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Senate

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

PRAYER

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

The guest Chaplain offered the following prayer:

Let us pray.

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

In Your Holy Name we all pray. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

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

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

THE GUEST CHAPLAIN

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

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

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

SCHEDULE

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

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

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

TAX EXTENDERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Everything I have talked about is job creating.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECOGNITION OF THE MINORITY LEADER.

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

DEFICIT EXTENDERS

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

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

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

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

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

DISCLOSE ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS.

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

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

UNEMPLOYMENT INSURANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Kim from Flint says:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. STABENOW. I am sorry?

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

Ms. STABENOW. Thank you.

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

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

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

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

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

Mr. STABENOW. Thank you, Madam President.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

NOMINATION OF ELENA KAGAN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

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

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

IMMIGRATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(See exhibit 1.)

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

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

I thank the Chair and yield the floor.

EXHIBIT 1

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

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

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

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

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

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

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

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

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

Sincerely,

JOHN CORNYN,
U.S. Senator.

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

TAX EXTENDERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

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

The assistant legislative clerk read as follows:

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

Pending:

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

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

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

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

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

The ACTING PRESIDENT pro tempore. The Senator from Montana.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Madam President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—H.R. 2194

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

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

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

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

The bill clerk proceeded to call the roll.

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

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

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

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

GULF DISASTER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

He said:

> The blanket moratorium, with no parameters, seems to assume that because one rig failed and although no one yet fully knows why, all companies and rigs drilling new wells over 500 feet also universally present an imminent danger.

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

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

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

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

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

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

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

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

I ask unanimous consent for 5 more minutes.

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

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

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

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

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

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

Madam President, I yield the floor.

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

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

The Senator from Utah.

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

Mr. DODD. No, please proceed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

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

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

COMMENDING JOHN ISNER

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

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

Mr. BURR. I thank the Senator.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

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

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

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

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

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

Our part of this comprehensive sanctions bill has two parts:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We had to try a different approach.

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

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

A new, secret enrichment facility at Qom was uncovered.

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

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

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

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

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

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

And that is why I support passage of this legislation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The Chair will do so.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Here is what the Post wrote:

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

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

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

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

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

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

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

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

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

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

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

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

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

According to the Government Accountability Office:

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

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

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

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

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

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

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

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

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

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

Thank you very much.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Republican leader is recognized.

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

Mr. MCCONNELL. Yes.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Republican leader is recognized.

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

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

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

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

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

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

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

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

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

The time for further delay is past.

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

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

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

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

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

Mr. President, I yield the floor.

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

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

The legislative clerk read as follows:

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

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

Total Budgetary Effects of H.R. 2194:

2010–2015: $0.

2010–2020: $0.

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

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

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

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

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

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

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

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

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

The question is on agreeing to the conference report.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

[Rollcall Vote No. 199 Leg.]

YEAS—99

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

Voinovich	Webb	Wicker
Warner	Whitehouse	Wyden

NOT VOTING—1

Byrd

The conference report was agreed to.

The PRESIDING OFFICER. The Senator from Texas is recognized.

ISRAEL'S UNDENIABLE RIGHT TO SELF-DEFENSE

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

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

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

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

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

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

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

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

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

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

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

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

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

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

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

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

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

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

On page 7, strike lines 22–24

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

The Senator from New Mexico.

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Texas.

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

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

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

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

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

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

Strike the 14th clause in the preamble.

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

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

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

The PRESIDING OFFICER. The Senator from Missouri is recognized.

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

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

Mr. BOND. I thank the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

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

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

TRIBAL LAW AND ORDER ACT OF 2010

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

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

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

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

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

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

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

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

The mother tries to be strong, looking at the photos of her dead daughter's beaten and bruised face. She tries not to cry, but eventually the images prove too much. ''That's what they did to her,'' the mother says.

Marquita Marie Walking Eagle died November 1, 2009, the victim of a violent sexual assault. The 19-year-old Rosebud Sioux woman's alleged killer: a 17-year-old classmate from St. Francis High School in South Dakota.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We need to do something about it.

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

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

I yield the floor.

CRIMINAL JURISDICTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010—Continued

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

NOMINATION OF ELENA KAGAN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

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

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

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

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

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

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

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

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

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

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

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

In fact, I was talking to someone today who is in the business community who said small businesses are not going to take those risks. You will not see the kinds of startups in America because of the state of the economy, because of the policies that are coming out of Washington that mean more taxes and more spending, which gets to the tax extenders package that is before us today. And that is my concern, with the detachment we have between what is happening in America on Main Street and what is happening in Washington, DC, in the House of Representatives and the Senate. There isn't that

reality check, and that is obviously exemplified by the kind of legislation we are trying to ram through the Congress, once again, that means more taxes and more spending and that is going to cost more jobs. It is going to provide more risk in the economy. Therefore, we are not going to see the kind of economic growth the American people deserve.

Somehow, we think there is not a cause and effect and a correlation between what we do here and what happens across America. I know that in speaking to my constituents and to small businesses, I hear it day in and day out. I go home and I talk to them and I listen, more importantly, and I hear what they are saying. They are uniformly saying the same thing: that the policies coming out of Washington cause them great pause. It causes them alarm. Therefore, they will not take the risk. They will not make the investments to increase the number of employees and to add to their personnel or to make the capital investments, because they do not know how much the Federal Government is going to cost them with respect to taxes, with respect to regulation and, of course, the new health care law, as well as all of the other tax consequences that have now resulted in this legislation that is pending before the Senate. Somehow, people think it won't matter.

Then I am beginning to think that maybe people haven't read these provisions to understand exactly how they work, and that is why there is so much concern and apprehension across America. That is why Congress has such a low approval rating that has certainly crossed the historic thresholds in terms of how low it is, and understandably so, because there is no connection. There is no correlation between what we are doing and what is happening in America and in small businesses and in family households which have lost their jobs and are enduring anxiety and apprehension about where the next job is going to come from and how they are going to make ends meet.

So we truly have our work cut out for us when we look at the low economic growth, the inability to create jobs and, frankly, the fear. When we think about what has been created in this economy, from their standpoint, it isn't so much the problems we are dealing with today, it is the direction Congress is taking with respect to the issues that matter most to them in order to take the risks we need them to take in order to reverse this economic cycle.

Also, when we think about the projections for economic growth, this bill doesn't take into account the potential effects of what is happening in Europe and the economic turmoil that certainly could engulf our own economy or the potential fallout from the BP disaster in the gulf. That has not manifested itself in the unemployment numbers or economic growth. It is a travesty what is happening there, and it certainly is devastating a way of life and so many small business owners. So that is another dimension and component we will have to incorporate in our calculations for the future. Certainly, that will have an impact on the bottom line with respect to job creation and our ability to see the kind of growth we require in order to reverse the declining growth in America.

We certainly have our work cut out for us. That is what makes me wonder exactly what world we are living in here in Congress as we pay lip service to job creation, when in reality we are instead on a glidepath toward higher taxes on America's job generators and at precisely a moment in time when we should be providing the kind of relief I have been advocating for through small business legislation. I have been championing it for 6 months now—6 long months. I started in January. I thought it was going to be on the front burner. It is still languishing on the back burner. So much for jobs being a priority. So much for depending on small businesses to create those jobs. So we have paid no deference to the greatest issue that is facing America today, and that is job creation and the economy. That is the No. 1 priority of the American people. But here we are approaching July and it is yet to be on the legislative calendar, even though I have been promised. I know the Presiding Officer, who serves on the Small Business Committee, has been a great advocate and a champion for small business tax relief and creating jobs and how vital it is. We have had numerous hearings on that question before our committee which underscores the imperative of passing a small business tax relief program so they can generate jobs because they are the one entity that creates jobs in America. But we have yet to consider the small business tax relief jobs package. It is approaching July. I had a package prepared in mid-March and I was asked to defer because we were promised that we will be considering a small business jobs package before the April recess. Well, April has come and gone. May has come and gone. June has come and gone. Obviously, July will come and go, before it becomes law—so it is regrettable.

It is a red herring to suggest that a potential $12 billion small business jobs bill might mitigate the damage of some of the initiatives that are incorporated in this tax extenders bill that is now pending before the Senate and that we will vote on shortly with respect to cloture. That is my point here today. Because when we do consider a small business jobs relief package, and we provide the billions of dollars that are necessary to jump-start our economy to small businesses with tax relief, at the same time we are imposing additional taxes on small businesses in the tax extenders package, that will not neutralize the circumstances for small businesses. It only makes it worse. So on one hand we could provide some benefits and on the other hand we take them away.

Let us remember that those increases will be in addition to the tax increases on the small business flow-through income that is expected to increase from the current rate of 35 percent to 39.6 percent, as well as a tax on capital gains that is scheduled to rise from 15 percent to 20 percent at the end of this year. Astoundingly, the tax rate on dividends 6 months from now will rise from 15 percent to as high as 39.6 percent, which is a 264-percent increase. That is not even taking into account some of the marginal tax effects such as the phaseout of itemized deductions that will raise the rate even higher, or the tidal wave of uncertainty headed toward the business community as they evaluate and grapple with, as I said earlier, the health mandates resulting from the legislation that was passed in December. It doesn't even incorporate the Medicare payroll taxes that were imposed on small business in the health care reform law: $210 billion worth of taxes that were inserted in the health care legislation that became law in December, that imposes a payroll tax on small businesses. It also taxes unearned income and investments for the purposes of the Medicare payroll tax that also will affect small businesses to the point that there will be a net increase of 67 percent in capital gains on small businesses as a result of that legislation that became law in December.

So the cumulative effect of all of these tax increases is going to be pronounced on the ability of small business to create jobs, let alone make investments in equipment that is so essential to expanding and to growing.

As my colleagues see on this chart I have on display that was issued in May of 2010 by the National Federation of Independent Business, the foremost organization that represents small businesses in America, small business optimism at an unprecedented low. It is not surprising, given the status of the economy today. In fact, there is virtually no economic growth occurring, because we don't have a growth strategy. We have a tax strategy, we have a spending strategy, but we don't have a growth strategy. The administration doesn't have a growth strategy. Congress doesn't have a growth strategy. There has been no regard or deference to a growth strategy that ultimately would encourage small businesses, or any size business in America today, to take the risks to make those investments, because there is too much uncertainty, in addition to all of the potential tax increases that will occur at the end of this year, not to mention those that have already occurred and the ones that are pending in this tax extenders legislation we will be voting on shortly with respect to cloture.

In the tax extenders bill, we are imposing a $9 billion tax on small businesses and $13 billion of retroactive new taxes on global businesses. On

companies that do business abroad, there are retroactive taxes as well. Retroactive tax increases are a bad habit. It is a bad practice. It is bad policy to reach back and now tell businesses: Oh, by the way, we have changed our mind. Let's reach back and tax you. You might ask: Well, how far back? Because that is the question I have asked. How far back do you tax? Well, guess what. Back to the first event that represents a capital gains event, as far back as it goes because we have changed our mind.

Well, it is very difficult, when you have to meet a bottom line—which is anathema to Congress because we don't have to meet a bottom line. We don't have to balance our budgets. We don't have to worry about how much we spend and how much we tax, because we don't have to balance it out, but businesses do, in a very challenging and fragile economy. Yet we are suggesting, oh, by the way, let's have retroactive tax increases.

It is regrettable that we have to go that far, exhibiting a total disregard for the effect it is going to have ultimately on the average person in America who is seeking to get a job and can't find one because businesses aren't hiring. They are virtually at a standstill, and rightfully so, in their hesitancy and their reluctance, because they don't know what is coming next out of Congress. We don't even know, because a lot of these provisions were sort of dumped in there that we didn't have hearings about. So by the way, we have changed our mind and we are going to reach back and tax you. Maybe it is a year, maybe it is 2 years. Whenever you have that first event that is taxable under this provision, we will reach back and we will tax you.

The tax offsets in this bill are worse than the lack of an extension of the existing policy. That is why the provisions in the bill are too high a price for any major business or organization, from the Chamber to NFIB to Business Roundtable, to support it in its current form.

It didn't have to be this way. I certainly laid out a blueprint. I want to be very clear about this. I laid out a blueprint of how we could proceed to a consensus solution to passing a responsible tax extenders package. I worked diligently. I answered every call. I went to every meeting for the last few weeks since this became an issue, in good faith, to attempt to extend the unemployment benefits that I think people rightfully deserve, as well as to help with the reimbursement for doctors that, by the way, we have known has been a problem for more than a year. I know I stood on this floor last fall, during the time we were considering the health care bill that was pending before the Senate, and after which $210 billion worth of Medicare taxes were inserted in the health care bill—$210 billion that was a tax on small businesses.

I said: If you are going to take that route, if that is the policy you are going to embrace, then why not defer it and pay for the doctors reimbursement to avert the 21-percent reduction. Why not use it for that purpose? If you are going to raise Medicare payroll taxes, at least use the revenues from Medicare, within the Medicare system—knowing this was a serious problem.

With a 21-percent reduction in doctors reimbursements in the Medicare Program that was scheduled for January, we knew we had a problem. Yet, on one hand, we raised Medicare taxes on small businesses, and we used it for other purposes—to expand other programs—rather than targeting it to the very problem and issue that existed in the Medicare Program that we knew about. How practical is that? Of course, it is not practical.

We knew with that $210 billion we could have arrived at a permanent solution at least for 10 years on the doctors reimbursements—for 10 years. We would have had a decade solution, rather than this ad hoc approach, where we are reconsidering it every 6 months or every year and putting the patients as well as the doctors through this endless cycle, which has almost become perpetual, as to whether we are going to provide for the reimbursements or allow the cuts to go forward. It becomes gamesmanship that is, unfortunately, at the expense of Medicare patients, because they hear from the doctors: We don't know what we are going to be able to do. We hear it from the providers who are challenged, because Medicare rates are hardly reflective of the true cost of delivering that care. My State has the second lowest rate of Medicare reimbursements in the country. We know doctors are dropping Medicare patients. So it has a pernicious effect. We could have taken care of that proactively and done something reasonable and pragmatic. We could have funded a 10-year solution that we knew was in the area of $200 billion, because we had another bill on the floor that said let's do the doctor fix but let's not pay for it. It was in the approximately $200 billion range. But that wasn't to be. It certainly didn't have to be this way.

I have sought to balance the necessities by identifying tax offsets, urging that the stimulus money be reprogrammed so these funds are spent in a timely manner, as was the intention when this body passed the stimulus bill.

With respect to the unemployment benefits extension in this legislation, I have long advocated for this, and I voted for them in the past, obviously. I think we have a responsibility to pass extensions until the economy improves and until we can demonstrate that the economy can create jobs. I understand and appreciate some of my colleagues who believe these extensions should be fully offset. I just don't happen to be in that category, until we can turn the economy around and produce jobs—particularly at this time of high unemployment, which is at the rate of 9.7 percent, and that has been the status quo with minimal changes. That means Congress has to enact economic policy to foster job creation. I would not impede unemployment benefits by insisting they are not emergency spending and should be fully paid for. I believe there is a majority that supports that policy.

I recommended, why not separate the unemployment benefits and move that along? Why put people at risk who are unemployed? We could have done that and separated this out several weeks ago, which I proposed and recommended, and we could have separated the doctor fix and paid for it. Actually, we ended up doing that. That is what we did 2 weeks later. We could have done the same with unemployment benefits—separated it and moved it along, assuming that, of course, we had unanimous support on the majority side for that. We could have done that. I certainly would have supported that.

It is important so that people aren't kept in turmoil, wondering whether they are going to have additional benefits. I thought we should have addressed it as a separate matter, rather than entangle it with other muddled policies being swallowed up in this legislative morass pending today.

I supported State aid for Medicaid. As I said, this program should be offset by unobligated stimulus funds. In the stimulus bill, we provided for additional funding for Medicaid. Had we known then what we know now, we could have provided an additional year, instead of lower priority, longer term, less effective spending. After all, stimulus is supposed to be timely, targeted, and temporary. If the money hasn't been obligated, obviously, it is none of those things at this point. So why not redirect it for more stimulative purposes? And certainly doing it for the Medicaid Program is highly stimulative, along with unemployment benefits. That is the maximum stimulus you can provide in the economy today. I said let's redirect those funds and spend them on FMAP.

In the substitute extenders package proposed last night there was a breakthrough on that issue that became a consensus item for a brief and shining moment. Apparently, some on the other side objected to the overall package on several of the other issues I will get to in a moment. I have had some serious concerns with some of the proposals that small businesses in this legislation have, particularly when it comes to subchapter S corporations. There was an indication that, as I was told last week, those new taxes would be removed because of the punitive effect they would have primarily on small businesses, again, the group we are depending on to create jobs. Yet, last night, the tide turned again, and I was informed that they would in fact remain in the tax extenders legislation.

