will bolster the rather meager framework of regulations now in place to guard against deceitful behavior from the handful of freight forwarders who engage in these criminal practices. The bond necessary to serve as a broker will no longer be a paltry 10,000, but will be elevated to 100,000, a more reasonable amount reflecting the reality of today's shipping environment. It will also expand the requirements to become a licensed broker, giving the Federal Motor Carrier Safety Administration to opportunity to collect licensing fees from brokers, intermediaries and freight forwarders—using those fees to fund greater enforcement capabilities. As a result of this legislation, the Federal Government will be able to revoke operating licenses for those brokers that do not meet these revamped strictures. These new licenses must be renewed annually. With these improvements to existing regulation, motor vehicle operators will no longer wonder if they will receive payment for a job well done.

Why is this legislation necessary? We must be mindful that these scams are not easily discouraged. For example, in Georgia, one group of individuals operated twelve different freight broker companies over a period of 3 years—continuously evading law enforcement and the truckers they defrauded by changing the name and location of their business—while never paying the truck operators who actually moved the freight. In the end, this racketeering enterprise collected over \$500,000, most of which was due to the operators. In fact, it was the diligent efforts of Georgia law enforcement that broke up this operation, not the Federal Motor Carrier Safety Administration, who the government has charged with preventing these sorts of fraud.

We must update these regulations, and provide FMCSA with more tools to prevent these kinds of criminal activities. I urge my colleagues to support this legislation as we move forward.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 551—MARKING THE ONE YEAR ANNIVERSARY OF THE JUNE 12, 2009, PRESIDENTIAL ELECTION IN IRAN, AND CONDEMNING ONGOING HUMAN RIGHTS ABUSES IN IRAN

Mr. KAUFMAN (for himself, Mr. CASEY, Mr. LIEBERMAN, Mr. MCCAIN, Mrs. SHAHEEN, Mr. KYL, Mr. FEINGOLD, Mr. BROWNBACK, Mr. MENENDEZ, Mr. GRAHAM, and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 551

Whereas the Government of Iran has systematically undertaken a campaign of violence, persecution, and intimidation against Iranian citizens who have peacefully protested the results of the deeply flawed Iran presidential elections of June 12, 2009;

Whereas the 2009 Department of State Country Report on Human Rights Practices in Iran found that “[t]he government [of Iran] severely limited citizens’ right to peacefully change their government through free and fair elections” and “. . . severely restricted the right to privacy and civil liberties, including freedoms of speech and the press, assembly, association, and movement”;

Whereas hundreds of thousands of peaceful demonstrators gathered in the streets of Iran in the aftermath of the June 12, 2009, elections, and dozens of innocent Iranians were killed and more than 4,000 were arbitrarily arrested by police and security forces and the Basij militia;

Whereas hundreds of Iranian citizens remain in detention and more than 250 prominent activists and demonstrators were tried in mass “show trials” that began in August 2009, and at least 50 of these defendants have received sentences ranging from six months imprisonment to death;

Whereas, on June 20, 2009, a member of the Basij militia reportedly shot and killed 27 year-old student Neda Agha-Soltan, whose murder was recorded on a mobile phone camera, disseminated via the Internet, and became a rallying cry for the political opposition and Green Movement;

Whereas, since the election, the Government of Iran has systemically restricted and suppressed free press, free expression, free assembly, and free access to the Internet and other forms of connective technology in order to limit the flow of information and silence political opposition and other forms of popular dissent;

Whereas the Government of Iran has a deplorable human rights record that includes severe restrictions on the freedom of religion or belief, denial of the freedom of assembly and the rights of civil society, systematic torture and ill-treatment, and judicial proceedings that lack due process;

Whereas the Government of Iran continues to operate with hostility and impunity toward journalists, reformers, ethnic and religious minorities, political opponents, human rights defenders, women’s rights groups, student activists, and others, including through unlawful and arbitrary detentions, arrests, politically motivated sentencing, physical assaults, and killings;

Whereas human rights activists, journalists, and ethnic and religious minorities have fled Iran for fear of persecution and are residing, some in dangerous circumstances, in neighboring countries seeking refugee status

and asylum in the United States and other countries;

Whereas the Government of Iran has violated its obligations under the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, and the International Covenant on Economic, Social and Cultural Rights;

Whereas the 2010 Freedom House Freedom in the World Report finds that Iran leads the world in the number of jailed journalists;

Whereas, since the June 2009 election, the Government of Iran has restricted foreign press access, banned more than 60 international media outlets, and jammed international broadcasts, including those of Radio Free Europe/Radio Liberty’s Radio Farda, Voice of America’s Persian News Network, the British Broadcasting Corporation, and other non-Iranian news services;

Whereas, on December 18, 2009, the United Nations General Assembly passed a resolution condemning “serious, ongoing and recurring human rights violations in Iran” and calling on the Government of Iran to respect its human rights obligations;

Whereas, on December 27, 2009, the Ashura holiday, at least eight civilians were killed in confrontations with authorities, and police reportedly arrested approximately 300 civilians in relation to popular demonstrations;

Whereas, on February 11, 2010, the anniversary of the Islamic Revolution, the Government of Iran beat and arrested numerous protestors, jammed text messaging technology, slowed and restricted access to the Internet, and blocked email and news websites, intentionally limiting the ability of Iranian citizens to communicate and freely access news and information;

Whereas, on April 19, 2010, the Government of Iran officially suspended prominent political parties, banned a reformist newspaper, and sentenced to prison leaders within the political opposition; and

Whereas activists connected to the 2009 election protests were recently re-arrested in an attempt to disrupt planned protests on the one-year anniversary of the election on June 12, 2010: Now, therefore, be it

*Resolved*, That the Senate—

(1) solemnly marks one year since the flawed June 12, 2009, presidential election in Iran, and honors Iranian citizens who have lost their lives in peaceful protest since the election;

(2) supports the people of Iran as they seek peaceful and free expression, free speech, free press, free assembly, unfettered access to the Internet, and freedom of religion despite a campaign of intimidation, repressions, and violence perpetrated by the Government of Iran;

(3) commends the people of Iran who have braved the persistent and pervasive threat of censorship, arrest, physical harassment, and death to have their voices heard and peacefully exercise fundamental human rights, as enshrined in the constitution of Iran and international human rights law, including the International Covenant on Civil and Political Rights, entered into force on March 23, 1976, and ratified by Iran;

(4) condemns the Government of Iran for perpetrating ongoing human rights abuses and for restricting, monitoring, and suppressing freedom of the press, expression, assembly, speech, and religion, as well as free access to the Internet and other forms of connective technology in order to limit the flow of information and silence political opposition and other forms of popular dissent;