These revenue provisions that have never been the subject of hearings,

have never been seen by the public, would significantly damage the business environment for businesses both large and small, just at a time we should be creating businesses, not curtailing them. The egregious provision regarding subchapter S corporations would harm millions of small businesses in their ability to create those jobs. Under section 413, a new burdensome payroll tax of 15.3 percent is imposed on subchapter S corporations on the dividend distributions paid to employee owners, to family members, who are shareholders or partners, and unbelievably, retained earnings in the business when distributions are kept in the business for reinvestment. At a time of festering high unemployment, this is exactly the wrong prescription for job creation.

The provision is aimed, as I have been told, at a specific abuse of the S corporations wrapped in a partnership, which is a business format that allows a business owner to inappropriately divert more money than is justified to nonsalary distributions that are not subject to payroll taxes. Unfortunately, in order to prevent this specific abuse, the authors had to write a very expansive anti-abuse provision causing collateral damage to taxpayers who are not abusing the system and imposing payroll taxes on retained earnings on small businesses. This is a job killer, because retained earnings are the most reliable form of capital available to small businesses. While there have been clear abuses of existing law regarding reasonable compensation, it should be noted that the IRS successfully prosecutes cases where business owners inappropriately divert salary income to dividend distribution.

In fact, the ruling as recent as May 27 of this year in David E. Watson PC v. United States proves that the ''reasonable compensation'' standard can be workable. Yet, it is not a clear bright line test that is either easy for the IRS to enforce or for taxpayers to understand.

That is why I worked diligently, along with my staff, to find a way to address this abuse and agree that if we could find a way to improve upon and make clearer the ''reasonable compensation'' standard, we should do so. In fact, my staff, last week, was at Joint Tax to do just that. Then I was informed that the subchapter S provision would be removed in its entirety from the tax extenders bill, so we didn't proceed any further, because I was told it was not going to be in this legislation. Obviously, that all changed last night when it summarily was reinstated.

Unfortunately, the new regime that would be created in this legislation is less effective for either compliance by taxpayers or enforcement by the IRS; it is the current reasonable compensation standard.

One week ago, the majority leader offered to remove the provision from the bill and I accepted this. Unfortunately, negotiations must not have been as clear, because last night that offer to drop that provision was fully rescinded. The provision in S. 4213 replaces 20 years of law with wholly untested, expensive, very difficult to administer new standards that attempt to address situations that, under current law and practices, are already not permitted. Specifically, this provision would impose Medicare and Social Security taxes at a rate of 15.3 percent on the first $106,800 of both wages and dividends, as well as 2.9 percent on amounts retained in the business, even when distributions are kept in the business for reinvestment. Retained earnings are the most reliable form of capital for a small business because the owner doesn't need to go to a bank to apply for a loan or to investors to seek infusion of equity.

This tax would appreciably reduce that capital at a time when other sources remain exceedingly difficult to access. At a time of high unemployment, this is exactly the wrong direction for job creation. In fact, this new levy would kill jobs and discourage hiring throughout the economy.

While I commend the authors of the bill for attempting to rein in the game playing that can take place, this bill is extraordinarily more broad than addressing just that problem. Unfortunately, in their critique of my efforts to address these problems, neither the Washington Post nor the New York Times editorial pages have taken into account anything but a pithy one-line description of the effects of these provisions. It is unfortunate because this new tax on small businesses and medium-size businesses is a broadside attack on what has been for decades a job-creating engine of the economy.

The substitute pending before the Senate would create vague new terms and tests for the IRS interpretation and taxpayer confusion as to whether payroll taxes are owed. These new terms and tests would replace the reasonable compensation standard for a list of specific service-based businesses. The new test would impose payroll taxes on certain professional service businesses, if 80 percent of the income of the business is attributable to three or fewer shareholders of the firm. While these terms are certainly less onerous than an earlier version of the substitute, each of these new terms will be subject to IRS rulings and inevitable litigation.

I will start outlining my concerns with the ''attributable'' to shareholders'' concepts. This standard is no easier for the IRS to inform or taxpayers to understand than is the current ''reasonable compensation'' standard. Does ''attributable'' mean that if a law firm partner brings another partner and an associate to meet with a prospective client, that the income generated is ''attributable'' three ways? Or does it depend on who performs the most billable hours? If the associate performs the majority of billable hours with only sign-off from the partner, to whom is this income ''attributable''?

Frankly, this new proposed standard is no clearer than the current ''reasonable compensation'' standard that is also very dependent upon specific ''facts and circumstances.'' Why would we replace one standard with something no more enforceable by the IRS and is just a trap for taxpayers?

Another component of the bill that is no clearer than ''reasonable compensation'' is the test of ''substantially all of the activities'' of the firm. Two issues arise with respect to this phrase. First, this is clearly not an objective revenue test; it is a subjective ''activity'' test, meaning that these employers would now be required to keep timesheets of all their employees, even if a firm or profession doesn't currently track billable hours. This would create a whole new expensive paperwork morass with no point other than compliance with mindless tax rules.

Further, whether ''substantially all'' means more than half, three-quarters, or 90 percent of ''activities'' is not defined in the statute. We simply do not know the definition of ''substantially all.'' Neither would the IRS or the business owners. This doesn't advance compliance or enforcement to a level any better than the existing ''reasonable compensation'' standard.

Turning now to the additional provisions, I want to point out that the list of ''professional service businesses'' in the legislation is at best obtuse, and at worst, it is simply a quagmire for litigation. Professions targeted for this tax include services ''in the fields of: health, law, lobbying, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, investment advice or management, or brokerage services.''

While it is sometimes clear which businesses are included, for other businesses and professions the new definition is not so clear-cut. We can only assume that with the expansive regulatory authority granted in this bill that other service providers would be ensnared. Years of regulatory effort and litigation will eventually sort out whether the following would be subject to this provision: Web designers, who are not software ''engineers;'' interior designers, who are not ''architects;'' tax preparers, who are not ''accountants;'' real estate or insurance agents, who are not ''brokers;'' writers, who are not ''performers;'' beauticians, who are not in ''health.''

Then there are other service providers who would be ensnared the next time Congress is seeking additional revenues, including plumbers, electricians, hairdressers, construction contractors, heating oil distributors, car mechanics, recruiting and staffing firms, and professional fundraisers, just to name a few.

Every day this provision has been public—and that is a total of only 1 month 4 days—we seem to find another

unintended consequence of the provision. Five days from now, we are likely to find five more unintended consequences.

I wish to specifically raise two additional unintended consequences that have been brought to my attention. The first of these, of which my colleagues may be unaware, is that this provision would reduce the Social Security benefits of early retirees who invest in a family member's business. This issue was raised by the American Institute of Certified Public Accountants and results because the shareholder would be deemed to have additional wages through the proposal's family attribution rules, which then reduces Social Security early retirement benefits. I am disappointed that the sponsors of this provision have not addressed this problem despite having known about it for at least two iterations of their bill.

If a parent invests as a shareholder in the business being set up by their adult child, then this legislation would count the dividend distributions as earned income subject to a payroll tax, which reduces the early retirement benefit of the parent. This tax would either be a shock to investors who had no idea about this complication or invariably, to the extent it is known, it would reduce investment by family members in entrepreneurial businesses. Of course, this would reduce a critical form of capital for startup businesses. Why does the majority feel the need to starve young entrepreneurs of the ability to get startup capital from their parents?

A second specific unintended consequence concerns the complex web of anti-abuse rules that is created to prevent ''leakage'' from the S corp shareholder provision. It ensnares limited partners of partnerships. The bill imposes payroll taxes on the limited partnership income of employees for whom these limited partnership shares are like an employee stock purchase plan. Employees are not subject to payroll taxes on stock purchase plans distributions. Further, limited partners are not subject to payroll taxes because this is investment income. But to combine the two and for some reason to impose a 15.3-percent payroll tax on the investments of middle-income employees is inexplicable. Despite this known problem, it was not addressed even in the version of the bill that was released last night and pending before the Senate.

I want to be clearly understood that this provision was publicly released on May 20 and was adopted by the other body on May 28 with virtually no debate on an $11 billion tax hike. There have been no hearings on this proposal in either the House or the Senate. While the chairman has modified his initial proposal and it is now a $9 billion tax, significant concerns remain. Notably, the number of groups that are supporting my amendment to strike this provision sent a letter to both the chairman of the committee and the ranking member about that earlier version, emphasizing that ''this new tax is an excellent example of what happens when the legislative process is short circuited.''

This chart is an illustration of the number of organizations that have written letters to Chairman BAUCUS and Ranking Member GRASSLEY of the Senate Finance Committee about this legislation. It says new taxes would hurt job creation, would reduce the capital these employers have to create jobs and invest in their businesses—an excellent example of what would happen when you short-circuit the legislative process.

That is exactly the end result of this legislation. It is ill-timed, and it is poorly targeted. I appreciate the support from Senators ENZI and ENSIGN, who joined me in offering an amendment—unfortunately, we have not had the ability to offer it—to strike it in its entirety so we can take a step back and address only the abusive situations without capturing everybody else. That is going to affect job creation in small businesses and entrepreneurs in America at a time when we desperately need them.

We are now making a broadside attack on job generators. Regrettably, this will affect small and medium-size businesses. They are not in a position to shoulder this enormous burden as we look to them to create the jobs our economy so desperately requires right now.

I have been asking for months on end, as I said earlier in my statement, for a small business tax relief and jobs package that is so central to what we require in our economy today because of virtually no economic growth, no job creation. We are nearly into July, so 6 months into this legislative calendar and there is no legislative package on small businesses yet. What are we doing? More taxes and more spending—that is exactly what is represented in the tax extenders bill.

I attempted to address these issues over the last few weeks and to reach a consensus and solution. As I said, removing the doctor fix and paying for it separately—eventually that happened, and that was important; removing unemployment benefits to move that along so people can get their unemployment benefits without having them lapse and expire during this challenging economy; and then, of course, address all the other issues to make sure we are getting it right. That is what it is all about.

It is a matter of practicality and reasonableness that we get it right and not force more taxes on the very entities we depend on to create the jobs people deserve in America today to go back to work and to support their foundation of financial security rather than removing it.

At a time when we should be encouraging and nurturing small businesses, we are stifling the entrepreneurial spirit by adding $9 billion more in taxes with an ill-conceived provision that has had no hearings, no examination, no evaluation. It is a terrifying template for additional taxes on small businesses when they are already facing more taxes as a result of the health care bill. No wonder small businesses are bewildered and are unwilling to hire new employees.

In the final analysis, America's small businesses would benefit greatly from the extension of myriad tax provisions, but they do not want this bill at any cost, not when they are going to have to be paying some very onerous and punitive taxes under this legislation. Because it will be virtually all small businesses that are going to face and bear the brunt of the consequences of this legislation and the taxes it represents. It is going to continue the stagnation with respect to job creation. It is going to further that and the deteriorating trend within our economy with respect to job creation and with the lagging economic growth that is reflected in today's economic environment.

For all those reasons, I will not be voting for the tax extenders package. I regret it because I thought we had reached a consensus. Obviously, that was not to be. Hopefully, we can continue our discussions at a time when we can reach a consensus.

But I think it is important in the final analysis to state the fact that these impasses and the stalemate and the deadlock that result time and time again that require cloture votes are really not necessary if we are willing to listen to one another, to reach across the political aisle, and to build a consensus on the issues that are so important to America and so crucial to reversing the economic direction of our country, where more than 70 percent of the American people believe America is moving in the wrong direction with respect to the economy and yet we have failed to address it satisfactorily because we are not willing to listen, not willing to work, not willing to do the things necessary to create the right kind of legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I have a unanimous consent request which the Senator from Arizona will appreciate. I ask unanimous consent that the cloture vote on the Reid motion to concur in the House amendment to the Senate amendment to H.R. 4213 with the Baucus amendment No. 4386 occur at 5:14 p.m. today, with Senator KYL recognized to speak for up to 2 minutes and Senator BAUCUS recognized to speak for up to 2 minutes prior to the vote.

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

The Senator from Arizona.

Mr. KYL. Madam President, I will not take 2 minutes.

First let me say that I associate myself fully with the remarks of my colleague, the senior Senator from Maine.

Her analysis and criticism of the so-called S corp provision and retroactive tax provisions should be heeded by all of us.

I thank my colleague from Maine for her indefatigable work on this bill and her leadership to reduce its costs and fix its bad policy. She has spent countless hours working in a bipartisan way to develop an approach that will extend unemployment benefits, ensure physicians are paid properly for caring for Medicare patients, and reduce the fiscal impact of the bill. It is certainly through no fault of her own that the product before us remains unsupportable. No one has fought harder to support the small businesses that create jobs in America than Senator SNOWE.

We need to extend the tax provisions in this bill and achieve its other objectives. Like my colleague, I hope we can reach the right result, one that responds to our constituents' pleas that we stop spending and taxing and focus on job creation and economic growth.

The other side has offered several versions of the so-called tax extenders legislation. Unfortunately, each version has had at least two things in common with the previous versions—an increase in taxes and spending that leads to increased deficits. The provisions raising taxes are permanent changes even though they are being used to offset short-term tax cuts. I would like to focus on one of these tax increases that will be particularly harmful to many of our Nation's small businesses, which are incorporated as S corporations.

Currently, limited partners pay payroll and other employment taxes on payments received for the services that they provide. Partners in small businesses organized as S corporations pay employment taxes on their compensation even if the earnings are not distributed. The Baucus substitute filed last night would essentially require partners providing ''professional services'' to pay payroll taxes on their investment income as well.

The intent of the provision is to prevent cases of abuse as when former Senator John Edwards used the organization of an S corporation to avoid paying the 2.9 percent Medicare tax he owed as a lawyer on his wages. Edwards earned $26.9 million during the late 1990s while only reporting $360,000 in salary.

However, the IRS has the ability to go after firms and individuals who do not pay themselves a reasonable wage using the reasonable compensation test. The service has already successfully litigated cases where compensation was considered less than reasonable. A few examples are Radtke v. US, 712 F.Supp. 143 (7th Cir., 1990) and Spicer Accounting v. US, 918 F.2d 90 (9th Cir., 1990).

Furthermore, Congress just gave the IRS another anti-abuse tool when it codified the economic substance doctrine as part of the healthcare bill. Consequently, if the structure of the business is designed solely with the intent of avoiding the Medicare payroll tax, it would lack economic substance and the IRS could disallow it.

Not only does the IRS already have the ability to go after those who try to avoid paying taxes through S corporation revenue abuse, but the provision as it is currently drafted will create uncertainty, cause additional compliance problems and unfairly hit those it is not intended to impact.

One problem with the current proposal is that it will be very difficult to trace the hours of work for certain shareholders and link it back to the firm's revenues. Lawyers and CPAs can track their hours because that is how their businesses operate, but other service professionals such as engineers and architects do not.

As such, this will be especially burdensome for a number of the covered businesses at a time when we are counting on these same small businesses to generate jobs.

The provision also does not define what amount of participation in professional services activities determines if one must pay the new tax. The House version says ''substantially all.'' The Senate version seems to suggest that even very limited participation in any of the activities listed under the new definition of professional services would be subjected to the tax. Is that the intention?

Finally, the family attribution rules would appear to hit inactive family members who are solely shareholders and do not actively participate in the day-to-day operations of the business by subjecting their investment income to payroll taxes.

The bottom line is that this provision unnecessarily treats the income of 4 million small businesses organized as S corps all as wages, which undermines the entire rationale for having flow-through entities: to avoid the double taxation of entrepreneur's income. How are small businesses suppose to grow and hire more workers to get us out of this recession if we keep creating impediments to expanding investment opportunities?

The most galling aspect of this debate is that if the extenders bill passes with this roughly $10 billion tax increase on small business, the next tax bill we expect to consider is a bill to help small businesses with just $5 billion in tax relief. So the net effect of these two bills would amount to a $5 billion tax increase on small business. I just don't understand the logic. Of course, the real logic is simple: Supporters of the bill need more offsets to pay for the increased spending. I support the efforts of the senior Senator from Maine to strike this tax on small businesses, and I commend her for leading the effort to solve this problem.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, let us remember what this bill is all about. This bill will help American families face this great recession. This bill works to strengthen our economy and put Americans back to work. This bill would create jobs. That is what people want. It would cut taxes for businesses. That is what people want. It would facilitate small business loans. It would foster investment in highways and other infrastructure. This bill would cut taxes for families paying for college. It would cut taxes for teachers. It would cut taxes for Americans paying property taxes and sales taxes. It would extend unemployment insurance, health care tax credits, housing assistance for people who have lost their jobs. It would help States cover the cost of low-income health care programs.