(5) denounces the atmosphere of impunity for those who intimidate, harass, and commit violence against Iranian citizens, and

calls for the unconditional release of all political and religious prisoners in Iran;

(6) urges the President and Secretary of State to mobilize resources to support freedom of assembly, freedom of expression, freedom of the press, freedom of religion, and freedom of speech in Iran, especially on the June 12 anniversary of the 2009 presidential election;

(7) encourages the President and Secretary of State to work with the United Nations Human Rights Council to condemn the ongoing human rights violations perpetrated by the Government of Iran and establish a monitoring mechanism by which the Council can monitor such violations;

(8) urges the Government of Iran to cooperate with and allow visits of the United Nations Special Rapporteurs for Human Rights and the United Nations Office of the High Commissioner for Human Rights;

(9) urges the President and Secretary of State to work with the international community to ensure that violations of human rights are part of all formal and informal multilateral or bilateral discussions with and regarding Iran; and

(10) calls for the immediate return of all missing and detained United States citizens in Iran.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4343. Mr. WEBB (for himself, Mr. NELSON, of Florida, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 4344. Mr. REID proposed an amendment to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 4345. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4346. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4347. Mr. REID (for Ms. KLOBUCHAR) proposed an amendment to the bill S. 1660, to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

SA 4348. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 4349. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4350. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

SA 4343. Mr. WEBB (for himself, Mr. NELSON, of Florida, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R.

4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

**SEC. —. GUIDANCE ON TAX TREATMENT OF LOSSES RELATED TO TAINTED DRYWALL AS CASUALTY LOSS DEDUCTIONS.**

Not later than the due date, including extension, for filing a return of tax for taxable year 2009, the Secretary of the Treasury shall issue guidance with respect to the availability of a casualty loss deduction under section 165(c)(3) of the Internal Revenue Code of 1986 for a taxpayer who has sustained a loss due to defective or tainted drywall, including drywall imported from China.

**SA 4344.** Mr. REID proposed an amendment to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the end of part I of subtitle B of title II, insert the following:

**SEC. —. FIRST-TIME HOMEBUYER CREDIT.**

(a) IN GENERAL.—Paragraph (2) of section 36(h) is amended by striking “paragraph (1) shall be applied by substituting ‘July 1, 2010’” and inserting “and who purchases such residence before October 1, 2010, paragraph (1) shall be applied by substituting ‘October 1, 2010’”.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 36(h)(3) is amended by inserting “and for ‘October 1, 2010’” after “for ‘July 1, 2010’”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to residences purchased after June 30, 2010.

(d) OFFSET.—

(1) DISALLOWANCE OF DEDUCTION FOR PUNITIVE DAMAGES.—

(A) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(ii) by striking “If” and inserting:

“(1) TREBLE DAMAGES.—If”, and

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

“(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).”.

(B) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting “OR PUNITIVE DAMAGES” after “LAWS”.

(2) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(A) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

**“SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.**

“Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer’s liability (or agreement) to pay punitive damages.”.

(B) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

“(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall

apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person’s liability (or agreement) to pay punitive damages.”.

(C) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

“Sec. 91. Punitive damages compensated by insurance or otherwise.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to damages paid or incurred after December 31, 2011.

**SA 4345.** Mr. TESTER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 236, strike line 20 and all that follows through page 237, line 5.

**SA 4346.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 522.

**SA 4347.** Mr. REID (for Ms. KLOBUCHAR) proposed an amendment to the bill S. 1660, to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes, as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Formaldehyde Standards for Composite Wood Products Act”.

**SEC. 2. FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS.**

(a) AMENDMENT.—The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following:

**“TITLE VI—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS**

**“SEC. 601. FORMALDEHYDE STANDARDS.**

“(a) DEFINITIONS.—In this section:

“(1) FINISHED GOOD.—

“(A) IN GENERAL.—The term ‘finished good’ means any good or product (other than a panel) containing—

“(i) hardwood plywood;

“(ii) particleboard; or

“(iii) medium-density fiberboard.

“(B) EXCLUSIONS.—The term ‘finished good’ does not include—

“(i) any component part or other part used in the assembly of a finished good; or

“(ii) any finished good that has previously been sold or supplied to an individual or entity that purchased or acquired the finished good in good faith for purposes other than resale, such as—

“(I) an antique; or

“(II) secondhand furniture.

“(2) HARDBOARD.—The term ‘hardboard’ has such meaning as the Administrator shall establish, by regulation, pursuant to subsection (d).

“(3) HARDWOOD PLYWOOD.—

“(A) IN GENERAL.—The term ‘hardwood plywood’ means a hardwood or decorative panel that is—

“(i) intended for interior use; and

“(ii) composed of (as determined under the standard numbered ANSI/HPVA HP-1-2009) an assembly of layers or plies of veneer, joined by an adhesive with—

“(I) lumber core;

“(II) particleboard core;

“(III) medium-density fiberboard core;

“(IV) hardboard core; or

“(V) any other special core or special back material.

“(B) EXCLUSIONS.—The term ‘hardwood plywood’ does not include—

“(i) military-specified plywood;

“(ii) curved plywood; or

“(iii) any other product specified in—

“(I) the standard entitled ‘Voluntary Product Standard—Structural Plywood’ and numbered PS 1-07; or

“(II) the standard entitled ‘Voluntary Product Standard—Performance Standard for Wood-Based Structural-Use Panels’ and numbered PS 2-04.

“(C) LAMINATED PRODUCTS.—

“(i) RULEMAKING.—

“(I) IN GENERAL.—The Administrator shall conduct a rulemaking process pursuant to subsection (d) that uses all available and relevant information from State authorities, industry, and other available sources of such information, and analyzes that information to determine, at the discretion of the Administrator, whether the definition of the term ‘hardwood plywood’ should exempt engineered veneer or any laminated product.

“(II) MODIFICATION.—The Administrator may modify any aspect of the definition contained in clause (ii) before including that definition in the regulations promulgated pursuant to subclause (I).

“(ii) LAMINATED PRODUCT.—The term ‘laminated product’ means a product—

“(I) in which a wood veneer is affixed to—

“(aa) a particleboard platform;

“(bb) a medium-density fiberboard platform; or

“(cc) a veneer-core platform; and

“(II) that is—

“(aa) a component part;

“(bb) used in the construction or assembly of a finished good; and

“(cc) produced by the manufacturer or fabricator of the finished good in which the product is incorporated.

“(4) MANUFACTURED HOME.—The term ‘manufactured home’ has the meaning given the term in section 3280.2 of title 24, Code of Federal Regulations (as in effect on the date of promulgation of regulations pursuant to subsection (d)).

“(5) MEDIUM-DENSITY FIBERBOARD.—The term ‘medium-density fiberboard’ means a panel composed of cellulosic fibers made by dry forming and pressing a resinated fiber mat (as determined under the standard numbered ANSI A208.2-2009).

“(6) MODULAR HOME.—The term ‘modular home’ means a home that is constructed in a factory in 1 or more modules—

“(A) each of which meet applicable State and local building codes of the area in which the home will be located; and

“(B) that are transported to the home building site, installed on foundations, and completed.

“(7) NO-ADDED FORMALDEHYDE-BASED RESIN.—

“(A) IN GENERAL.—(i) The term ‘no-added formaldehyde-based resin’ means a resin formulated with no added formaldehyde as part of the resin cross-linking structure in a composite wood product that meets the emission standards in subparagraph (C) as measured by—

“(I) one test conducted pursuant to test method ASTM E-1333-96 (2002) or, subject to clause (ii), ASTM D-6007-02; and



“(II) 3 months of routine quality control tests pursuant to ASTM D-6007-02 or ASTM D-5582 or such other routine quality control test methods as may be established by the Administrator through rulemaking.

“(ii) Test results obtained under clause (i)(I) or (II) by any test method other than ASTM E-1333-96 (2002) must include a showing of equivalence by means established by the Administrator through rulemaking.

“(B) INCLUSIONS.—The term ‘no-added formaldehyde-based resin’ may include any resin made from—

“(i) soy;

“(ii) polyvinyl acetate; or

“(iii) methylene diisocyanate.

“(C) EMISSION STANDARDS.—The following are the emission standards for composite wood products made with no-added formaldehyde-based resins under this paragraph:

“(i) No higher than 0.04 parts per million of formaldehyde for 90 percent of the 3 months of routine quality control testing data required under subparagraph (A)(ii).

“(ii) No test result higher than 0.05 parts per million of formaldehyde for hardwood plywood and 0.06 parts per million for particleboard, medium-density fiberboard, and thin medium-density fiberboard.

“(8) PARTICLEBOARD.—

“(A) IN GENERAL.—The term ‘particleboard’ means a panel composed of cellulosic material in the form of discrete particles (as distinguished from fibers, flakes, or strands) that are pressed together with resin (as determined under the standard numbered ANSI A208.1-2009).

“(B) EXCLUSIONS.—The term ‘particleboard’ does not include any product specified in the standard entitled ‘Voluntary Product Standard-Performance Standard for Wood-Based Structural-Use Panels’ and numbered PS 2-04.

“(9) RECREATIONAL VEHICLE.—The term ‘recreational vehicle’ has the meaning given the term in section 3282.8 of title 24, Code of Federal Regulations (as in effect on the date of promulgation of regulations pursuant to subsection (d)).

“(10) ULTRA LOW-EMITTING FORMALDEHYDE RESIN.—

“(A) IN GENERAL.—(i) The term ‘ultra low-emitting formaldehyde resin’ means a resin in a composite wood product that meets the emission standards in subparagraph (C) as measured by—

“(I) 2 quarterly tests conducted pursuant to test method ASTM E-1333-96 (2002) or, subject to clause (ii), ASTM D-6007-02; and

“(II) 6 months of routine quality control tests pursuant to ASTM D-6007-02 or ASTM D-5582 or such other routine quality control test methods as may be established by the Administrator through rulemaking.

“(ii) Test results obtained under clause (i)(I) or (II) by any test method other than ASTM E-1333-96 (2002) must include a showing of equivalence by means established by the Administrator through rulemaking.

“(B) INCLUSIONS.—The term ‘ultra low-emitting formaldehyde resin’ may include—

“(i) melamine-urea-formaldehyde resin;

“(ii) phenol formaldehyde resin; and

“(iii) resorcinol formaldehyde resin.

“(C) EMISSION STANDARDS.—

“(i) The Administrator may, pursuant to regulations issued under subsection (d), reduce the testing requirements for a manufacturer only if its product made with ultra low-emitting formaldehyde resin meets the following emission standards:

“(I) For hardwood plywood, no higher than 0.05 parts per million of formaldehyde.

“(II) For medium-density fiberboard—

“(aa) no higher than 0.06 parts per million of formaldehyde for 90 percent of 6 months of routine quality control testing data required under subparagraph (A)(ii); and

“(bb) no test result higher than 0.09 parts per million of formaldehyde.

“(III) For particleboard—

“(aa) no higher than 0.05 parts per million of formaldehyde for 90 percent of 6 months of routine quality control testing data required under subparagraph (A)(ii); and

“(bb) no test result higher than 0.08 parts per million of formaldehyde.

“(IV) For thin medium-density fiberboard—

“(aa) no higher than 0.08 parts per million of formaldehyde for 90 percent of 6 months of routine quality control testing data required under subparagraph (A)(ii); and

“(bb) no test result higher than 0.11 parts per million of formaldehyde.

“(ii) The Administrator may not, pursuant to regulations issued under subsection (d), exempt a manufacturer from third party certification requirements unless its product made with ultra low-emitting formaldehyde resin meets the following emission standards:

“(I) No higher than 0.04 parts per million of formaldehyde for 90 percent of 6 months of routine quality control testing data required under subparagraph (A)(ii).

“(II) No test result higher than 0.05 parts per million of formaldehyde for hardwood plywood and 0.06 parts per million for particleboard, medium-density fiberboard, and thin medium-density fiberboard.

“(b) REQUIREMENT.—

“(1) IN GENERAL.—Except as provided in an applicable sell-through regulation promulgated pursuant to subsection (d), effective beginning on the date that is 180 days after the date of promulgation of those regulations, the emission standards described in paragraph (2), shall apply to hardwood plywood, medium-density fiberboard, and particleboard sold, supplied, offered for sale, or manufactured in the United States.

“(2) EMISSION STANDARDS.—The emission standards referred to in paragraph (1), based on test method ASTM E-1333-96 (2002), are as follows:

“(A) For hardwood plywood with a veneer core, 0.05 parts per million of formaldehyde.

“(B) For hardwood plywood with a composite core—

“(i) 0.08 parts per million of formaldehyde for any period after the effective date described in paragraph (1) and before July 1, 2012; and

“(ii) 0.05 parts per million of formaldehyde, effective on the later of the effective date described in paragraph (1) or July 1, 2012.

“(C) For medium-density fiberboard—

“(i) 0.21 parts per million of formaldehyde for any period after the effective date described in paragraph (1) and before July 1, 2011; and

“(ii) 0.11 parts per million of formaldehyde, effective on the later of the effective date described in paragraph (1) or July 1, 2011.