This week, 900,000 out-of-work Americans have stopped receiving unemployment insurance benefits. Why? Because Congress has failed to enact this bill.

This has been a difficult fight, but it does not have to be difficult. In previous recessions, in previous Congresses, it was not this hard. But for months now, we have addressed Senators' concerns.

Senators expressed concern about the size of the bill. So we cut the total size from $200 billion, then down to $140 billion, then down to $118 billion, now less than $110 billion. We cut spending on health care benefits to unemployed workers under COBRA. We cut spending on the $25 bonus payments to recipients of unemployment insurance. We cut spending on the relief to doctors in Medicare and TRICARE. We cut spending on help to States for Medicaid by one-third. Senators asked for more spending cuts. We came forward with more spending cuts. Since the first time the Senate passed this bill, we found $77 billion in new offsets. This bill is now 70 percent paid for.

I just want to say that there is a great need for this bill. Americans want this bill passed, and, frankly, I very much hope this bill does pass. We do need the 60 votes.

We do not need the 60 votes; the American people want us to pass this legislation.

I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 4213, the American Jobs and Closing Tax Loopholes Act, with a Baucus amendment No. 4386.

Harry Reid, Max Baucus, Patrick J. Leahy, Al Franken, Patty Murray, Richard J. Durbin, Sheldon Whitehouse, Roland W. Burris, Kent Conrad, Daniel K. Akaka, Robert P.

Casey, Jr., Jeanne Shaheen, Edward E. Kaufman, Jeff Merkley, Jeff Bingaman, Mark L. Pryor, Sherrod Brown, Carl Levin.

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

The question is, Is it the sense of the Senate that debate on the motion to concur with amendment No. 4386 in the House amendment to the Senate amendment to H.R. 4213, the American Workers, State, and Business Relief Act of 2010, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from Alaska (Ms. MURKOWSKI) would have voted ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—57

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (OH)	Kerry	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—41

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	LeMieux	

NOT VOTING—2

Byrd	Murkowski

The PRESIDING OFFICER. On this vote the yeas are 57, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Republican leader.

Mr. MCCONNELL. Madam President, I indicated to my friends on the other side of the aisle I would be propounding a consent agreement. Let me make a few brief observations and then I will do precisely that.

The majority wants to make this debate about Republicans opposing something. Let me be perfectly clear: The only things Republicans have opposed in this debate are job-killing taxes and adding to the national debt. We have offered ways of paying for these programs and we have been eager to approve them.

What we are not willing to do is to use worthwhile programs as an excuse to burden our children and our grandchildren with an even bigger national debt than we already have. So the biggest reason the cloture vote we just had failed is because Democrats simply refused to pass a bill that does not add to the debt. That is the principle we are fighting for in this debate, and let me suggest that I can prove it. In a moment I will offer a 1-month extension of the expired unemployment insurance benefits, COBRA subsidy, flood insurance program, small business lending program, and the 2009 poverty guidelines. This extension would be fully paid for using the very same stimulus funds that our friends on the other side just voted—almost unanimously—to redirect for these purposes. Let me repeat that. We would pay for the extension with a Democratically approved stimulus offset.

If the Democrats object to extending these programs using their own stimulus offset to pay for them, then they will be saying loudly and clearly that their commitment to deficit spending trumps their desire to help the unemployed.

Let's be clear about the principle that is at stake here. Are our friends on the other side willing to extend these programs without adding to the debt? That is the real question in this debate.

So, in that regard, I ask consent that the Senate proceed to the immediate consideration of H.R. 4853; that all after the enacting clause be stricken and the McConnell amendment at the desk be agreed to; that the bill as amended be read a third time and passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, Madam President, for 8 weeks Senator BAUCUS and Senator REID have negotiated with Republicans in an attempt to pass this important jobs bill. They have been asked to make the package smaller, which they did. They have been asked to pay for portions of the package, which they did. And still Republicans continue to filibuster and stop this bill.

What the Senator from Kentucky wants to do would be virtually unprecedented, that we would pay for the emergency spending for unemployment compensation by removing money from our jobs program, the stimulus program. So he is going to kill jobs on one side to pay for the unemployed on the other side. It makes no sense economically and it is certainly not within the tradition of the Senate, and I object.

The PRESIDING OFFICER. The objection is heard.

Mr. MCCONNELL. Madam President, I would only briefly offer that the offset I offered was one that the majority just voted for. Obviously they did not find it offensive in the context of the measure that was defeated.

We will continue to work on this in the hopes that we can pass this worthwhile measure without adding to the national debt.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. The filibuster that has been waged by the Republicans in the Senate has gone on now for 2 months to stop unemployment benefits. What the minority leader just offered was a 1-month extension. We have been limping and dragging our way from one short extension to another, and that is not fair.

It is not fair to 80,000 people in Illinois, unemployed, who just lost their unemployment benefits because of the Republican filibuster. Why do the Republicans oppose this bill? Well, the good reason they say is the deficit. But let me tell you the real reason. The real reason is because this bill pays for virtually all of the programs except unemployment by making changes in the Tax Code, changes to which the Republicans object.

Let me give you an example. One of the changes would eliminate the loopholes in the Tax Code which allow American businesses to relocate American jobs overseas. We know what that means to manufacturing in this country. We are losing good-paying jobs right and left, and the Tax Code rewards the companies that make those bad decisions. We want to eliminate that, and the Republicans want to protect it.

Secondly, this bill provides help to small businesses across America, and we pay for it. Third, this bill will provide money to governments so we would not have to lay off teachers, policemen, firefighters, and nurses. That is going to happen. We are trying to send emergency money back to the States to avoid that.

The Republicans continue to filibuster it and to say no—no to plugging up the loopholes so jobs will not move overseas, no to the assistance for small businesses so they can create jobs, and, no, so that we can help to protect the jobs of the people who protect us in our homes and communities and schools.

I do not understand the Republican sentiment. There used to be a bipartisan sentiment that when America faced a disaster, we would pull together, whether it was the flooding and hurricanes in Louisiana or the disastrous situation in the Gulf of Mexico. We have a national emergency with this recession and 14 million Americans out of work.

We are asking only—only—to extend them an unemployment check so they can feed their families—literally feed their families for the next few months. The Republicans continue to filibuster and continue to say no.

The record is clear. It is a party of no which is hoping the voters will vote yes in November. I hope they will remember that the Republicans had no alternative when it came to this disastrous economic situation, and we are doing our best to create jobs and help those who have lost their jobs through no fault of their own.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

GULF OIL SPILL

Mr. NELSON of Florida. Madam President, I want to show the Senate Pensacola Beach yesterday. It has hit us full force. That white is the natural sugary sand of the northwest Florida beaches. You can see as far as the eye can see down to the beach. It is covered with this black tar-like sludge.

This was yesterday. More rolled in last night. There have been attempts to get out and scoop this up. This, as you can see, is not the tar balls, the little quarter-sized or dime-sized tar balls that have hit the beaches before. No. What this is showing is when you have 60,000 barrels a day gushing into the Gulf of Mexico now for more than 2 months, and that very likely will continue to gush for the rest of the summer—that is another 2½ months. It shows you what is the potential that is being portended.

Another picture here from yesterday, Pensacola Beach. This is where the pier is. Here is the gulf. Here are the waves crashing in. This is far over this sugary white sand that you can see how much oil has collected.

In the middle of the day when the Sun is beating down, it stays almost fluid like this. As the Sun goes down and it cools, this will start to become a more viscous consistency. As much as we want the people to come and enjoy our beaches—and this is the height of the season on the world's most beautiful beaches—is this going to be an incentive for them to come? You can imagine the lost income from the hotels, the restaurants, and all of the ancillary businesses.

So this is a saddening reality, but it is a glimpse of what it is yet to become with that much oil out there in the Gulf of Mexico.

Let me just give you a couple of iterations. They have said by putting this top hat—that is like a funnel to siphon off a lot of it until they can finally kill the well. They are saying it is going to be the end of August, the first part of September before they can get down to the bottom, the 18,000 feet below the seabed, intercept the well pipe, and then put cement down in it to kill the well.

Until that point, they are trying to siphon it off at the well head, which is where the blowout preventer failed. Remember, they went in with one of those big shears and they clamped off the pipe called the riser pipe, and they put this kind of funnel over it called a top hat, and they are siphoning off.

They said they have been able to siphon off 25,000 barrels a day. Well, that is very good, except 60,000 barrels a day are gushing. So as much as they can continue to siphon that off, at least maybe, certainly not half but at least some is being siphoned off and taken up to a tanker on the surface 5,000 feet above the seabed.

But you know, check the Weather Channel. There is a tropical wave that is now developing in the South Caribbean. If you look at the National Weather Service projection of where it is going to go, it is going to intensify. It is going to become a tropical depression. Then it is going to likely become a tropical storm. Who knows, it may be a hurricane. And its projected path is to go right up in the Gulf of Mexico toward this damaged well. What happens? The ships cannot stay out there if a hurricane is coming. They have to go in and find safe port. So some 5 days before the arrival of the hurricane, the ships would have to decouple, stop the siphoning off of the 25,000 barrels, and, therefore, the entire 60,000 barrels a day would be gushing.

Well, for how long? It would be 5 days before the hurricane and another 5 days after the hurricane passes before they can get back out there, reposition their ships, reattach the top hat. We are talking about a total of 10 days with no siphoning that 60,000 barrels a day and 600,000 barrels will have gushed into the gulf. That is three times the amount of oil that was spilled by the Exxon Valdez just in that 10-day period.

So, of course, what I am asking is that the U.S. Navy preposition ships so we can have a surge of ships to come to the site after a hurricane has passed, so that extra 600,000 barrels of oil that has gushed from when they had to shut down would be skimmed.

Now, let me tell you about the skimmers. Still today there is not a sufficient command-and-control structure as much as this Senator has continued to ask the incident command and the unified command: How many ships do you have out there? What kind are they? What are their positions? I still cannot get a straight answer to that. What is more is that the Navy has a series of smaller boats that are skimmers in port. That is pursuant to the law. Where you have a port, under the Clean Water Act and under the Oil Spill Act, and all of those existing laws, you have to have the capability, if there is a spill in port, to go in and clean it up. The Navy has some 45 vessels that can do that.

Out of those, only six have been deployed to the gulf. These are boats that are basically 30 feet long. We cannot use them out in the gulf, but we can sure use them in the bays. When the oil goes through the pass or the inlet into the bays, we can have those additional smaller boats that skim up the oil before it gets into the bays.

Out of those 40 boats, the Navy has identified another 27. Would you believe that until 2 days ago they still had not approved getting those 27 boats which the Navy has identified that they can put on trailers and bring to the gulf coast to preposition them in those bays to protect the estuaries?

This Senator has called the head of the EPA, Lisa Jackson. Fortunately, on that very afternoon, she had approved the EPA signing off with a waiver for those boats, to allow those boats to leave those ports to get to the place where the big oilspill is. It has only been going on for over 2 months now. But at least that approval is in.

But as of this afternoon—that was over 2 days ago. But as of this afternoon, this Senator cannot get those boats on trailers and on their way.

Let me give an example. All along this beautiful beach there are several passes. Others call them inlets. At the State line, the Alabama-Florida State line, is Perdido Pass. That goes into Perdido Bay. That is shared by Alabama and Florida.

Further to the east is Pensacola Pass. That goes into Pensacola Bay, the cradle of Naval aviation, at Pensacola Naval Air Station. It is right there on Pensacola Bay. That is where 2½ years ago, in a Fish and Wildlife boat in Pensacola Bay, that orange mousse that looked so awful was flowing in and flowing right toward downtown Pensacola. We gave a longitude and latitude position, and I think somebody got it before it got downtown. That is where the smaller boats can help and need to be prepositioned.

Go further east. We have an interesting different kind of pass. It is called Destin Pass. It is the only inlet going into a huge bay that borders Eglin Air Force Base, called Choctawhatchee Bay. It is huge, with a lot of wetlands.

This pass, unlike Pensacola Pass, is shallow. But because it is shallow, the incoming tide rushes through. You can imagine the force of that current, that once the oil gets to that point it is going to carry it into the bay. It is all the more reason we need the small Navy boats in the bays to skim it up before it gets into the wetlands.

Because of all of the booming we have done—and I was just there Monday inspecting the booming—when that tide comes rushing in, a lot of those booms are not going to hold it. They even have sophisticated systems that we are trying to get. Since it is a shallow pass, you put on the bottom a pipe that shoots air up and therefore would get oil suspended below the surface, shoot it to the surface so you could collect it with booms, if the booms will hold in that onrushing high tide.

Go further to the east, it is the pass going into Panama City, St. Andrews Bay, again, a deepwater pass, a similar situation. We need the skimmers in there. And then go further to the east, to a place where my grandfather came on a boat, my great-great-grandfather, 181 years ago, when my family came to Florida in 1829 to Port St. Joe, inside a natural bay that is created because of the arm of a cape called Cape San Blas.

From the tip of that cape to the mainland is only about a mile and a half. It is hard to boom that. There, again, is why we need additional skimmers in that bay. If the skimmers out in the gulf can't get it all—and with so much oil in the gulf, that is going to be a chore—then at least we have a fighting chance of getting it in the bay.

It is with a heavy heart that I show a picture from yesterday in Pensacola Beach. It is a fact. This isn't the only time. We are going to be faced with this for months, indeed, probably for years. It is not only going to be the gulf coast, because when this oil shifts to the south and gets in a current called the Loop Current, that will carry it south to the Florida Keys, which becomes the gulf stream, which will take it up the east coast of not only Florida but the eastern seaboard of the United States.

I remember after Hurricane Andrew that valiant emergency operations center director who said, when there was no Federal resources coming in: Where is the cavalry?

I am asking now: Where is the cavalry? The cavalry is all these extra skimmers for the bays. The cavalry is the extra surge capacity of additional skimming, when a hurricane comes through and all that extra oil is gushed out. I am asking for the cavalry.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Florida is recognized.

Mr. LEMIEUX. Mr. President, I thank my colleague, the senior Senator from Florida, for his comments, bringing the proper focus to the issue of skimmers. It is something I have been talking about for weeks. I have been coming to the floor for the past week to talk about the lack of response from the Federal Government in keeping oil off our beaches, out of our intercoastal waterways, out of our estuaries in Florida. I said earlier this week that I would come to the floor every day until we had good answers as to where the skimmers are. It makes absolutely no sense that we do not have a more robust effort from the Federal Government to keep the oil from coming onshore. Right now we have not only tar balls on our beaches, we have large swathes of brown oily slop that have come ashore in Pensacola. It breaks one's heart to see it.

When I was there last week meeting with the President, I talked to a woman who was working at the dock, right on the pier. She is a woman who sells food to folks coming to the pier. I asked her: Are people coming out since we have had the oilspill to see the beach?

She said: Yes. The folks who are coming haven't seen the beach in a long time. They are coming to see the beach one last time, as if they are visiting a family member who is on his or her deathbed.

We know BP is responsible. We know they cut corners. We know they are responsible for ultimately paying for all of the economic damages. But there is another part of this equation, and that is the Federal Government. The Federal Government is here to do what local and State governments cannot do at a time of disaster, and that is to marshal unbelievable resources to prevent harm to the people, to the environment, and to the economy.

As I have come to the floor over the past week, I have talked about the fact that we can't get a straight answer as to how many skimmers are actually off the coast of Florida. These are ships that suck the oil off of the water and keep the oil from coming onshore. Today we still don't have a straight answer. The Federal Government tells us in their shore operations report from the National Incident Command that there are 118 skimmers. But yesterday they told us these reports are not accurate and that there are, in fact, 86 skimmers. So we have the number 118 and we have the number 86. We have a number from the State of Florida that is different. The number from the State of Florida was 31, 25 plus 6 additional skimmers that the State of Florida had to go out on their own and get. They took the initiative to get the skimmers on their own because they were not getting them from the Federal Government.

Today the report is different. It is shown in a different way. When we called to ask the State of Florida, they couldn't tell us how many skimmers there were. Yesterday it was 31. The Fed said 118. But then they say the number is really 86. Whether it is 31, 86, or 118, it is not enough.