“(D) For thin medium-density fiberboard—

“(i) 0.21 parts per million of formaldehyde for any period after the effective date described in paragraph (1) and before July 1, 2012; and

“(ii) 0.13 parts per million of formaldehyde, effective on the later of the effective date described in paragraph (1) or July 1, 2012.

“(E) For particleboard—

“(i) 0.18 parts per million of formaldehyde for any period after the effective date described in paragraph (1) and before July 1, 2011; and

“(ii) 0.09 parts per million of formaldehyde, effective on the later of the effective date described in paragraph (1) or July 1, 2011.

“(3) COMPLIANCE WITH EMISSION STANDARDS.—(A) Compliance with the emission standards described in paragraph (2) shall be measured by—

“(i) quarterly tests shall be conducted pursuant to test method ASTM E-1333-96 (2002) or, subject to subparagraph (B), ASTM D-6007-02; and

“(ii) quality control tests shall be conducted pursuant to ASTM D-6007-02, ASTM D-5582, or such other test methods as may be established by the Administrator through rulemaking.

“(B) Test results obtained under subparagraph (A)(i) or (ii) by any test method other than ASTM E-1333-96 (2002) must include a showing of equivalence by means established by the Administrator through rulemaking.

“(C) Except where otherwise specified, the Administrator shall establish through rulemaking the number and frequency of tests required to demonstrate compliance with the emission standards.

“(4) APPLICABILITY.—The formaldehyde emission standard referred to in paragraph (1) shall apply regardless of whether an applicable hardwood plywood, medium-density fiberboard, or particleboard is—

“(A) in the form of an unfinished panel; or

“(B) incorporated into a finished good.

“(c) EXEMPTIONS.—The formaldehyde emission standard referred to in subsection (b)(1) shall not apply to—

“(1) hardboard;

“(2) structural plywood, as specified in the standard entitled ‘Voluntary Product Standard-Structural Plywood’ and numbered PS 1-07;

“(3) structural panels, as specified in the standard entitled ‘Voluntary Product Standard-Performance Standard for Wood-Based Structural-Use Panels’ and numbered PS 2-04;

“(4) structural composite lumber, as specified in the standard entitled ‘Standard Specification for Evaluation of Structural Composite Lumber Products’ and numbered ASTM D 5456-06;

“(5) oriented strand board;

“(6) glued laminated lumber, as specified in the standard entitled ‘Structural Glued Laminated Timber’ and numbered ANSI A190.1-2002;

“(7) prefabricated wood I-joists, as specified in the standard entitled ‘Standard Specification for Establishing and Monitoring Structural Capacities of Prefabricated Wood I-Joists’ and numbered ASTM D 5055-05;

“(8) finger-jointed lumber;

“(9) wood packaging (including pallets, crates, spools, and dunnage);

“(10) composite wood products used inside a new—

“(A) vehicle (other than a recreational vehicle) constructed entirely from new parts that has never been—

“(i) the subject of a retail sale; or

“(ii) registered with the appropriate State agency or authority responsible for motor vehicles or with any foreign state, province, or country;

“(B) rail car;

“(C) boat;

“(D) aerospace craft; or

“(E) aircraft;

“(11) windows that contain composite wood products, if the window product contains less than 5 percent by volume of hardwood plywood, particleboard, or medium-density fiberboard, combined, in relation to the total volume of the finished window product; or

“(12) exterior doors and garage doors that contain composite wood products, if—

“(A) the doors are made from composite wood products manufactured with no-added formaldehyde-based resins or ultra low-emitting formaldehyde resins; or

“(B) the doors contain less than 3 percent by volume of hardwood plywood, particleboard, or medium-density fiberboard, combined, in relation to the total volume of the finished exterior door or garage door.

“(d) REGULATIONS.—

“(1) IN GENERAL.—Not later than January 1, 2013, the Administrator shall promulgate regulations to implement the standards required under subsection (b) in a manner that ensures compliance with the emission standards described in subsection (b)(2).

“(2) INCLUSIONS.—The regulations promulgated pursuant to paragraph (1) shall include provisions relating to—

- “(A) labeling;
- “(B) chain of custody requirements;
- “(C) sell-through provisions;
- “(D) ultra low-emitting formaldehyde resins;
- “(E) no-added formaldehyde-based resins;
- “(F) finished goods;
- “(G) third-party testing and certification;
- “(H) auditing and reporting of third-party certifiers;
- “(I) recordkeeping;
- “(J) enforcement;
- “(K) laminated products; and
- “(L) exceptions from the requirements of regulations promulgated pursuant to this subsection for products and components containing de minimis amounts of composite wood products.

The Administrator shall not provide under subparagraph (L) exceptions to the formaldehyde emission standard requirements in subsection (b).

“(3) SELL-THROUGH PROVISIONS.—

“(A) IN GENERAL.—Sell-through provisions established by the Administrator under this subsection, with respect to composite wood products and finished goods containing regulated composite wood products (including recreational vehicles, manufactured homes, and modular homes), shall—

- “(i) be based on a designated date of manufacture (which shall be no earlier than the date 180 days following the promulgation of the regulations pursuant to this subsection) of the composite wood product or finished good, rather than date of sale of the composite wood product or finished good; and
- “(ii) provide that any inventory of composite wood products or finished goods containing regulated composite wood products, manufactured before the designated date of manufacture of the composite wood products or finished goods, shall not be subject to the formaldehyde emission standard requirements under subsection (b)(1).

“(B) IMPLEMENTING REGULATIONS.—The regulations promulgated under this subsection shall—

- “(i) prohibit the stockpiling of inventory to be sold after the designated date of manufacture; and
- “(ii) not require any labeling or testing of composite wood products or finished goods containing regulated composite wood products manufactured before the designated date of manufacture.

“(C) DEFINITION.—For purposes of this paragraph, the term ‘stockpiling’ means manufacturing or purchasing a composite wood product or finished good containing a regulated composite wood product between the date of enactment of the Formaldehyde Standards for Composite Wood Products Act and the date 180 days following the promulgation of the regulations pursuant to this subsection at a rate which is significantly greater (as determined by the Administrator) than the rate at which such product or good was manufactured or purchased during a base period (as determined by the Administrator) ending before the date of enactment of the Formaldehyde Standards for Composite Wood Products Act.

“(4) IMPORT REGULATIONS.—Not later than July 1, 2013, the Administrator, in coordination with the Commissioner of Customs and Border Protection and other appropriate

Federal departments and agencies, shall revise regulations promulgated pursuant to section 13 as the Administrator determines to be necessary to ensure compliance with this section.