Why is it not enough? There is a huge area between Pensacola and Panama City that needs to be treated by the skimmers, let alone the rest of the area that goes all the way over to Louisiana. We know there are about 400 skimmers in the Gulf of Mexico, but there are 2,000 skimmers in the United States.

Before I talk about domestic skimmers, I want to talk about the offers of assistance that have been made by foreign countries to help us. We are the greatest country in the world. When there are disasters, whether they be in Southeast Asia with the tsunami or Haiti with an earthquake or Central or South America with an earthquake, we send resources, volunteers, teams of people, aid. We are there to help them. The world community has been offering us assistance—some of it free, some of it they want paid for, but assistance nonetheless. We are coming to find out that we are not responding to their offers of help. The State Department has reported as of last week that we had 56 offers of assistance from 28 countries or international groups. But we have only accepted 5 of these offers, 5 offers of assistance out of 56. We have a lot of great skimmers that are working in the Gulf of Mexico, but some of them are pretty small, to be honest. We are happy they are there. A small skimmer is better than no skimmer.

But let me show a skimmer that was offered to the United States that is not a small skimmer. In fact, it is a huge vessel. This was offered to us by a Dutch company called Dockwise. This ship is called the Swan. It could be outfitted with skimming arms. It was available to go to the gulf. The U.S. Government didn't return the call. It was offered on May 6. Now some 50 days later, it still has not been responded to. It is still under consideration. This ship is able to take up 20,000 tons of material, whether it be oil, or an oil/water mixture, 20,000 tons. This is not some skimmer that can go on the back of a train or on a boat or an airplane and be flown down to the gulf or trucked or trained down to the gulf. We are happy to get those too. This is a serious piece of ship equipment. We haven't called them back.

Guess what. This is no longer available. Instead it was replaced by a ship with one-twentieth of the capacity, a U.S. ship. I am all for America first. I am all for using U.S. assets. But this is not an either/or situation. We should be using American ships and international ships. We gave up a ship with 20 times the capability that could be out there in the gulf sucking up this oil, perhaps keeping it off the beaches of my State, off the beaches of Pensacola, and we didn't return the phone call. Nor did we return the phone call to the other 51 offers of assistance. It is beyond belief.

Let me go back a second and talk about the domestic skimmers. This map I have in the Chamber is going to be a little hard for you to see, but I want to walk through it. This shows different parts of the country, broken up by districts. In each of these districts, there are skimmers.

Where did we get this information? We got this information from the U.S. Government, from the Coast Guard because Admiral Allen said, a week ago, there are 2,000 skimmers in the United States.

Why are not the vast majority of those skimmers in the gulf right now? What is the holdup? We hear about legal entanglements. Is it the Jones Act, is it Federal law, is it local law, is it EPA restrictions that are keeping skimmers in different parts of the country in case there is an oilspill?

I asked the President of the United States about this last week in Pensacola, and he said: Well, we are trying to get all the skimmers we can. Obviously, Admiral Allen wants to get all the skimmers we can, but some of those skimmers need to stay in place in case there is an oilspill.

Well, Mr. President, there is an oilspill. It is in the Gulf of Mexico. And saying we are not going to bring skimmers because of legal entanglements or constraints from other parts of the country because there might be an oilspill there is like me saying we are not going to send the fire engine to your house that is on fire because there might be another fire someplace else.

This is the worst environmental disaster in the history of this country and every available resource should be used.

As shown on the map, this is district 8 right here, which is the Texas area. This is district 7, which is Florida, Georgia, South Carolina. The number of skimmers in the Texas area is 599. The number of skimmers in the Florida district is 251. So between these two areas, 850 skimmers, just between Texas and all the way up to South Carolina.

How can it be that there are 850 skimmers in, basically, the Gulf of Mexico States—with the exception of going around to South Carolina; but we are talking about Georgia, Florida, Alabama, Mississippi, Louisiana, Texas—how can there be this many skimmers—850—but we only have 400 in the gulf right now, if that number is correct? How can that be? How can we be 65-plus days into this and not have those skimmers in the Gulf of Mexico, when they are virtually there anyway, according to this report, or right next door?

Beyond this 850 in the district that encompasses all the way from North Carolina up to the mid-Atlantic, we have another 157 skimmers. Up here, in the New England area, there are another 160 skimmers. Up near Michigan, there are 72 skimmers. If you go over to California—and we can bring these things through the Panama Canal or, if they are smaller, they can be flown in—in this California district, there are 227.

So we are literally talking about more than 1,000 skimmers that are available, but we only have 400, if this number is correct, at work. It is hard to believe the response is this anemic. It is hard to believe there is this lack of urgency or sense of purpose in getting this done.

I see my colleague from Louisiana is in the Chamber. Her State has been impacted worse than any other so far, and I know she wants every available resource off the coast of Louisiana to stop this oil from coming ashore, just as our friends in Mississippi, in Alabama do, and just as we do in Florida.

This is not a partisan issue. I want the President to succeed. I want the Coast Guard to succeed. But right now it is not just oil washing up on the shore of Florida, it is failure. We have to do more. We have to get focused and get passionate and get something done about this issue.

I will keep coming to the floor to talk about this issue as long as it is a problem, as long as we keep refusing foreign help, as long as we have thousands of available skimmers in this country to do the job that should be done. I should look off the coast of Pensacola and see an armada of skimmers doing the job that needs to be done to keep this oil off our beaches, out of our waterways, and out of our estuaries. So I promise to be back until the problem is solved. I hope I do not have to come back because I hope I can report in a positive way that the Federal Government has gone into action and we are doing what we should be doing for our people and for our environment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, before I speak briefly about the subject I came to the floor to speak about, which is small business—I am chair of the Small Business Committee—I want to thank our colleague from Florida for his advocacy for the gulf coast, as we struggle as to how to stop this gusher in the gulf and to clean up what has been done.

We have recently seen some terrible photographs from the beaches of Florida. We have photographs equally as troubling from the marshes of Louisiana. I want to thank the Senator for his leadership, and we are all going to double our efforts to get this job done, and to do it in a balanced way.

As upsetting as this oil is, in trying to clean it up, and keep it from our shores—both the beaches and the marshes—we also have to find a balance as to how to let this industry at some point move forward with these 33 rigs or we are going to lose the entire deepwater gulf drilling, which will put thousands—tens of thousands—of people out of work, some of whom live in Florida; and some of the businesses benefit, as well as so many in Louisiana.

But I thank my colleague for his continued effort, and we will look into some of the issues he has raised and push as hard as we can from Louisiana as well.

Mr. President, I know my colleagues are on the floor to speak about job creation. That is why I am here as the chair of the Small Business Committee.

I say to the Presiding Officer, you have had a great deal of experience in your own role, before being a Senator, as a bank president and as a lender for small business. You know how important it is.

I start by sharing this graph I have in the Chamber that shows that from 1993 to 2009, 65 percent of the net new jobs created were created by small firms with 1 to 500 employees—65 percent of the jobs. Large firms created 35 percent of the jobs. So I suggest this is a very important topic for us to be discussing, and I am very pleased the leader wants to bring this small business bill to the floor next week.

We have been—many of us—clamoring to get to this debate, and I want to see this bill move forward if we can work out a few minor differences. This package has been put together with very good bipartisan cooperation, from my view as the chair of the Small Business Committee, both from our committee and then the Finance Committee has done its part as well. But there are a few items I wish to highlight because there are some agreements that must be reached and some points I wish to make briefly.

First of all, let me briefly describe the small business provisions. One is the increase in 7(a) loans from $2 million to $5 million; 504 loans from $1.5 million to $5.5 million; and microloans from $35,000 to $50,000. If I could, I would lay an amendment down to raise that to $100,000.

We have had testimony from business advocates—from conservative to moderate to liberal advocates—saying this is one of the most important things we need to do to stimulate lending to small businesses through the Small Business Administration, to give capital, to give credit to these small businesses that can create the jobs I am talking about. We must get credit into the hands of small businesses from Maine to California to Texas to Louisiana to Washington State, and these small businesses, if we can strengthen the SBA programs, can, in fact, begin to turn this recession into a job creation era and opportunity. That is in the bill. It passed our committee 17 to 1—a great bipartisan vote.

The Small Business Export Enhancement and International Trade Act, which Senator SNOWE has worked so hard on—and I want to commend her for her work; and I have worked with her on this as well—this is a challenge for us. Less than 1 percent of small businesses in America are exporting. I want to say that again. Less than 1 percent of America's small businesses are exporting.

The market is overseas. The population growth is overseas. If we do not help our small businesses with technical assistance and support to be able to allow them to position to market, particularly with the ability of the Internet today—an extraordinarily exciting tool—with broadband, high-speed Internet, there are opportunities for a person, whether they are in Chicago, IL, or in New Orleans, LA. If they have a product, they can go on the Internet, show the product, and it can be shipped to China or India or any other country in the world, and the profits can come home right here and jobs can be created. That is in this bill, and it is extremely important we move to it and figure out the few problems we have with it.

There is the Small Business Contracting Improvement Act that has not been completely worked out, but I want to take a moment to speak about it. The Federal Government is one of the largest purchasers of goods and services in the world. If we are going to try to help businesses, we most certainly, in my view, should strengthen the opportunity to contract with small businesses so the Federal Government can purchase goods and services. We want to allow small businesses to do that. There is a problem we are trying to work out that Senator THUNE has raised, and I look forward to working with him over the weekend to work through that.

The fourth section of the bill is the Small Business Community Partner Relief Act. This would allow SBA, upon request by a woman business center or a microloan intermediary, to waive or reduce the non-Federal share. Why is this important? We have also added $50 million to the small business development centers. Small businesses cannot necessarily create the jobs they want to create without help and support. We have a great network. We have a great backbone, a great reach through women business centers, through university-based centers, and this bill we are going to bring to the floor next week has support for them so they can then reach out and help small businesses on Main Street.

This bill is not about Wall Street. I have heard as much about Wall Street as I want to hear and so have the people in my State. We want to start hearing about Main Street at home, businesses that are struggling and need our support and our help.

We also have some additional sections for the 8(a) improvements, and I have offered a section of the bill that I think is very important to help the 11,700 businesses that, unfortunately, on the gulf coast are still paying off loans from the last disasters 5 years ago, Hurricanes Katrina and Rita.

As you heard Senator LEMIEUX from Florida and as you have heard Senator NELSON from Florida, now we have another catastrophe along the gulf. I have asked, in this bill, for some interest relief for these businesses. Some of these businesses are paying $1,000 a month—$700 in interest, $300 on principal. And that is the example that Jaimie Bergeron of Fleur de Lis Car Care in New Orleans presented to our committee. This bill would allow the owners, the Bergerons, right now—where their sales are down; the region is threatened—to go from paying $1,100 a month down to $300 or $400 a month.

We can afford to do this now. We have to be able to give these small businesses some relief. There is some opposition to this provision. I hope people will think about how important this is for these gulf coast businesses. We have had support not only from our local newspaper, the Times-Picayune, but even the New York Times has said the people of the gulf coast deserve a break. We need a little help, and we need it now. Giving these small businesses some interest relief would be a great help.

Finally, in this bill, the White House has put forward, and I support, $30 billion for small business lending. We have the estate small business credit initiative developed by Senator WARNER, Senator LEVIN, and others. We have $1 billion going to community development finance institutions that are not banks but lend money to neighborhood-based, grassroots organizations that then turn around and lend money to small businesses. So there are some great provisions to include in this bill.

We have a few things to work out over the weekend with my colleagues from the other side. I just want to say that no one could be working harder than our committee, both Democrats and Republicans, to try to bring a consensus to this floor.

In good faith, I come to ask my ranking member, Senator SNOWE, please let's work hard over the weekend to work these final provisions out so we can provide to the American people not only a bill that works for them—and Senator STABENOW helps us grow small business—but a bill we can actually enthusiastically support in a bipartisan way. I think the American people deserve our best efforts. I am going to work double-time over the weekend, even doing some other things I need to do in my home State to get this work done, and I look forward to being here on Monday to see if we have been able to achieve that.

Ms. STABENOW. Mr. President, would my friend be willing to yield for a question?

Ms. LANDRIEU. Yes.

Ms. STABENOW. First, if I might, I wish to take a moment to say thank you to the senior Senator from Louisiana for her leadership on small business. Her efforts in terms of job creation and availability of capital and so on is right on point.

My question would be, is it the Senator's desire to have this done by the end of next week so we can move this forward and hopefully have these benefits take place as quickly as possible for our small businesses?

Ms. LANDRIEU. Absolutely. It is my desire to have many conversations over the weekend. There are just a few points that need to be worked out. The Finance Committee has done its portion of the work, and I thank Senator BAUCUS and Senator GRASSLEY. Senator SNOWE and I have a few other things to work out.

The Senator from Michigan is correct. This effort on the part of the Small Business Administration is crucial to change these programs, to lift their limits, provide some support for them to be able to help reach out and support our small business growth throughout the country.

The White House has worked very hard on this $30 billion capital infusion to the banks. The Independent Bankers of America supports the $30 billion in additional capital that would be available to them, again, not for lending on Wall Street or Fancy Street but on Main Street where the Senator from Michigan and I come from, to get money into the hands of small businesses. It is imperative particularly for women-owned and minority-owned businesses that have been particularly hard hit by this recession. Some of the provisions reach right to those disadvantaged neighborhoods in our country that need the most help right now in creating jobs for people of every different walk of life.

Ms. STABENOW. Mr. President, I wish to thank the Senator from Louisiana again because she is focusing on jobs. That is what we are focusing on every day here, with every bill: jobs, putting people to work, supporting small businesses, supporting manufacturers, and getting this economy going. So I thank her for her leadership.

AUTHORITY TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bills and joint resolutions on today, June 24.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, this evening we had a vote that I find to be extremely concerning. Once again, after 8 weeks of trying to work out some kind of an agreement with our colleagues on the other side of the aisle to overcome a Republican filibuster—changing our jobs bill over and over and over again, and every time there was a change, then there was something else and something else—we finally hit a brick wall tonight, when we didn't know what else to do. Once again, we did not have one Republican colleague willing to vote with us to overcome a filibuster. We have the votes on the floor to pass this jobs bill, which includes incredibly important benefits for people who are currently out of work, to extend unemployment benefits.

People who have worked hard all of their lives, through no fault of their own, find themselves in this situation, and they are asking us to simply help them be able to keep a roof over their head and food on the table for their families and maybe a little bit of gas in the car so they can go look for work, while we can continue to focus on creating jobs in what has been a terrible economic crisis for our country.

We have the votes. If we were doing a majority vote, we would have the votes. We have more than enough votes, but what we don't have is enough votes to overcome a filibuster. That takes at least one Republican colleague, and we don't have that. We don't have any at this point. So, therefore, it is estimated that by the end of this month, over 87,000 people in my great State of Michigan will lose their unemployment benefits, the little bit of help they get to be able to help them keep going. A lot of people are going back to school, but unemployment benefits are paying for the rent or food. People are trying desperately not to lose their houses on top of losing their jobs. This is a desperate situation for almost 1 million people across this country.

All we get over and over again is, no. We are creating jobs in this bill, putting money and partnerships in with manufacturers to create capital for manufacturers, and all we hear is no; capital for small businesses to be able to invest and grow their businesses and hire people, and all we are getting is no; the ability for States and local governments to keep police officers and

teachers and firefighters on the job, and all we hear is no.

The resounding no has been to help anyone who currently finds themselves out of work because of no fault of their own and needs to count on the ability for us to have unemployment benefits. This is an outrageous situation.

Before turning it over to my colleague from Ohio, who I know shares my deep concern about what has been happening, let me remind people that despite the fact that we are beginning to grow the economy, we have turned the corner. When President Obama came into office, we were losing 750,000 jobs a month. With the Recovery Act, we got that down to zero. We are turning the corner, but we still have five people out of work for every one job opening. What happens to them, while we are working as hard as possible to turn this economy around? What happens to them? Those are the people we are fighting for every single day. They are the people we care about here on the floor of the Senate, and we are going to keep coming back and fighting because they deserve to know there are people here who understand what they are going through.

I will now turn it over to my colleague from Ohio for a few moments. Then I will make a few more comments.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I thank the Senator from Michigan. I think the Senator said it exactly right. She talks about statistics and so many people being laid off. Yes, 750,000 people a month were losing their jobs when President Obama started in office. We are seeing job growth now but not as much as we would like.

In Ohio, in April, we had the largest job growth in the country, with 37,000, which is not great, but it is better than when President Obama inherited this economy from President Bush. I think when you speak to individual people, you understand it.

I want to share a handful of letters from constituents. I know Senator STABENOW gets letters like this from Lansing, Grand Rapids, all over Detroit, and everywhere in her State, from people who have been affected by the failure of the Republicans to want to extend unemployment benefits.

It seems to me that our Republican colleagues—the people who consistently voted no on something as simple as extending unemployment benefits—some of them view unemployment as welfare, when it is called unemployment insurance not unemployment welfare. When you have a job, whether you live in Detroit or Columbus or whether you live in Dayton or Toledo, you pay into the unemployment insurance fund when you are working, and you get assistance when you are not. That is the whole point of unemployment insurance. You hope you never need it, like you hope you never need your car insurance, to cash in your car insurance, or you hope you don't need your health insurance. You want it to protect yourself. That is what unemployment insurance is. I think some of my colleagues, who are so ultra conservative, think it is welfare. I don't understand that because very few people in the public think that.

Too many colleagues—the people who vote no on extending unemployment insurance—don't know anybody who lost their job or they don't know anybody who has lost her insurance or anybody who has lost their home.

Senator STABENOW is out all the time in Michigan. She is all over the State. I will be in Columbus tomorrow, and I will also be in Lorraine and Cleveland tomorrow. I think a lot of colleagues who vote no on extending unemployment insurance simply don't meet with people who might have lost their job. They hang around with other Senators and with people who are pretty privileged. Do they look somebody in the eye and say: What is it like to lose your insurance or your home?

Try to imagine somebody—a parent or a husband and wife or a mother and father—who lost their job and lost their health insurance and are about to lose their home, and they have to explain to their 12- or 13-year-old child: We are going to have to move and don't know where we will be living, and I don't know what school district we will be in yet. Just think of the uncertainty and sadness of that. I don't think they think about that.

Maybe we can help by sharing a few real letters from people in Akron and Lima and Cleveland and Urbana, around Ohio. I will share these.

Ellen from Summit County, in Akron, writes:

> I am writing to make you aware of my situation, which I fear is very similar to that of many other people.
>
> If an unemployment insurance extension is not passed, it will in essence destroy my family. We are struggling to keep our bills paid and have come to the point of alternating months on paying our mortgage and utility bills.

Think of that—one month you pay your mortgage and the next month you pay your utility bills, hoping that neither will your utilities be cut off nor your home foreclosed on.

> We need this extension. Until my husband lost his job, he worked over 20 years in the banking industry—he has more than paid into the system to receive his fair share of compensation.
>
> We are nine years into our 30-year mortgage and are at risk of losing our home. We are fighting just to stay above water.
>
> A UI extension will in no way guarantee our future, but it will at least give us a chance.

Like most people who have worked for years, people don't ever choose to lose their jobs. They are not getting rich on unemployment. It is a bridge until they find a job. As you know, unemployment insurance allows you to receive the benefits you need to keep looking for work. You send in résumés. I get letters from people all the time saying: I drive in a five-county area looking for a job, I apply more, and I send in résumés and nobody answers half the time because they are buried with résumeś.

Aaron, from Allen County, near the Indiana border in Lima, writes:

> I worked at a company for 19 years before it was closed and moved to Mexico.
>
> Since then, I went back to college to earn a mechanical engineering degree, while working part-time.
>
> But I recently lost my unemployment benefits, which means I won't be able to support my family.
>
> There are so many people in my situation. If unemployment benefits are extended, it would help thousands of dislocated workers and their families.

Mr. President, it is not just the individual help for these families, it is their next-door neighbor because if Aaron's house is foreclosed on, the next-door neighbor's home drops in value. If he gets his unemployment, the local hardware store will get some of that money, as will the local clothing store and the local restaurant or grocery store where they are spending this money. The unemployment insurance that people receive—according to former Presidential candidate, JOHN MCCAIN and one of his top economic advisers—has the biggest multiplier effect of any stimulus. It doesn't stay in the pockets of the unemployed workers very long. It immediately goes into the community and is spent and respent.

Here are the last two letters I will read. This is from Elizabeth from Cuyahoga County, the Cleveland area:

> I turned 60 this year and have spent the last 30 years as a computer programmer. Since losing my job, I have tried to learn new programming skills to make me a stronger applicant.
>
> In the meantime, I apply for every single job that I can possibly perform. I have hoped beyond hope for jobs at grocery stores, home health care agencies, and retail stores.
>
> I am now at the end of my rope. I don't have any other ideas of what to do. I have worked for 42 years, since high school, and even full-time while attending college.
>
> Those who are not unemployed or have no one in their family who is unemployed, don't understand what it feels like. I have other friends who are losing their unemployment benefits now and in the coming weeks. I am not out here by myself.

I simply cannot imagine someone voting against extending unemployment to Elizabeth or Aaron or Ellen or if they know people who have lost their benefits, who have lost their jobs, their health care, or their homes. I cannot imagine anybody standing on the floor of the Senate, when their names are called, saying Mr. BURRIS, Ms. STABENOW, or Mr. BROWN, and saying no.

Lastly, Jane, from Champaigne County, west of Columbus near Dayton, in Urbana:

> I am an unemployed mother of two children. I will lose my unemployment benefits by the end of the month.
>
> I go above and beyond the minimum requirements to receive unemployment benefits. I apply to 4 to 10 jobs per week.
>
> It's not that I don't want to work, as some people are implying. I worked in the same job for ten years, since I was 19 years old.

I lost that job through no fault of my own, which is the story of most unemployed Americans today.

I have lost my house and my car. My family's American dream has been crushed. If this bill doesn't pass, my family's nightmare will be just the beginning.

Please do whatever you can to urge your fellow Senators that this extension is needed. This vote shouldn't be about anything else except the American people.

Mr. President, they could not have said it better. I can read their letters and meet with people like this, but I cannot understand because that has never happened to me. I wish my colleagues—those people who walk down in this well when their name is called and vote no on extending unemployment benefits to these workers—these people live in every State and, frankly, they should be ashamed of themselves for voting no.

I yield the floor.

Ms. STABENOW. Mr. President, I thank my friend from Ohio. There are many things we share in common: a love of the Great Lakes, and we have a rivalry in football and baseball and our great universities, and so on. But we also share a tremendous passion for what is happening to our people. I thank Senator BROWN for his fight on behalf of manufacturers and the people who, in fact, need a voice. I thank him very much for that.

It is so hard to know what to say when you read these letters or e-mails or take phone calls. Most people cannot understand what in the world is going on around here. But what is going on? Don't we get it? What is going on here?

Unfortunately, I think the Senator from Ohio, when he says that maybe it is that folks have never met someone who lost their job or had it happen in their families—it has happened in my family. About half of the families in Michigan have somebody who has lost their job. We certainly get it, and we understand what is going on now. We know people are lining up for work. Whenever there is an announcement for jobs, 50 jobs are hiring at a business or 100 jobs, literally I have seen people lined up around the block—hundreds and thousands of people—because people want to work.

The people who are out of work now are people who have worked all their lives. They have played by the rules. They are now trying to figure out what happens and how they can turn it around for their families and keep going.

The bill in front of us, like many things we have put forward in the Senate this year, has been all about jobs. That is where we are. It is not a slogan to say jobs, jobs, jobs. That is what we are focused on. Next week, we are going to focus on small business jobs. We will see what happens in the Senate.

The jobs bill that we have been focused on for 8 weeks has major provisions to help manufacturers. I was pleased to include provisions that helped manufacturers be able to get some refunds on their taxes if they put it back into equipment and hiring people, and there are other provisions in the bill. It is about jobs.

Frankly, we have two different views of the world, two different beliefs that I think are reflected in what has happened to our country. I look back only because we are debating the same values, the same choices that got us where we were and where we are today. Those are the same kinds of choices that our friends on the other side of the aisle are suggesting we make for the future.

It is important to look at what has worked and what has not worked. Under the previous administration, they looked at the world very differently. They said: All right, we are going to stimulate the economy and keep things going by focusing on the wealthiest Americans. We are going to give them big tax cuts and it will trickle down and everyone will benefit and there will be jobs.

Well, it didn't work. It didn't work. If it had worked, I would be celebrating because an awful lot of people in my State would be doing much better than they are today. What we saw was an economic policy that said we are going to focus on the privileged few, and then it will help everybody else; it is going to trickle down.

What we saw was—these are job loss numbers—down, down, down under that policy.

I will also say those job numbers come from the fact that the same people said: You know what. We believe corporations, corporate interests can police themselves. So we are going to back up. We are going to let Wall Street go to town. They are going to make a lot of money, and it is going to be good for the economy.

They backed up. They let Wall Street police itself. They let mining firms police themselves and oil companies police themselves. We lost lives. We lost 8 million jobs because of what happened on Wall Street. People lost their savings, 401(k)s, their pensions because of a set of ideas, because of what they believed. They believed that by backing up, corporate America would police itself and everything would be OK: Let's give to those at the top. It will trickle down, and we will get jobs.

Those two things combined to create the largest number of crises that I certainly have seen in my lifetime that have brought down the middle class of this country. We saw jobs go down, down, more and more job loss. When President Obama came into office, about 750,000 jobs a month were being lost. It was an economic tsunami. If that is not a crisis and an emergency, I don't know what is. If over 15 million people being out of work right now is not an emergency, I don't know what is.

We went to work and we focused on a different set of ideas, a different approach. Where they were focusing on the privileged few, we said we are going to focus on middle-class Americans, on working people, on investing in manufacturing jobs.

I am very pleased to say we are beginning to feel that in Michigan. Sixteen companies have benefited from the battery manufacturing money we put into the Recovery Act, the stimulus. I was at an opening on Monday in Midland, MI, a new manufacturing facility, that is going to put 1,000 people to work in construction and 800 people to work at the facility. That is a different approach. We said: We are going to invest in America, invest in the American people. We are going to invest in opportunity, and we are going to help the people who are out of work because we know we are not talking about people who are lazy. We are talking about people who lost their jobs, a lot of them because of either lack of accountability and oversight of what was going on on Wall Street or people not paying attention when our jobs were going overseas.

Through no fault of their own, people were caught in this economy. We decided on a different approach. President Obama came in and the numbers began to change. I would prefer they were much faster, but they are moving in the right direction. We have gone to zero job loss into the positive column. We are gaining jobs every month.

Our colleagues on the other side of the aisle are saying: Wait, stop, stop. I know if things are going to turn around, maybe in an election year people do not like that and they want to be sure things continue to be bad, that somehow it benefits them. That is a pretty cynical view.

These folks who are gaining jobs, as well as the people who lost jobs, are Republicans, Democrats, and Independents. This is not a partisan issue. We ought to be rooting for America and rooting for what is getting people back to work instead of fighting along partisan lines. The policies we put in place are beginning to do that. They are not done. They are beginning to do that. We are putting back the oversight and the accountability and commonsense regulation on Wall Street and on the oil companies and the miners. We are putting back in place middle-class tax cuts instead of just the privileged few. We are focusing on jobs, investing in private sector jobs, partnering with the private sector, with businesses to help create investment in innovation, and we are beginning to turn things around.

The problem we have is, we still have too many people caught because the changes we have been able to make have not caught up to them, and there is much more to do.

The bill that was on the Senate floor, the bill we are going to continue, we are going to put it aside. We are going to be ready if one or two Republican colleagues say: Yes, we want to stop a Republican filibuster. We can come back to it and get this done.

But what we have seen is a continual effort for 8 weeks to block us from the

next step in the recovery, from investing in jobs, from keeping people employed—police officers, firefighters, teachers—and from focusing on those who have lost their jobs, to be able to help them keep a roof over their heads and food on their tables until they can get that next job.

I see my friend from Rhode Island on the Senate floor, and I will turn to him in a moment. He has been a real champion and fighter on this issue. We should also know that in this bill there are some important provisions that have been opposed by the other side of the aisle to make sure wealthy investors actually pay their fair share—not somebody who is middle class but wealthy investors pay their fair share.

We also put in place provisions to take away incentives for shipping our jobs overseas. I could go on for an awful long time about why we have lost a lot of jobs in Michigan because of unfair trade practices and losing our jobs overseas. This bill takes away incentives to ship our jobs overseas.

This bill also added a few more cents to an oilspill trust fund to make sure the oil companies are actually paying for the cleanup in the gulf.

On one side we have jobs, investing in jobs and partnering with manufacturers and small businesses and helping people who are out of work to keep things going. That is our side. On the other side we have wealthy investors who do not like this, and oil companies that do not like another 41 cents on every barrel of oil to be put toward the cleanup. We have people who ship jobs overseas who do not want us to close those loopholes. That is on the other side.

Which side did our Republican colleagues pick? They picked the wealthy investors, the oil companies, and the people who ship jobs overseas.

The American people are counting on us to understand what is going on in their lives, to get it, to be willing, as in any other time in our history—Republican or Democratic President, any other time in our history when unemployment has been this high; this Congress has stepped forward to extend unemployment benefits for people who were temporarily out of work, Democratic or Republican Presidents. Now we have a situation where after 8 weeks, we cannot get even one of our colleagues from the other side of the aisle to come forward and help us break this filibuster.

I don't know what to say beyond the fact that we are going to keep fighting. We are going to keep doing everything we can to get through this logjam. We are going to keep doing everything we can to keep this economy recovering and keep creating jobs. But there is something wrong with the system right now that has gotten so divided, so warped, so partisan that we cannot come together on behalf of almost 1 million people in this country who are counting on us right now because they may have no other option for themselves and their families.

There is one job for every five people who are unemployed. Prior to the Recovery Act, that number was six people. It is a little bit better. There is a lot more to do, but we cannot just say to somebody: Why don't you get a job, when there are five people out there for every one job opening.

I see my friends on the floor. I see my partner from Michigan on the floor. I will turn to him if he wishes to say a few words because he and I understand what we have been through in Michigan. We have been hit harder, longer, and deeper than anyplace else in this country. When we look at the fact that over 87,000 people in Michigan will lose their unemployment insurance benefits by the end of this month because of what has happened—inaction, the constant naysayers blocking, obstructing, saying no—it is more than I can tolerate.

I yield to my friend from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, first, I thank Senator STABENOW for her tenacity and her efforts. I join them with a full heart at a very sad moment when we see an unconscionable Republican filibuster succeed again today against the extension of unemployment benefits and the other parts of this American jobs bill.

I asked Senator WHITEHOUSE if he would yield to me for a moment. He was on the floor before me. I will not take advantage of his good nature and good grace other than to say we are not going to abandon this effort. We are going to proceed with every tool we have at our disposal to make sure people who desperately need the extension of these benefits are protected, as intended by this program.

The financial crisis and resulting recession that continue to trouble our Nation have called for sustained action on the part of the Congress. From passage of the American Recovery and Reinvestment Act to the Hiring Incentives to Restore Employment Act to the Wall Street reform legislation now taking its final shape, we have sought to reduce the harm this recession has caused our fellow citizens. Passage of the legislation that we were denied the chance to consider today would have been another significant step in fulfilling that task.

The legislation we failed to take up would extend unemployment benefits through November of this year. For the more than half a million residents of my State who are receiving unemployment benefits, and millions more across the country, this extension is crucial. For many families, these benefits are all that is keeping food on the table and a roof over their head. The income they provide is important not only to families receiving the benefits, but to the communities in which they live and to the businesses for whom those families are customers.

But now opponents of extending unemployment insurance are, once again, filibustering this legislation. So under Senate rules, 60 votes are required to invoke cloture and bring an end to debate.

The opponents of this extension say they are concerned about deficit spending. This would be more convincing if not for two factors. First, many of these same opponents were in favor of massive, unpaid-for tax cuts benefiting the wealthiest Americans, tax cuts which, according to independent analysts, made a far greater contribution to our deficit than any of the measures we have taken to address the financial crisis and recession.

Second, concern about long-term deficits in the middle of a continued recession is the equivalent of pulling out fire hoses in the middle of a flood. The catastrophe we face today is that millions of Americans are without work and will not be able to find work until we can generate real growth in our economy. The danger to them and to our economy today is not deficit spending; it is recession. It is the fact that factory floors remain silent, that shops lack shoppers, that businesses are without customers. Failure to pass this measure does nothing to address that shortfall.

Surely my colleagues understand that assistance to families in need is not just an aid to those families. It helps all of us by helping us pull out of the recession. Direct assistance to Americans in need is the single most effective tool we have in boosting our economy. Aid such as unemployment assistance has a greater bang for the buck than any other stimulus effort we can make. If we abandon the drive to extend these benefits, we abandon a key effort to strengthen our economy.