“(5) SUCCESSOR STANDARDS AND TEST METHODS.—The Administrator may, after public notice and opportunity for comment, substitute an industry standard or test method referenced in this section with its successor version.

“(e) PROHIBITED ACTS.—An individual or entity that violates any requirement under this section (including any regulation promulgated pursuant to subsection (d)) shall be considered to have committed a prohibited act under section 15.”

(b) CONFORMING AMENDMENT.—The table of contents of the Toxic Substances Control Act (15 U.S.C. prec. 2601) is amended by adding at the end the following:

“TITLE VI—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS

“Sec. 601. Formaldehyde standards.”.

### SEC. 3. REPORTS TO CONGRESS.

Not later than one year after the date of enactment of this Act, and annually thereafter through December 31, 2014, the Administrator of the Environmental Protection Agency shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing, with respect to the preceding year—

- (1) the status of the measures carried out or planned to be carried out pursuant to title VI of the Toxic Substances Control Act; and
- (2) the extent to which relevant industries have achieved compliance with the requirements under that title.

### SEC. 4. MODIFICATION OF REGULATION.

Not later than 180 days after the date of promulgation of regulations pursuant to section 601(d) of the Toxic Substances Control Act (as amended by section 2), the Secretary of Housing and Urban Development shall update the regulation contained in section 3280.308 of title 24, Code of Federal Regulations (as in effect on the date of enactment of this Act), to ensure that the regulation reflects the standards established by section 601 of the Toxic Substances Control Act.

**SA 4348.** Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

### SEC. \_\_\_\_ . APPLICATION OF GRANTS FOR SPECIFIED ENERGY PROPERTY TO CERTAIN REGULATED COMPANIES.

(a) IN GENERAL.—The first sentence of section 1603(f) of division B of the American Recovery and Reinvestment Act of 2009 is amended by inserting “(other than subsection (d)(2) thereof)” after “section 50 of the Internal Revenue Code of 1986”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 1603 of division B of the American Recovery and Reinvestment Act of 2009.

**SA 4349.** Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and

for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 255, strike line 14 and all that follows through line 18 on page 260 and insert the following:

“(i) IN GENERAL.—A covered entity shall not request payment under title XIX of the Social Security Act for medical assistance described in section 1905(a)(12) of such Act with respect to a covered inpatient drug that is subject to an agreement under this section if the drug is subject to the payment of a rebate to the State under section 1927 of such Act.

“(ii) ESTABLISHMENT OF MECHANISM.—The Secretary shall establish a mechanism to ensure that covered entities comply with clause (i). If the Secretary does not establish a mechanism under the previous sentence within 12 months of the enactment of this section, the requirements of section 1927(a)(5)(C) of the Social Security Act shall apply.

“(iii) PROHIBITING DISCLOSURE TO GROUP PURCHASING ORGANIZATIONS.—In the event that a covered entity is a member of a group purchasing organization, such entity shall not disclose the price or any other information pertaining to any purchases under this section directly or indirectly to such group purchasing organization.

“(B) PROHIBITING RESALE, DISPENSING, OR ADMINISTRATION OF DRUGS EXCEPT TO CERTAIN PATIENTS.—With respect to any covered inpatient drug that is subject to an agreement under this subsection, a covered entity shall not dispense, administer, resell, or otherwise transfer the covered inpatient drug to a person unless—

“(i) such person is an inpatient of the entity; and

“(ii) such person does not have health plan coverage (as defined in subsection (c)(3)) that provides prescription drug coverage in the inpatient setting with respect to such covered inpatient drug.

For purposes of clause (ii), a person shall be treated as having health plan coverage (as defined in subsection (c)(3)) with respect to a covered inpatient drug if benefits are not payable under such coverage with respect to such drug for reasons such as the application of a deductible or cost sharing or the use of utilization management.

“(C) AUDITING.—A covered entity shall permit the Secretary and the manufacturer of a covered inpatient drug that is subject to an agreement under this subsection with the entity (acting in accordance with procedures established by the Secretary relating to the number, duration, and scope of audits) to audit at the Secretary’s or the manufacturer’s expense the records of the entity that directly pertain to the entity’s compliance with the requirements described in subparagraph (A) or (B) with respect to drugs of the manufacturer. The use or disclosure of information for performance of such an audit shall be treated as a use or disclosure required by law for purposes of section 164.512(a) of title 45, Code of Federal Regulations.

“(D) ADDITIONAL SANCTION FOR NONCOMPLIANCE.—If the Secretary finds, after notice and hearing, that a covered entity is in violation of a requirement described in subparagraph (A) or (B), the covered entity shall be liable to the manufacturer of the covered inpatient drug that is the subject of the violation in an amount equal to the reduction in the price of the drug (as described in subparagraph (A)) provided under the agreement between the Secretary and the manufacturer under this subsection.

“(E) MAINTENANCE OF RECORDS.—

“(i) IN GENERAL.—A covered entity shall establish and maintain an effective record-keeping system to comply with this section and shall certify to the Secretary that such entity is in compliance with subparagraphs (A) and (B). The Secretary shall require that hospitals that purchase covered inpatient drugs for inpatient dispensing or administration under this subsection appropriately segregate inventory of such covered inpatient drugs, either physically or electronically, from drugs for outpatient use, as well as from drugs for inpatient dispensing or administration to individuals who have (for purposes of subparagraph (B)) health plan coverage described in clause (ii) of such subparagraph.

“(ii) CERTIFICATION OF NO THIRD-PARTY PAYER.—A covered entity shall maintain records that contain certification by the covered entity that no third party payment was received for any covered inpatient drug that is subject to an agreement under this subsection and that was dispensed to an inpatient.

“(5) TREATMENT OF DISTINCT UNITS OF HOSPITALS.—In the case of a covered entity that is a distinct part of a hospital, the distinct part of the hospital shall not be considered a covered entity under this subsection unless the hospital is otherwise a covered entity under this subsection.

“(6) NOTICE TO MANUFACTURERS.—The Secretary shall notify manufacturers of covered inpatient drugs and single State agencies under section 1902(a)(5) of the Social Security Act of the identities of covered entities under this subsection, and of entities that no longer meet the requirements of paragraph (4), by means of timely updates of the Internet website supported by the Department of Health and Human Services relating to this section.

“(7) NO PROHIBITION ON LARGER DISCOUNT.—Nothing in this subsection shall prohibit a manufacturer from charging a price for a drug that is lower than the maximum price that may be charged under paragraph (1).