The stakes are enormous. The people who need these benefits are not abstractions. They are real people, flesh and blood, who are paying the price, who have been paying the price for months and months, for a crisis bred on Wall Street. More than half a million of them live in my State, which was suffering in recession even before the crisis hit. These are people who desperately want to work, who want to provide for their families, who want to give a better life to their children. They have done so in the past. They want to do so again. What they ask from us is a small measure of assistance so they can continue to feed and shelter their families while they search for work.

Literally thousands of emails and letters have flowed into my office from people asking us to extend these benefits. One from Waterford, MI, from a worker whose benefits expired in April, reads: ''Our life savings are gone! At some point we will be homeless, no doubt about it. We need help from Washington.'' Another, from Burton, MI, wrote to me: ''I know things will get better but we need help to make ends meet until then.''

Those stories, those pleas, have come in by letter and email by the thousands. The many months of on-again,

off-again extensions of unemployment benefits have added painful anxiety and uncertainty to what is already a tragedy for hundreds of thousands of Michigan families. Time and again, we have delayed and debated on whether to extend these benefits. On more than one occasion, a single Senator—just one—has obstructed our consideration of legislation to extend them. Now it appears that our colleagues across the aisle, despite enormous effort by the majority leader and Senator BAUCUS and others, have decided they simply will not allow an up-or-down vote on the extension.

We will have failed a basic responsibility to our constituents if we abandon the effort to approve an extension of unemployment benefits. Millions of Americans ask only that their government provide the safety net that keeps them from falling deeper into tragic uncertainty and debt. The Republican filibuster of that help is unconscionable. It leaves millions of families all across this country without help in their hour of need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, we lost this important vote today 57 to 41. For people who are watching who may not be familiar with the peculiarities of the Senate, you might think to yourself: How on Earth did you lose 57 to 41? It sounds to the ordinary person like you won by 16. What do you mean you lost 57 to 41? How could that have happened?

That happened because the other party, as it has done throughout the Obama administration, has used an arcane Senate procedure called the filibuster more times than ever in the history of this country to block progress for this administration.

The rule requires that the majority get to 60 when the minority so demands, and they have been demanding that 60 on everything over and over. There have been years when it was almost never used. There have been years when it was used two or three times. In really bad years, it might have been used 14, 15 times. This group of Republican colleagues has set the record. They use it on everything.

I think we are over 100 acts of obstruction and delay around this filibuster rule as a result. If one is wondering why we lost 57 to 41—if that sounds strange—we got the 57 votes, they got the 41, and we lost—it is because they are pulling out of the rule book this procedural trick so that the majority does not rule, so they can block progress.

They are doing it for what they claim is concern about deficits. I have to say, being lectured by our Republican colleagues about deficits and debt is like being lectured by Evel Knievel about safe driving. They should have a little sense of, at minimum, irony about that.

They say the past is prologue. Let me review a little bit of the past.

When George Bush took office, President Clinton, a Democrat, and the Democratic Congress at the time had left an annual budget that was in surplus. It was returning more money to the Federal Government than we were spending. It was an annual budget in surplus. We had a national debt at the time, but with the annual budget in surplus, our Congressional Budget Office—the nonpartisan, not Republican, not Democratic, professional Congressional Budget Office—had estimated that, when George Bush took office, we would be a debt-free nation by 2009. We would be a debt-free nation by 2009. That was the trajectory that Democratic President Bill Clinton and the Democratic Congress left, along with those annual budget surpluses, when George Bush and the Republicans took office.

So 2009 came and went. How did we do? Did we get to a debt-free nation? Are we at zero debt? No. Something changed when the Republicans took power, and when the Bush administration left, it left $9 trillion in debt—not a debt-free nation but $9 trillion in debt and an economy in which Americans were losing 700,000 jobs a month. They left $9 trillion in debt and families losing 700,000 jobs a month. That is the situation President Obama inherited—a little different from what President Bush inherited.

So have we spent since then? Yes, because every economist worth their salt knows that when family spending is contracting, when business spending is contracting, when municipal and State spending is contracting, the entire economy can contract to the point that it seizes up unless the Federal Government does what an economist would call countercyclical spending. If the economy is dying for lack of spending, if it is seizing up, the Federal Government can put money back into it to try to bring it back to life. As Senator STABENOW's graph has shown, it has brought it back to life. We have gone from losing 700,000-plus jobs a month to losing no jobs a month—actually gaining a few. So it worked.

In that context, to say to the people who are still out of work—the ones who lost their jobs back when 700,000 jobs a month were out the window and going overseas; the Bush legacy—to say that we can't help those people any longer, to say that we are cutting off their unemployment insurance, their lifeline, because we are concerned about the debt, I have to ask: Where was the concern about the debt when they were taking a trajectory toward a debt-free America and turning it into a $9 trillion debt? Where was the concern then? Where was the concern when it was tax breaks for billionaires?

We just had our first billion-plus-dollar estate pass under the Bush tax cuts, where the estate tax was eliminated. As a result, a $9 billion estate of a Texas tycoon went to his heirs tax free. How much tax? Zero dollars. Zero dollars. At the prevailing tax rate that has stood for most of this time, you would have paid $4 billion in estate taxes and your heirs would have had to suffer through with only $5 billion to divide amongst themselves. That $4 billion in lost revenue added to our debt and deficit doesn't bother our friends on the other side at all. They couldn't be happier. That is their plan. Those are the Bush tax cuts. America loses $4 billion, and they smile. It is their plan. But when we are talking about people who lost their jobs because of those very policies, because of letting Wall Street run unregulated and having that financial meltdown, and now regular families across this country who got hit by that tsunami of misery are out of work, now they are concerned about the debt. Now they are concerned about the deficit. They were OK with the billion-dollar family passing its estate tax free, but they can't have ordinary working Americans keep that unemployment insurance lifeline.

I think those are backward policies. I think those are upside-down policies, and they hit very hard in my home State. My home is Rhode Island. For over a year, we have had double-digit unemployment. We have been in the top three or four States every month for unemployment. I know Michigan has suffered immensely, and that is why Senator STABENOW and Senator LEVIN were here. But I have to say that my small State of Rhode Island, with only 1 million people, is not far behind. We have 70,000 families out of work, and because it has been a long recession in Rhode Island, those families—all their assets, everything they had salted away, they have gone through that. What is left is the unemployment insurance lifeline. It is the basic lifeline. To cut that off, frankly, I think it is disgraceful.

This is a low moment in this body—70,000 families missing a paycheck, 70,000 families with a provider who is out of work, 70,000 families with kids wondering where the income for mom and dad is coming from. This money would go right into the economy. It would be spent instantly. It would be spent on shoes. It would be spent on food. It would be spent on paying the electric bill. It would be spent on putting some gas in the car to get out to the job interviews. It would have been spent immediately on the necessities of life.

But that is not good enough. That is not good enough. Those are the families in the toughest circumstances whom our friends want to cut off because of the debt, because of the deficit. The billionaires can go untaxed, but the working families who have lost jobs through no fault of their own are the ones who have to bear the brunt of this. And it hits home to real people, real families, with real fears, who, late at night, sitting at the kitchen table, with the bills laid out in front of them and the kids asleep upstairs, are adding them up—adding up what they have and what is coming in—and realizing

they are not going to make it that month, that something is going to have to go. That is a cold and lonely moment for a family. When families are having that cold and lonely moment, that late night at the kitchen table with the bills they can't pay, that is the time when we are supposed to provide the insurance to protect them against unemployment. That is the policy of this Nation.

It is discouraging. It is discouraging to Dan, a Rhode Islander, in East Greenwich. He has worked in sales. He has been unemployed since April of 2009. His wife is disabled. He is looking for work, but in Rhode Island, as in Michigan, people can look as hard as they like and they are lucky to find a job because there are more people looking than there are jobs. The jobs just aren't there, and Dan has not been able to find one. Without unemployment insurance, he has let my office know that he and his wife are likely to be evicted from their apartment. That is the human consequence of today's decision for one person in Rhode Island—Dan.

Bill, from North Kingstown, contacted us. He is 56 years old. He has been unemployed for a while now—since January of 2009. This has been a persistent recession in Rhode Island. He used to work in the engineering field. He is a talented man, but he has been twice faced with eviction as his unemployment insurance has been put at risk. He received only $200 over the last 3-week period, as his benefits have expired. He is in that first leading group for whom the benefits have expired. He has lost his COBRA benefits. He needs heart medication. Without COBRA benefits, how can he pay for his health insurance that will provide the heart medication? The real cost of today's shameful decision comes home hard to somebody like Bill.

Nancy, in Portsmouth, RI, is 59 years old. She has been unemployed for a while, too—21 months. She has been looking for work for 21 months, looking through the classifieds, going online, reaching out to all her friends and contacts to try to find somebody who has a job for her. She has a bachelor's degree, she has several different industry certifications, and she has an extensive background in sales and marketing. She is somebody who, in an ordinary economy, would have no trouble finding a job. But after the Wall Street meltdown sent that tsunami of misery across our country, she got caught in it. For 15 years, she worked in the insurance industry, and now she can't find a job. She will soon lose her unemployment benefits if we don't continue to fight for it.

So behind all the big brave talk about how we have to fight the deficits—ironic talk coming from the people who were responsible for virtually all of these debts and deficits—are the human stories that are just being ignored here, and it is wrong. We have to change our direction and start putting people first instead of the big corporations.

Let me mention one other topic. There were winners today and there were losers today. The people who lost today were Dan and Bill and Nancy and many, many others like them in Rhode Island and across the country. The people who won today—among them—were the big Wall Street financiers, the hedge fund hotshots, the ones who have been earning millions of dollars every year and through clever legal tricks have got their million-plus-dollar salaries treated as if they were capital gains. So the hedge fund superstar out there in his private jet, getting ready to fly down for a weekend in the Caribbean in the private jet, looking out the window at the fellow stuffing his luggage into the hold of the private jet, the guy in the jet is paying a lower tax rate than the guy outside with the earmuffs on and the jumpsuit stuffing the luggage in the hold. The guy in the private jet is paying a lower tax rate than the guy outside working day-to-day and putting his luggage in the hold. The guy being driven around in his car is paying a lower tax rate than the man behind the wheel who is driving him around.

Who is the biggest, best, most prominent capitalist in America? I would submit that it is Warren Buffett. Warren Buffett is a legendary investor, a spectacular investor. He is one of the great success stories of American capitalism. He has come to lobby us about this issue. He has come to lobby us about the fact that he pays a lower tax rate than his secretary. He has come to lobby us about it because it is wrong, because he finds it embarrassing that, in a country like ours, somebody who has been as successful as he has, who has received such remarkable benefit from his talent and his energy, ends up paying a lower tax rate than the secretary who does his mail and takes his phone calls. He knows that is wrong and we should know that is wrong.

We could have corrected that. That was one of the ways that the benefits for regular working folks in this bill could have been paid for.

That is who won and that is who lost: Dan and Bill and Nancy lost. Tonight when they get word about this they are going to sit in their homes and they are going to worry. They are going to be anxious. They are going to be heartsick. They are going to be looking at a future that is filled with uncertainty.

Our friends on the other side will say no, once they get off unemployment insurance that is just a spur, that is an incentive to get out and find a job; get off the dole and get back out in the workforce. Not in Rhode Island, not with a 12.3-percent unemployment rate. At a rate like that Dan, Bill, Nancy—the three of them might go out looking for a job, but there will only be one for the three. These are people who have been looking for work for over a year. These are people who have had a lifetime of work experience. These are people who want to be back to work. Their character, their sense of self is that they are people who work and support themselves. They want to be back to work. The argument that they are going to fritter away their time on unemployment insurance until it ends and then they will get serious and get back to work is nonsense. It is nonsense. The suffering they are going to face as a result of this is real.

Those are the people in the column who lost today. In the column of the people who won is Warren Buffett. Based on what he said when he has come here to lobby us, I will bet you dollars against Dunkin' Donuts that he is embarrassed to be in the winners column. But he knows that it is not right, in this great country of ours, for the people who have been most successful, who have earned financial rewards beyond what ordinary people can dream of, to be able to pay a lower tax rate than the regular working people who come to their offices everyday and serve in their businesses. It is wrong. It is topsy-turvy.

I cannot tell you how discouraging a day it is. First in the real regular world you would have thought we had won today, 57 votes to 41. But, no, there is this procedural trick. So because we did not get to 60, we lost. Because we lost, Dan and Bill and Nancy lost. And the wealthiest people in our country won in a way that embarrasses probably America's greatest capitalist, Warren Buffett.

I see the majority leader is on the floor. I will inquire to see if the majority leader desires the floor? If so, I will gladly yield.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, before the Senator leaves the floor, I so appreciate his advocacy for the people of Rhode Island, but in speaking for the people of Rhode Island he is speaking for the people of this country. We are United States Senators. The States of Rhode Island and Nevada are having a very difficult time.

As I heard my friend say when manipulation of Wall Street finally caught up with them, it wrecked our two economies. I have so admired my friend and his colleague, the other REED in the Senate, JACK REED, and their wonderful presentations explaining that these are not just numbers that we talk about. These are people who have no jobs.

I was looking at the headlines from the Boston newspaper a few minutes ago in the cloakroom, after this failed vote. One man said: I hope politicians understand what I'm going through. My unemployment benefits will run out in 2 weeks. I have a wife who is working part time. I have two children. I lost my job 2 years ago.

These are not deadbeats out there looking for a handout. These are people who are desperate, looking for a job. So I do say to my friend, I appreciate his speaking—I repeat, not only for the

people of Rhode Island but for the people of Nevada and the rest of the country.

Mr. President, I was going to ask consent that we proceed to the Small Business Lending Fund Program but I have been told by my friends on the other side of the aisle are not here and they would object anyway, so there is no need that I propound that request.

SMALL BUSINESS LENDING FUND ACT OF 2010—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 435, H.R. 5297. I have a cloture motion at the desk that relates to that.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 435, H.R. 5297, the Small Business Lending Fund Act of 2010.

Harry Reid, Debbie Stabenow, Dianne Feinstein, Mark Begich, Jeff Merkley, Bernard Sanders, Carl Levin, Edward E. Kaufman, Mark L. Pryor, Richard Durbin, Frank R. Lautenberg, Jeanne Shaheen, Daniel K. Inouye, Barbara Boxer, Roland W. Burris, Sherrod Brown, Mary L. Landrieu.

Mr. REID. Mr. President, I ask unanimous consent that at 5:30 p.m., Monday, June 28, the Senate return to legislative session and vote on the motion to invoke cloture on the motion to proceed to H.R. 5297; that notwithstanding rule XXII, the Senate then proceed to executive session and vote on confirmation of the nomination of Calendar No. 814, Gary Feinerman to be a United States District Judge, with the time running postcloture; and that upon confirmation, the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. As in executive session, I ask unanimous consent that on Monday, June 28, at 5 p.m., the Senate proceed to executive session to consider Calendar No. 814, the nomination of Gary Feinerman to be a United States District Judge for the Northern District of Illinois; that debate on the nomination extend to 5:30 p.m., with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that upon confirmation, the motion to consider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNEMPLOYMENT

Ms. STABENOW. In closing, I wish to take a few more minutes to stress again how disappointing and, frankly, outrageous I find what happened tonight to be as it relates to the continual 8 weeks of blocking the jobs bill in front of us, for the ability for people who are out of work to be able to get some temporary help just to be able to keep things going for their family while they are looking for that next job. There are almost 1 million people who find themselves in a situation now where they have lost their jobs and have lost their insurance benefits, insurance benefits paid in when they were working to then be able to get help when they are not working, as any of us would want for ourselves and our families.

We are in a situation where we cannot get beyond—we cannot get even beyond one, and we need two Republican colleagues—we cannot even get one to be able to join with us to overturn this filibuster. We have a bill, a jobs bill in front of us that would provide tax cuts to businesses, provide help to State and local and municipal governments to keep police officers, firefighters, and teachers on the job in our communities for our children, and the other side has said no.

Time after time, no. We are putting much needed tax cuts, money back into the pockets of middle-class families. The other side has said no. We wanted to help small businesses be able to restore credit to create jobs. They said no. We want to help people who are going back to school to start a new career, people who have been looking for work, and they have said no. And we want to make sure we are investing in the kinds of jobs that are going to rebuild America—roads and bridges, other kinds of construction efforts, good-paying jobs for engineers, construction workers. Those provisions were in this bill, and they have said no. For people who are out of work, they have gotten a great big no, no way, time and time again from colleagues on the other side of the aisle.