“(b) COVERED ENTITY DEFINED.—In this section, the term ‘covered entity’ means an entity that meets the requirements described in subsection (a)(4) that has applied for and enrolled in the program described under this section and is one of the following:

**SA 4350.** Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 255, line 18, strike “a drug” and insert “a covered inpatient drug”.

On page 256, line 24, strike “a patient” and insert “an inpatient”.

On page 260, line 17, after “subsection (a)(4)” insert the following: “that has applied for and enrolled in the program described under this section”.

## NOTICE OF HEARING

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before the Committee on Energy and Natural Resources. The business meeting will be held on Wednesday, June 16, 2010, at 11 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending legislation.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

## FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS ACT

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 352, S. 1660.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1660) to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, 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 “Formaldehyde Standards for Composite Wood Products Act”.

### SEC. 2. FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS.

(a) AMENDMENT.—The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following:

#### “TITLE VI—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS

##### “SEC. 601. FORMALDEHYDE STANDARDS.

“(a) DEFINITIONS.—In this section:

“(1) FINISHED GOOD.—

“(A) IN GENERAL.—The term ‘finished good’ means any good or product (other than a panel) containing—

“(i) hardwood plywood;

“(ii) particleboard; or

“(iii) medium-density fiberboard.

“(B) EXCLUSIONS.—The term ‘finished good’ does not include—

“(i) any component part or other part used in the assembly of a finished good; or

“(ii) any finished good that has previously been sold or supplied to an individual or entity that purchased or acquired the finished good in good faith for purposes other than resale, such as—

“(I) an antique; or

“(II) secondhand furniture.

“(2) HARDBOARD.—The term ‘hardboard’ means a composite panel composed of cellulosic fibers manufactured with a wet process using—

“(A) no resins; or

“(B) resins that have no added formaldehyde.

“(3) HARDWOOD PLYWOOD.—

“(A) IN GENERAL.—The term ‘hardwood plywood’ means a hardwood or decorative panel that is—

“(i) intended for interior use; and

“(ii) composed of (as determined under the standard numbered ANSI/HPVA HP-1-2004 (or a successor standard)) an assembly of layers or plies of veneer, joined by an adhesive with—

“(I) lumber core;

“(II) particleboard core;

“(III) medium-density fiberboard core;

“(IV) hardboard core; or

“(V) any other special core or special back material.

“(B) EXCLUSIONS.—The term ‘hardwood plywood’ does not include—

“(i) military-specified plywood;

“(ii) curved plywood; or

“(iii) any other product specified in—

“(I) the standard entitled ‘Voluntary Product Standard—Structural Plywood’ and numbered PS 1-07 (or a successor standard); or

“(II) the standard entitled ‘Voluntary Product Standard—Performance Standard for Wood-Based Structural-Use Panels’ and numbered PS 2-04 (or a successor standard).

“(C) LAMINATED PRODUCTS.—

“(i) IN GENERAL.—The Administrator shall conduct a rulemaking process pursuant to subsection (d) that uses all available and relevant information from State authorities (including the California Air Resources Board), industry, and other available sources of such information, and analyzes such information to determine, at the discretion of the Administrator, whether the definition of hardwood plywood should exempt any laminated product. The Administrator may also modify any aspect of the definition contained in clause (ii) before including it in such regulations.

“(ii) LAMINATED PRODUCT.—The term ‘laminated product’ means a product—

“(I) in which a wood veneer is affixed to—

“(aa) a particleboard platform;

“(bb) a medium-density fiberboard platform;

or

“(cc) a veneer-core platform; and

“(II) that is—

“(aa) a component part;

“(bb) used in the construction or assembly of a finished good; and

“(cc) produced by the manufacturer or fabricator of the finished good in which the product is incorporated.

“(4) MEDIUM-DENSITY FIBERBOARD.—The term ‘medium-density fiberboard’ means a panel composed of cellulosic fibers made by dry forming and pressing a resinated fiber mat (as determined under the standard numbered ANSI A208.2-2009 (or a successor standard)).

“(5) NO-ADDED FORMALDEHYDE-BASED RESIN.—

“(A) IN GENERAL.—The term ‘no-added formaldehyde-based resin’ means a resin formulated with no added formaldehyde as part of the resin cross-linking structure that meets the performance standard contained in section 93120.3(c) of title 17, California Code of Regulations (as in effect on July 28, 2009).

“(B) INCLUSIONS.—The term ‘no-added formaldehyde-based resin’ may include any resin made from—

“(i) soy;

“(ii) polyvinyl acetate; or

“(iii) methylene diisocyanate.

“(6) PARTICLEBOARD.—

“(A) IN GENERAL.—The term ‘particleboard’ means a panel composed of cellulosic material in the form of discrete particles (as distinguished from fibers, flakes, or strands) that are pressed together with resin (as determined under the standard numbered ANSI A208.1-2009 (or a successor standard)).

“(B) EXCLUSIONS.—The term ‘particleboard’ does not include any product specified in the standard entitled ‘Voluntary Product Standard—Performance Standard for Wood-Based Structural-Use Panels’ and numbered PS 2-04 (or a successor standard).

“(7) ULTRA LOW-EMITTING FORMALDEHYDE RESIN.—

“(A) IN GENERAL.—The term ‘ultra low-emitting formaldehyde resin’ means a resin formulated using a process the average formaldehyde emissions of which are consistently below the phase 2 emission standards contained in the airborne toxic control measure for composite wood products described in section 93120.3(d) of title 17, California Code of Regulations (as in effect on July 28, 2009).

“(B) INCLUSIONS.—The term ‘ultra low-emitting formaldehyde resin’ may include—

“(i) melamine-urea-formaldehyde resin;

“(ii) phenol formaldehyde resin; and

“(iii) resorcinol formaldehyde resin.

“(b) REQUIREMENT.—

“(1) IN GENERAL.—Except as provided in an applicable self-through regulation promulgated pursuant to subsection (d), effective beginning on the date that is 180 days after the date of

promulgation of those regulations, the formaldehyde emission standard contained in table 1 of section 93120.2(a) of title 17, California Code of Regulations (relating to an airborne toxic control measure to reduce formaldehyde emissions from composite wood products) (as in effect on July 28, 2009), shall apply to hardwood plywood, medium-density fiberboard, and particleboard sold, supplied, offered for sale, or manufactured in the United States.

“(2) **APPLICABILITY.**—The formaldehyde emission standard referred to in paragraph (1) shall apply regardless of whether an applicable hardwood plywood, medium-density fiberboard, or particleboard is—

“(A) in the form of an unfinished panel; or  
“(B) incorporated into a finished good.