We know that for every $1 we put into unemployment insurance benefits, we get, according to Mark Zandi, an economist, and certainly many other economists, at least $1.40 back in investment. Why? Because somebody goes to the store and buys some food with that $200 or $300 a month in unemployment benefits. They go buy some shoes for the kids. They put gas in the car. They keep the lights on. They are able to pay their rent or the mortgage or do other things we all want to be able to do for our families, for our children. So when you give unemployment insurance benefits to someone who is out of work, they, unfortunately for themselves, have to turn right around and spend it. But from an economic standpoint, that is stimulus, which is why that is viewed as one of the best economic stimuli you can have, to be able to provide assistance for people who are going to turn around and spend it in the economy.

We are struggling now. Even though we have the majority in the Senate, we do not have a supermajority, enough to stop filibusters. And we are struggling with a perversion of the Senate rules that has taken place. I think, frankly, our forefathers would be rolling over in their graves to see the perversion that has gone on here. Instead of using a majority vote like any of us would use if we were in an election—one more vote than the other guy wins the election—here one more vote than the other guy does not get us moving forward because of the efforts to block, obstruct, and filibuster that go on every single day and require 60 votes in order to overcome.

So what are they saying no to? Why are they blocking and stopping? Why do we see this continual effort to go back to the way it was, to go back to the policies that got us where we are today? We are in a situation now where we want to go forward. We want to change things. We want to go forward. And all we get are efforts to take us back.

Well, what was happening then? What was happening at the place they want to go? Well, in the last Presidency, when they were in charge, we saw us lose jobs, more and more jobs throughout the 8 years of this former President. And there were a number of reasons: wrong economic policies; wrong investments; investing in people who were very wealthy hoping that it would trickle down; not enforcing our trade laws; not stopping the incentives to ship our jobs overseas; not paying attention to manufacturing and making things in this country; and, frankly, not paying for things; two wars, not paid for; Medicare prescription drug benefit, not paid for—nothing was paid for. Everything was put on the credit card. And now the people who got us into this ditch, amazingly, are arguing for policies to take us back into the ditch. They dug the ditch, and now they want us to give them back the shovel and get more shovels to dig a bigger one.

We have a very different view and, frankly, a different set of priorities on whom we are fighting for. We are losing the middle class of this country. We are losing the middle class of this country because of the policies that have focused not on jobs, not on things that matter to middle-class families, working-class families, but on what the privileged few care about.

The philosophy that got us where we are, which this President inherited, President Obama, was a philosophy that said that a tax cut to the wealthy solves every problem and, by the way, step back and let corporate America regulate themselves, police themselves, and everything will be OK.

Well, we saw what happened on Wall Street—millions of jobs lost, 401(k)s gone, pensions gone, savings gone. We have seen what happened in the gulf when the oil companies policed themselves. We saw what happened in West Virginia, where the miners lost their lives because the mines were policing themselves. And we saw what happened economically in terms of job loss.

This really is a bigger fight than just the jobs bill in front of us. It is about whose side you are on. It is about what your values and priorities are. And I can tell you, just as a practical matter, I am going to support whatever works for the people I represent, whatever works for the people in Michigan.

This did not work, this red ink getting longer and longer and longer. President Obama comes in; 750,000 jobs lost a month. We put in a jobs bill, a Recovery Act to focus on manufacturing and small businesses, job training, to help the people who lost their jobs. It has been slow because the hole was so deep, but we have begun to turn it around. By the end of the year, we got it to zero jobs lost, and now we are gaining jobs. Now we have to keep gaining jobs. We are returning accountability and commonsense regulation to Wall Street, to the oil industry, and to other areas where lives could be lost and there is a public interest.

So we are in the middle of a major debate in this country. And what I find most disturbing is that too many on the other side of the aisle are rooting for failure. They want the President to fail. They want our majority to fail. But in the process of that, we all will fail. The country will fail if we do not have a set of economic policies and investments and partnerships that work, if we do not focus on the people who need temporary help and support right now while they hold their family together and look for a job.

When I think about the men and women fighting overseas, fighting in two wars around the world for our great democracy, they want to know that they are coming home to a job; that their family has a house; that the kids are going to be able to go to college; that they are going to be able to breathe fresh air and drink clean water; and that somehow that they were fighting not for some craziness, some crazy political battlefield here, but for a sense of love and thought about our country and the people in our country.

Patriotism really is, when it comes to our country, against other countries in the world, it is fighting for our side—not our side of the aisle but our country, not rooting for people to fail just so you can get a short-term political advantage. I hope that does not work. Obviously, you could say for personal reasons, we do not want it to work, but I hope it does not work for our country because we have to get beyond this and be able to work together because too many people are counting on us.

In closing this evening, I want to express an apology to everyone who is caught in this economic tsunami. I am not going to stand here and apologize to BP, but I am going to apologize to the people who are out of work in this country for what has happened today because it is shameful. And over 87,000 people in my State are going to be directly affected by this by the end of next week. I apologize to them for what has happened because it is wrong. It is wrong. And we are going to do everything we can to turn this around because people are counting on us to do that.

MORNING BUSINESS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING STEWART UDALL

Mr. UDALL of Colorado. Mr. President, the oilspill in the gulf looks to become one of the greatest environmental disasters in our lifetime. This accident, which has been brought on by our addiction to oil, is another tragic reminder—as if we needed one—of the sad inevitability of human error. This spill in the gulf is also a reminder of the fragile balance we must maintain between the development of resources and protecting the environment from which they spring. It puts me in mind of our generation's responsibility to our children and the challenge of fueling prosperity with newer, cleaner, and more sustainable energy sources.

As the world watches our efforts to contain this disaster, I cannot help but think about how another generation of Americans might have responded. In particular, I have one man in mind.

A few months ago—March 10, to be precise—my family mourned the loss of a great and good man who was beloved by everyone in our clan, from the eldest to the youngest among us. On that day, we lost my uncle, Stewart Udall, at the grand age of 90. Of course, our family is no different from any other American family. Death occurs every day, every hour, and every minute, and families cope with the loss, however it comes. It harkens us to cherish those all-too-brief moments we have with the people we love.

I would not take to the floor of the Senate to discuss personal loss, but I hope my colleagues will indulge me in taking a few moments to honor Stewart Udall, not because he was a member of our family and because we loved him dearly but because his contributions to America deserve our recognition. So it is not my uncle I wish to recognize; it is Stewart Udall, Secretary of the Interior, Stewart Udall the conservationist, Stewart Udall the civil rights activist, author, historian, and public servant I wish to honor today.

Stewart never confused power with greatness. He was quoted saying as much. He knew that the power given to him by the people of Arizona to represent them in Congress, the power President John F. Kennedy bestowed upon him as Secretary of the Interior, and the power he subsequently had in private life as a man whose words and opinions mattered in the public arena—all of these manifestations of power were, for him, fleeting and not of deep consequence, except for the opportunity it gave him to make a difference in the world. And he did make a difference, a very big difference.

Under his leadership in the Kennedy-Johnson years, the Department of Interior was a beacon of conservation, wildland preservation, and environmental stewardship. As the New York Times recently noted, ''Few corners of the Nation escaped Mr. Udall's touch.''

For the wildlife, lands, and water of this country, his touch was a Midas touch. He added 3.85 million acres to the public lands inventory, including 4 national parks, 6 national monuments, 9 national recreation areas, 20 national historic sites, 50 wildlife refuges, and 8 national seashores.

While serving as Secretary of Interior, he also found time to write the first of many books in his long career as an author. His book ''A Quiet Crisis'' is considered a landmark work. His words provided a manifesto to an emerging public movement on behalf of the environment. Before Stewart Udall's time at Interior, the term ''environmental policy'' was not even a part of the public debate. By the time Stewart left public service, no politician in the country could run for office without addressing environmental concerns and issues.

While Stewart is deeply associated with the cause of conservation, his conscience was broader than the landscapes he helped protect. He cared deeply about the environment, but he cherished human beings. That is why he said:

> Plans to protect air and water, wilderness and wildlife are, in fact, plans to protect man.

That is also why he took up the cause of Native Americans and why he was an early champion of civil rights and an unrelenting opponent of racial segregation.

Friends and colleagues noted that he had a rare reputation in political life. It has been said that he ''never advanced his own ambitions by tearing down a fellow human being.'' I know this is true of Stewart Udall because

even his fiercest political opponents respected his sense of fairness and welcomed his friendship.

Mark Twain said:

The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time.

Stewart Udall was a man who lived life fully. He had a zest for life and a thirst for knowledge and experience that was truly without bounds. I cannot say where this enthusiasm for experience was rooted, but it must have been nourished by the intimate and painful memories from no less than 50 missions as a tail gunner during the Second World War. I still marvel at this feat of endurance and bravery. The average life expectancy for a B–17 crew in the European theater was allegedly 14 missions. He flew 50. It was something he rarely spoke about.

I know if he were here with us today, Stewart would be in the thick of our debate about energy, the threat of climate change, and lessons to be drawn from our painful experience in the gulf. In a moving letter he drafted for his grandchildren, Stewart anticipated the challenges of our time and acknowledged the mistakes of his own. To that end, he wrote:

Operating on the assumption that energy would be both cheap and superabundant led my generation to make misjudgments that have come back and now haunt and perplex your generation. We designed cities, buildings, and a national system of transportation that were inefficient and extravagant. Now, the paramount task of your generation will be to correct those mistakes with an efficient infrastructure that respects the limitations of our environment to keep up with damages we are causing.

I cannot improve on words Stewart spoke in defense of conservation some years ago. Given the challenges we face today, I believe they still ring true, and I wish to close my tribute to his public service by recalling them now.

He said:

Over the long haul of life on this planet, it is the ecologists, and not the bookkeepers of business, who are the ultimate accountants.

Our progress as a society cannot be measured solely or even in part by the output of our economy, the number or complexity of our machines, or the brilliance of our technology. Our progress and success as human beings cannot be defined by gross domestic product, billions expended or invested, profit margins, trade balances, or numbers of hits on a Web page. In the end, our progress in any category of endeavor depends on our survival, and our survival is tied to the health and well-being of the planet we share. Stewart Udall illuminated this simple truth and made it the centerpiece of his public service. I am proud to have known him, I am honored that he was my uncle, and grateful, as are so many, to have been his pupil. His voice will be missed, but his wisdom endures.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I wish to thank my colleague from Colorado for that beautiful and meaningful tribute to Stewart Udall and the lessons he has given us through his life and through this wonderful tribute. We very much appreciate it this evening.

CONVENTION AGAINST TORTURE

Mr. LEAHY. Mr. President, this week, we commemorate the United Nations International Day in Support of Victims of Torture. June 26, 2010, marks the 23rd anniversary of the day on which the Convention Against Torture—CAT—took effect. I am proud that the United States is a signatory to this important Convention and defends human dignity by criminalizing acts of torture. Along with the other 75 nations that have ratified the Convention, we affirm our commitment to hold those responsible for torture accountable for their actions.

I have worked hard for many years to improve the investigation and prosecution of international human rights abusers. I worked for several years to develop and secure passage of the Anti-Atrocity Alien Deportation Act. This act, which became law in 2004, expanded the mission of the Office of Special Investigations at the Department of Justice from denaturalizing Nazi war criminals, to investigating, extraditing, or denaturalizing any alien who participated in genocide, torture, or extrajudicial killing abroad. It has prompted, among other accomplishments, the deportation of a former Ethiopian official, Kelbessa Negewo. Negewo was accused of abuse and torture during the period of the Red Terror in Ethiopia in the mid-1970s. He is now serving a life sentence for torture and multiple killings in Ethiopia. This case proves that those who have committed reprehensible acts of torture and seek safe haven in the United States will not find refuge here.

In order to further improve our ability to identify and prosecute human rights abusers, I am proud to have cosponsored the Human Rights Enforcement Act of 2009. Signed into law at the end of last year, this legislation created a new section within the criminal division of the Department of Justice with responsibility for prosecuting serious human rights offenses. Additionally, it amends a section of the Immigration and Nationality Act to prevent those who have ordered, incited, assisted, or otherwise participated in genocide from obtaining eligibility for protection under our asylum laws.

In addition to strengthening our ability to investigate and hold human rights violators accountable, I have worked hard to ensure that victims of atrocity can find protection here in the United States. In March of this year, I introduced S.3113, the Refugee Protection Act. This law will renew America's commitment to the ideals embodied in the Refugee Convention and eliminate cumbersome procedural delays currently faced by refugees who flee persecution or torture.

For those who have suffered mental, physical, and emotional harm as a result of torture, I have consistently supported funding for rehabilitation and treatment. In my work on the State and Foreign Operations Appropriations Subcommittee, we secured $7,100,000 in the fiscal year 2010 Omnibus Appropriations Act for the United Nations Voluntary Fund for Victims of Torture and an additional $13,000,000 for Victims of Torture programs and activities at U.S. Agency for International Development. In order to help these victims heal, we must continue to provide resources to aid physical and psychological recovery.

Vermont has also become home to many resettled refugees who have been victims of torture. A group called New England Survivors of Torture and Trauma—NESTT—has been established by the Department of Psychology at the University of Vermont and the Vermont Immigration and Asylum Advocates to offer medical, psychological, legal and social services in an effort to help address the needs of this community.

As we mark this year's United Nations International Day in Support of Victims of Torture, we must acknowledge that the United States has not always lived up to its ideals. Under the previous administration, abhorrent acts were authorized by a series of Office of Legal Counsel, OLC, memoranda, and a dark chapter in American history was written. Under questionable legal guidance that failed to meet ethical standards, acts occurred in the interrogation of terrorist suspects that failed to reflect the fundamental American ideals of justice, dignity, and human equality. Nothing has done more to damage our world standing and moral authority than this revelation. It is vital that the United States reclaim its historic role as a world leader on issues of human rights.

The claim by some that there is a necessary choice between ensuring security and upholding liberty is a falsehood. Until we understand what led to the production of the OLC memos and the acts that followed, we cannot move forward with a clear moral conscience. The imperative to discover what led to these events is stronger than ever. I remain a committed advocate of the establishment of an independent, nonpartisan Commission of Inquiry to gather facts about how we arrived at this place. We must understand the mistakes of the previous administration to ensure that they never happen again. We cannot, and we must not ignore this chapter in the history of our Nation.

As we mark the Day in Support of Victims of Torture, we can begin to right these wrongs by renewing our commitment to recognize those who have suffered atrocities but fight on with enormous courage. To those around the world who have endured the unspeakable, we remember you. To those who have survived torture, inhuman, or degrading treatment at the

hands of their government, we call upon your voices to help end these reprehensible acts. And as the United States, we call upon every nation to join us in the fight to eradicate torture in all of its forms.

BLOODY SUNDAY

Mr. LEAHY. Mr. President, I rise to congratulate the people of Great Britain and Northern Ireland for taking another step down the long road towards peace. Last week the Saville Inquiry, the result of a 10-year investigation into the ''Bloody Sunday'' tragedy in Northern Ireland on January 30, 1972, was finally made public.

The inquiry definitively concluded that British Army soldiers were responsible for the shooting deaths of 14 pro-Catholic marchers. The terrible events, which took place against a backdrop of years of rioting, paramilitary violence and police brutality, contributed to increased hatred and mistrust on both sides, and led to over two more decades of violence and terror for the people of Northern Ireland.

The findings reversed those of a 1972 commission which had laid blame for the killings on the victims themselves. Parents passed away without the knowledge that their children killed that day were not at fault.

Upon the release of the new report, British Prime Minister David Cameron publicly accepted responsibility for the killings and apologized on behalf of his country for the unjustified actions of the Army. He acknowledged the great complexity engrained in the dozens of years of fighting in Northern Ireland—thousands of people were killed and terrible atrocities committed by all parties. But he also stated that the facts in this report cannot be overlooked: British Army soldiers unjustly took the lives of innocent civilians.

Self-reflection is an indispensable quality in a democracy. It is difficult for a nation to admit that the men and women protecting us are responsible for reprehensible acts, but it is undeniable that, in furtherance of truth and justice, no one in our society can be above the law.

Lasting peace comes about through the hard work, honesty and patience of those on all sides.

I extend my deepest condolences to the families of the victims and am grateful to them for their years of patience during the investigation.

I commend the people of Northern Ireland for their continued commitment to resolving their differences through the political process, as challenging as it often is, and working to leave behind the violent divisions of the past.

And I also applaud Prime Minister Cameron, the Inquiry, and the British people for acknowledging a painful truth after 38 years, and, in doing so, helping to further the cause of peace in Northern Ireland.