“(c) **EXEMPTIONS.**—The formaldehyde emission standard referred to in subsection (b)(1) shall not apply to—

“(1) hardboard;

“(2) structural plywood, as specified in the standard entitled ‘Voluntary Product Standard—Structural Plywood’ and numbered PS 1-07 (or a successor standard);

“(3) structural panels, as specified in the standard entitled ‘Voluntary Product Standard—Performance Standard for Wood-Based Structural-Use Panels’ and numbered PS 2-04 (or a successor standard);

“(4) structural composite lumber, as specified in the standard entitled ‘Standard Specification for Evaluation of Structural Composite Lumber Products’ and numbered ASTM D 5456-06 (or a successor standard);

“(5) oriented strand board;

“(6) glued laminated lumber, as specified in the standard entitled ‘Standard Glued Laminated Timber’ and numbered ANSI A190.1-2002 (or a successor standard);

“(7) prefabricated wood I-joists, as specified in the standard entitled ‘Standard Specification for Establishing and Monitoring Structural Capacities of Prefabricated Wood I-joists’ and numbered ASTM D 5055-05 (or a successor standard);

“(8) finger-jointed lumber;

“(9) wood packaging (including pallets, crates, spools, and dunnage); or

“(10) composite wood products used inside new vehicles (as defined in section 430 of the California Vehicle Code) (excluding recreational vehicles), rail cars, boats, aerospace craft, or aircraft.

“(d) **REGULATIONS.**—

“(1) **IN GENERAL.**—Not later than July 1, 2012, the Administrator shall promulgate regulations to implement the formaldehyde emission standard required under subsection (b) in a manner that ensures that compliance with the standard is equivalent to compliance with the standard contained in table 1 of section 93120.2(a) of title 17, California Code of Regulations (as in effect on July 28, 2009).

“(2) **INCLUSIONS.**—The regulations promulgated pursuant to paragraph (1) shall include provisions relating to—

“(A) labeling;

“(B) chain of custody requirements;

“(C) sell-through provisions;

“(D) ultra low-emitting formaldehyde resins;

“(E) no-added formaldehyde-based resins;

“(F) finished goods;

“(G) third-party testing and certification;

“(H) auditing and reporting of third-party certifiers;

“(I) recordkeeping;

“(J) enforcement; and

“(K) laminated products.

“(3) **IMPORT REGULATIONS.**—Not later than July 1, 2012, the Administrator, in coordination with the Commissioner of Customs and Border Protection and other appropriate Federal departments and agencies, shall revise regulations promulgated pursuant to section 13 as the Administrator determines to be necessary to ensure compliance with this section.

“(4) **MODIFICATION OF STANDARDS.**—The Administrator may modify, by regulation, any ref-

erence to an industry standard contained in this subsection if the standard is subsequently updated.

“(e) **PROHIBITED ACTS.**—An individual or entity that violates any requirement under this section (including any regulation promulgated pursuant to subsection (d)) shall be considered to have committed a prohibited act under section 15.”

(b) **CONFORMING AMENDMENT.**—The table of contents of the Toxic Substances Control Act (15 U.S.C. prec. 2601) is amended by adding at the end the following:

“**TITLE VI—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS**

“Sec. 601. Formaldehyde standards.”

**SEC. 3. REPORTS TO CONGRESS.**

Not later than December 31, 2010, and annually thereafter through December 31, 2014, the Administrator of the Environmental Protection Agency shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing, with respect to the preceding calendar year—

(1) the status of the measures carried out or planned to be carried out pursuant to title VI of the Toxic Substances Control Act; and

(2) the extent to which relevant industries have achieved compliance with the requirements under that title.

**SEC. 4. MODIFICATION OF REGULATION.**

Not later than 180 days after the date on which the Administrator of the Environmental Protection Agency promulgates regulations under section 601(d)(1) of the Toxic Substances Control Act (as added by section 2(a)), the Secretary of Housing and Urban Development shall update the regulation contained in section 3280.308 of title 24, Code of Federal Regulations (as in effect on the date of enactment of this Act), to ensure that the regulation reflects the standards established by section 601 of the Toxic Substances Control Act (as so added).

Mr. REID. Madam President, I ask unanimous consent that the committee-reported substitute amendment be considered; that a Klobuchar amendment at the desk be agreed to; the substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; and that the motions 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 amendment (No. 4347) was agreed to, as follows:

(The text of the amendment is printed in today's RECORD under “Text of Amendments.”)

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1660), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

**SUPPORTING NATIONAL MEN'S HEALTH WEEK**

Mr. REID. Madam President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 547 and that we now proceed to that matter.

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. 547) supporting National Men's Health week.

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

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

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

The resolution (S. Res. 547) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 547**

Whereas, despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas according to the Centers for Disease Control and Prevention, between ages 45 and 54, men are over 1½ times more likely than women to die of heart attacks;

Whereas according to the Centers for Disease Control and Prevention, men die of heart disease at 1½ times the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is one of the most common cancers in men aged 15 to 34, and, when detected early, has a 96 percent survival rate;

Whereas according to the American Cancer Society, the number of cases of colon cancer among men will reach almost 49,470 in 2010, and nearly 50 percent of men diagnosed with colon cancer will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas according to the American Cancer Society, the number of men developing prostate cancer in 2010 will reach more than 217,730 and an estimated 32,050 of those men will die from the disease;

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas according to the Bureau of the Census, more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100, women outnumber men 4 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as prostate specific antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are 2 times more likely than men to visit their doctor for annual examinations and preventive services;

Whereas men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas Congress established National Men's Health Week in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of over 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet Web site has been established at [www.menshealthweek.org](http://www.menshealthweek.org) and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas, June 13 through 20, 2010, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the annual National Men's Health Week; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

#### ONE-YEAR ANNIVERSARY OF THE PRESIDENTIAL ELECTION AND CONDEMNING ONGOING HUMAN RIGHTS ABUSES IN IRAN

Mr. REID. Madam President, I now ask unanimous consent that we proceed to S. Res. 551.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 551) marking the 1-year anniversary of the June 12, 2009 presidential election in Iran, and condemning ongoing human rights abuses in Iran.

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

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions 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. 551) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 551

Whereas the Government of Iran has systematically undertaken a campaign of vio-

lence, persecution, and intimidation against Iranian citizens who have peacefully protested the results of the deeply flawed Iran presidential elections of June 12, 2009;

Whereas the 2009 Department of State Country Report on Human Rights Practices in Iran found that "[t]he government [of Iran] severely limited citizens' right to peacefully change their government through free and fair elections" and "... severely restricted the right to privacy and civil liberties, including freedoms of speech and the press, assembly, association, and movement";

Whereas hundreds of thousands of peaceful demonstrators gathered in the streets of Iran in the aftermath of the June 12, 2009, elections, and dozens of innocent Iranians were killed and more than 4,000 were arbitrarily arrested by police and security forces and the Basij militia;

Whereas hundreds of Iranian citizens remain in detention and more than 250 prominent activists and demonstrators were tried in mass "show trials" that began in August 2009, and at least 50 of these defendants have received sentences ranging from six months imprisonment to death;

Whereas, on June 20, 2009, a member of the Basij militia reportedly shot and killed 27 year-old student Neda Agha-Soltan, whose murder was recorded on a mobile phone camera, disseminated via the Internet, and became a rallying cry for the political opposition and Green Movement;

Whereas, since the election, the Government of Iran has systematically restricted and suppressed free press, free expression, free assembly, and free access to the Internet and other forms of connective technology in order to limit the flow of information and silence political opposition and other forms of popular dissent;

Whereas the Government of Iran has a deplorable human rights record that includes severe restrictions on the freedom of religion or belief, denial of the freedom of assembly and the rights of civil society, systematic torture and ill-treatment, and judicial proceedings that lack due process;

Whereas the Government of Iran continues to operate with hostility and impunity toward journalists, reformers, ethnic and religious minorities, political opponents, human rights defenders, women's rights groups, student activists, and others, including through unlawful and arbitrary detentions, arrests, politically motivated sentencing, physical assaults, and killings;

Whereas human rights activists, journalists, and ethnic and religious minorities have fled Iran for fear of persecution and are residing, some in dangerous circumstances, in neighboring countries seeking refugee status and asylum in the United States and other countries;

Whereas the Government of Iran has violated its obligations under the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, and the International Covenant on Economic, Social and Cultural Rights;

Whereas the 2010 Freedom House Freedom in the World Report finds that Iran leads the world in the number of jailed journalists;

Whereas, since the June 2009 election, the Government of Iran has restricted foreign press access, banned more than 60 international media outlets, and jammed international broadcasts, including those of Radio Free Europe/Radio Liberty's Radio Farda, Voice of America's Persian News Network, the British Broadcasting Corporation, and other non-Iranian news services;

Whereas, on December 18, 2009, the United Nations General Assembly passed a resolu-

tion condemning "serious, ongoing and recurring human rights violations in Iran" and calling on the Government of Iran to respect its human rights obligations;

Whereas, on December 27, 2009, the Ashura holiday, at least eight civilians were killed in confrontations with authorities, and police reportedly arrested approximately 300 civilians in relation to popular demonstrations;

Whereas, on February 11, 2010, the anniversary of the Islamic Revolution, the Government of Iran beat and arrested numerous protestors, jammed text messaging technology, slowed and restricted access to the Internet, and blocked email and news websites, intentionally limiting the ability of Iranian citizens to communicate and freely access news and information;

Whereas, on April 19, 2010, the Government of Iran officially suspended prominent political parties, banned a reformist newspaper, and sentenced to prison leaders within the political opposition; and

Whereas activists connected to the 2009 election protests were recently re-arrested in an attempt to disrupt planned protests on the one-year anniversary of the election on June 12, 2010: Now, therefore, be it

*Resolved*, That the Senate—

(1) solemnly marks one year since the flawed June 12, 2009, presidential election in Iran, and honors Iranian citizens who have lost their lives in peaceful protest since the election;

(2) supports the people of Iran as they seek peaceful and free expression, free speech, free press, free assembly, unfettered access to the Internet, and freedom of religion despite a campaign of intimidation, repressions, and violence perpetrated by the Government of Iran;

(3) commends the people of Iran who have braved the persistent and pervasive threat of censorship, arrest, physical harassment, and death to have their voices heard and peacefully exercise fundamental human rights, as enshrined in the constitution of Iran and international human rights law, including the International Covenant on Civil and Political Rights, entered into force on March 23, 1976, and ratified by Iran;

(4) condemns the Government of Iran for perpetrating ongoing human rights abuses and for restricting, monitoring, and suppressing freedom of the press, expression, assembly, speech, and religion, as well as free access to the Internet and other forms of connective technology in order to limit the flow of information and silence political opposition and other forms of popular dissent;

(5) denounces the atmosphere of impunity for those who intimidate, harass, and commit violence against Iranian citizens, and calls for the unconditional release of all political and religious prisoners in Iran;

(6) urges the President and Secretary of State to mobilize resources to support freedom of assembly, freedom of expression, freedom of the press, freedom of religion, and freedom of speech in Iran, especially on the June 12 anniversary of the 2009 presidential election;

(7) encourages the President and Secretary of State to work with the United Nations Human Rights Council to condemn the ongoing human rights violations perpetrated by the Government of Iran and establish a monitoring mechanism by which the Council can monitor such violations;

(8) urges the Government of Iran to cooperate with and allow visits of the United Nations Special Rapporteurs for Human Rights and the United Nations Office of the High Commissioner for Human Rights;

(9) urges the President and Secretary of State to work with the international community to ensure that violations of human

rights are part of all formal and informal multilateral or bilateral discussions with and regarding Iran; and

(10) calls for the immediate return of all missing and detained United States citizens in Iran.

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ORDERS FOR TUESDAY, JUNE 15,  
2010

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, June 15; that following the prayer and the 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 leader remarks there be a period of morning business until 11:30 a.m. with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the

next 30 minutes; that following morning business, the Senate proceed to executive session as provided for under the previous order. Finally, I ask that following disposition of the nominations, the Senate recess until 2:15 p.m. to allow for the weekly caucus luncheons.

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

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PROGRAM

Mr. REID. Under a previous order, at approximately 11:50 a.m. the Senate will proceed to a series of up to three rollcall votes. Those votes will be on the confirmation of the following district court nominations: Tanya Pratt of Indiana, Brian Jackson of Louisiana, and Elizabeth Foote of Louisiana, all to be district court judges. There could be additional votes in relation to the amendments to the tax extenders throughout the day.

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. REID. 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 6:27 p.m., adjourned until Tuesday, June 15, 2010, at 10 a.m.

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NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF ENERGY

ANNE M. HARRINGTON, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NON-PROLIFERATION, NATIONAL NUCLEAR SECURITY ADMINISTRATION, VICE WILLIAM H. TOBEY, RESIGNED.

NATIONAL TRANSPORTATION SAFETY BOARD

EARL F. WEENER, OF OREGON, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2015. (REAPPOINTMENT)

DEPARTMENT OF STATE

LAURENCE D. WOHLERS, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CENTRAL AFRICAN REPUBLIC.