I ask unanimous consent that the Prime Minister's statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT TO THE HOUSE OF COMMONS ON THE SAVILLE INQUIRY

(By the Prime Minister, the Rt Hon David Cameron MP on 15 June 2010)

With permission, Mr Speaker, I would like to make a statement.

Today, my Rt Hon Friend, the Secretary of State for Northern Ireland is publishing the report of the Saville Inquiry . . .

. . . the Tribunal set up by the previous Government to investigate the tragic events of 30th January 1972—a day more commonly known as ''Bloody Sunday''.

We have acted in good faith by publishing the Tribunal's findings as quickly as possible after the General Election.

Mr Speaker, I am deeply patriotic.

I never want to believe anything bad about our country.

I never want to call into question the behaviour of our soldiers and our Army who I believe to be the finest in the world.

And I have seen for myself the very difficult and dangerous circumstances in which we ask our soldiers to serve.

But the conclusions of this report are absolutely clear.

There is no doubt. There is nothing equivocal. There are no ambiguities.

What happened on Bloody Sunday was both unjustified and unjustifiable.

It was wrong.

Lord Saville concludes that the soldiers of Support Company who went into the Bogside ''did so as a result of an order . . . which should have not been given'' by their Commander . . .

. . . on balance the first shot in the vicinity of the march was fired by the British Army . . .

. . . that ''none of the casualties shot by soldiers of Support Company was armed with a firearm'' . . .

. . . that ''there was some firing by republican paramilitaries . . . but . . . none of this firing provided any justification for the shooting of civilian casualties'' . . .

. . . and that ''in no case was any warning given before soldiers opened fire''.

He also finds that Support Company ''reacted by losing their self-control . . . forgetting or ignoring their instructions and training'' with ''a serious and widespread loss of fire discipline''.

He finds that ''despite the contrary evidence given by the soldiers . . . none of them fired in response to attacks or threatened attacks by nail or petrol bombers'' . . .

. . . and that many of the soldiers ''knowingly put forward false accounts in order to seek to justify their firing''.

What's more—Lord Saville says that some of those killed or injured were clearly fleeing or going to the assistance of others who were dying.

The Report refers to one person who was shot while ''crawling . . . away from the soldiers'' . . .

. . . another was shot, in all probability, ''when he was lying mortally wounded on the ground''. . .

. . . and a father was ''hit and injured by Army gunfire after he had gone to . . . tend his son''.

For those looking for statements of innocence, Saville says:

''The immediate responsibility for the deaths and injuries on Bloody Sunday lies with those members of Support Company whose unjustifiable firing was the cause of the those deaths and injuries'' . . .

. . . and—crucially—that ''none of the casualties was posing a threat of causing death or serious injury, or indeed was doing anything else that could on any view justify their shooting''.

For those people who were looking for the Report to use terms like murder and unlawful killing, I remind the House that these judgements are not matters for a Tribunal—or for us as politicians—to determine.

Mr Speaker, these are shocking conclusions to read and shocking words to have to say.

But Mr Speaker, you do not defend the British Army by defending the indefensible.

We do not honour all those who have served with distinction in keeping the peace and upholding the rule of law in Northern Ireland by hiding from the truth.

So there is no point in trying to soften or equivocate what is in this Report.

It is clear from the Tribunal's authoritative conclusions that the events of Bloody Sunday were in no way justified.

I know some people wonder whether nearly forty years on from an event, a Prime Minister needs to issue an apology.

For someone of my generation, this is a period we feel we have learned about rather than lived through.

But what happened should never, ever have happened.

The families of those who died should not have had to live with the pain and hurt of that day—and a lifetime of loss.

Some members of our Armed Forces acted wrongly.

The Government is ultimately responsible for the conduct of the Armed Forces.

And for that, on behalf of the Government—and indeed our country—I am deeply sorry.

Mr. Speaker, just as this Report is clear that the actions of that day were unjustifiable . . . so too is it clear in some of its other findings.

Those looking for premeditation, those looking for a plan, those looking for a conspiracy involving senior politicians or senior members of the Armed Forces—they will not find it in this Report.

Indeed, Lord Saville finds no evidence that the events of Bloody Sunday were premeditated . . .

. . . he concludes that the United Kingdom and Northern Ireland Governments, and the Army, neither tolerated nor encouraged ''the use of unjustified lethal force''.

He makes no suggestion of a Government cover-up.

And Lord Saville credits the UK Government with working towards a peaceful political settlement in Northern Ireland.

Mr Speaker, the Report also specifically deals with the actions of key individuals in the army, in politics and beyond . . .

. . . including Major General Ford, Brigadier MacLellan and Lieutenant Colonel Wilford.

In each case, the Tribunal's findings are clear.

It also does the same for Martin McGuinness.

It specifically finds he was present and probably armed with a ''sub-machine gun'' but concludes ''we are sure that he did not engage in any activity that provided any of the soldiers with any justification for opening fire''.

Mr. Speaker, while in no way justifying the events of January 30th 1972, we should acknowledge the background to the events of Bloody Sunday.

Since 1969 the security situation in Northern Ireland had been declining significantly.

Three days before 'Bloody Sunday', two RUC officers—one a Catholic—were shot by the IRA in Londonderry, the first police officers killed in the city during the Troubles.

A third of the city of Derry had become a no-go area for the RUC and the Army.

And in the end 1972 was to prove Northern Ireland's bloodiest year by far with nearly 500 people killed.

And let us also remember, Bloody Sunday is not the defining story of the service the British Army gave in Northern Ireland from 1969–2007.

This was known as Operation Banner, the longest, continuous operation in British military history, spanning thirty-eight years and in which over 250,000 people served.

Our Armed Forces displayed enormous courage and professionalism in upholding democracy and the rule of law in Northern Ireland.

Acting in support of the police, they played a major part in setting the conditions that have made peaceful politics possible . . .

. . . and over 1,000 members of the security forces lost their lives to that cause.

Without their work the peace process would not have happened.

Of course some mistakes were undoubtedly made.

But lessons were also learned.

Once again, I put on record the immense debt of gratitude we all owe those who served in Northern Ireland.

Mr. Speaker, may I also thank the Tribunal for its work—and all those who displayed great courage in giving evidence.

I would also like to acknowledge the grief of the families of those killed.

They have pursued their long campaign over thirty-eight years with great patience.

Nothing can bring back those that were killed but I hope, as one relative has put it, the truth coming out can set people free.

John Major said he was open to a new inquiry.

Tony Blair then set it up.

This was accepted by the then Leader of the Opposition.

Of course, none of us anticipated that the Saville Inquiry would last 12 years or cost £200 million.

Our views on that are well documented.

It is right to pursue the truth with vigour and thoroughness . . .

. . . but let me reassure the House that there will be no more open-ended and costly inquiries into the past.

But today is not about the controversies surrounding the process.

It's about the substance, about what this report tells us.

Everyone should have the chance to examine the complete findings—and that's why the report is being published in full.

Running to more than 5000 pages, it's being published in 10 volumes.

Naturally, it will take all of us some time to digest the report's full findings and understand all the implications.

The House will have the opportunity for a full day's debate this autumn—and in the meantime I have asked my Rt Hon Friends the Secretaries of State for Northern Ireland and Defence to report back to me on all the issues that arise from it.

Mr Speaker, this report and the Inquiry itself demonstrate how a State should hold itself to account . . .

. . . and how we are determined at all times—no matter how difficult—to judge ourselves against the highest standards.

Openness and frankness about the past—however painful—do not make us weaker, they make us stronger.

That's one of the things that differentiates us from terrorists.

We should never forget that over 3,500 people—people from every community—lost their lives in Northern Ireland, the overwhelming majority killed by terrorists.

There were many terrible atrocities.

Politically-motivated violence was never justified, whichever side it came from.

And it can never be justified by those criminal gangs that today want to drag Northern Ireland back to its bitter and bloody past.

No Government I lead will ever put those who fight to defend democracy on an equal footing with those who continue to seek to destroy it.

But neither will we hide from the truth that confronts us today.

In the words of Lord Saville—

''What happened on Bloody Sunday strengthened the Provisional IRA, increased nationalist resentment and hostility towards the Army and exacerbated the violent conflict of the years that followed. Bloody Sunday was a tragedy for the bereaved and the wounded, and a catastrophe for the people of Northern Ireland.''

These are words we can not and must not ignore.

But what I hope this Report can also do is to mark the moment when we come together, in this House and in the communities we represent.

Come together to acknowledge our shared history, even where it divides us.

And come together to close this painful chapter on Northern Ireland's troubled past.

That is not to say that we must ever forget or dismiss that past.

But we must also move on.

Northern Ireland has been transformed over the past twenty years . . .

. . . and all of us in Westminster and Stormont must continue that work of change, coming together with all the people of Northern Ireland to build a stable, peaceful, prosperous and shared future.

It is with that determination that I commend this statement to the House.

ANGOLA

Mr. FEINGOLD. Mr. President, the National Security Strategy released last month rightly states:

[d]ue to increased economic growth and political stability, individual nations are increasingly taking on powerful regional and global roles and changing the landscapes of international cooperation. To achieve a just and sustainable order that advances our shared security and prosperity, we are, therefore, deepening our partnerships with emerging powers and encouraging them to play a greater role in strengthening international norms and advancing shared interests.

The strategy goes on to note that expanding our partnerships with emerging powers includes a number of African nations, specifically South Africa. Indeed, I have great respect for South Africa's leadership on the continent and internationally and am glad that we are seeking to deepen our bilateral relationship. From peace and security to climate change to nuclear nonproliferation, we should continue to look for areas where we can team up with the South Africans.

I would also like to highlight another emerging power in Sub-Saharan Africa that we should not ignore: Angola. Many of my colleagues will recall the brutal civil war that devastated Angola. In my first trip as a Senator to Africa, in 1994, I traveled with Senator REID and Senator Paul Simon to Angola to observe the tragic consequences of this conflict. Decades of war left an estimated 1 million people dead, a third of the country's population displaced, and millions of landmines littered throughout the countryside.

Yet since the war ended in 2002, Angolans have made tremendous strides to secure the peace and rebuild their country. According to a recent UNICEF study, since 2002 the percentage of children attending primary school has increased from 56 to 76 percent and infant mortality has fallen by 22 percent. At the same time, Angola's economy has registered double-digit GDP growth over recent years, mostly driven by increasing oil production. Angola's future growth prospects, however, are more diverse than just oil. According to the September 15, 2009, New York Times article, ''Angola is poised to become a hub of liquefied natural gas and diamond exports.''

With its economic growth and stability, Angola is also poised to play a greater role on regional, continental, and international issues. It has already become a major player in the Organization of Petroleum Exporting Countries, OPEC, and although it is not a member of the G–20, President Dos Santos has been invited to some G–20 meetings. Angola has also become involved in critical issues relating to the Gulf of Guinea, which sits to its north. It supported the launch of the Gulf of Guinea Commission in 2006 to resolve maritime disputes and ensure regional cooperation and hosted a summit for heads of the state of the commission in 2008. Finally, Angola has the potential to play a much more active future role on issues facing the Southern African Development Community, SADC.

For all these reasons, the United States has a strong interest in deepening and broadening our relationship with Angola. Secretary Clinton's visit to the country last year—in which she became the first U.S. Secretary of State to stay overnight in the country—was a major step to that end. She committed to developing a ''comprehensive strategic partnership'' with Angola and to expanding our engagement in the areas of trade, agriculture, health, and education.

To follow through on this commitment, we now need to ensure that our Embassy in Luanda has the necessary programs and tools to pursue such a partnership. We need to ensure there are sufficient incentives and encouragement to attract Foreign Service officers to Angola given the inordinately high cost of living and other hardships. And we should try to ensure that we have the right staff, including representatives from other agencies that can bring expertise on issues of commerce and agriculture.

But expanding our engagement with Angola should not mean ignoring or downplaying troubling issues of human rights and governance. In fact, it should be quite the opposite; we need to actively encourage reform in these important areas if we are going to pursue a truly comprehensive and long-term partnership with Angola.

According to the State Department's 2009 Human Rights Report for Angola, ''The government's human rights record remained poor, and there were numerous, serious problems.'' Last weekend, the Wall Street Journal reported that there continue to be abuses and killings by soldiers and private security guards around diamond mines in Angola. The international community should investigate these reports and ensure that Angola is fully living up to its commitments in the Kimberley Process. If it is not, there should be serious consequences.

More broadly, we should also consider whether certain gaps in the Kimberley Process, such as promoting greater protection for human rights, can be incorporated into the oversight procedures of participating countries. We need to be realistic about what is possible with a voluntary organization, but we cannot allow ongoing human rights abuses involving diamonds to be ignored.

Issues of governance are also especially important for Angola's development prospects. While the country has seen tremendous overall economic growth in recent years, most Angolans have seen little, if any, direct benefit. Corruption remains a serious and deep-seated problem in Angola, including in the oil sector. For 2009, Transparency International ranked Angola 162nd out of 180 countries in its annual Corruption Perceptions Index. A report released in February by the Senate's Permanent Subcommittee on Investigations documented how certain Angolan officials have sought to use U.S. banks and financial institutions to conceal funds acquired through corruption.

The Angolan Government has acknowledged that it needs to improve its fiscal management and practices, and President Dos Santos has called for a ''zero tolerance'' policy against corruption. I am pleased that the President has said this, and we should look for ways to help the government give real meaning to such a policy. At the same time, we should explore ways that we and our international partners can put pressure on corrupt officials in Angola to cease their illicit actions, including travel bans and assets freezes, and more.

In terms of governance, it is also important that the Angolan Government create the space for a strong civil society to develop—one that allows for the free flow of information and includes independent watchdog institutions that can demand accountability and transparency. We should seek to expand our engagement with civil society organizations and, as is appropriate, to help strengthen their capacity and amplify their voices in policy debates.

Within the government, Angola's National Assembly has the potential to play a strong oversight role, and I am pleased that Secretary Clinton met directly with the National Assembly during her visit to Luanda last year. We should look for ways, such as technical assistance and parliamentary exchanges, that we can support and strengthen the National Assembly's oversight roles.

Mr. President, none of this will be easy. Some in the Angolan Government are still unwelcoming toward the United States because of positions we took during their civil war. Many Angolans are also skeptical about whether we genuinely have interests beyond accessing oil. We need to take these perspectives seriously. But I believe we can break through the suspicion and mistrust by demonstrating—through greater resources and a more visible presence—that we seek a mutually beneficial, long-term partnership with the people of Angola. In the months and years ahead, I look forward to working with the administration to that end.

REMEMBERING JUDGE GERALD W. HEANEY

Mr. FRANKEN. Mr. President, today I note with sorrow the passing of one of America's great jurists, Judge Gerald W. Heaney. Judge Heaney died Tuesday in Duluth, MN. Judge Heaney served with distinction and honor for 40 years on the U.S. Court of Appeals for the Eighth Circuit. He played a leading role in enforcing Brown v. Board of Education by desegregating schools in, among other places, Kansas City, Omaha, and St. Louis. A giant of the law, Judge Heaney will be remembered as not only a brilliant jurist but a judge who helped make the promise of equality under the law a reality for many Americans.

Judge Heaney received both a bachelor's and law degree from the University of Minnesota. During World War II, Judge Heaney served with distinction in the Army, landing on Omaha Beach on D-day and staying in Germany after the war to help reform local labor laws. After returning from the war, Judge Heaney practiced labor law for 20 years. He negotiated the contract that made Duluth public schools the first in the State to adopt equal pay for women.

Judge Heaney's civic accomplishments before joining the Eighth Circuit are a testament to one of Minnesota's most public-spirited sons. He was instrumental in creating Duluth's Seaway Port Authority and the local public broadcasting station. He also served as a regent for the University of Minnesota and was a lifelong champion of the University of Minnesota Duluth.

As an appellate judge, Judge Heaney was devoted to enforcing the Constitution's promise of equal protection and expanding equality to all citizens, regardless of race, sex, religion, age, or disability. On the occasion of his retirement 4 years ago, Minnesota Public Radio interviewed Latonya Davis, a former student in the St. Louis public schools. Because of Judge Heaney's desegregation orders, Ms. Davis had the opportunity to attend a suburban school that she says changed her life:

''I didn't even expect to go to college,'' she recalls. ''My junior year in high school, I had a teacher say, 'So what college you going to?' and I was like, 'I'm not going.' Because I just knew it was expensive, and I didn't think to go. I had bunch of teachers push me, and help me find ways to pay for it. They really wanted me to succeed in life.''

Ms. Davis is now a teacher herself with an advanced degree.

For Judge Heaney, equality of opportunity was also personal: he hired the Eighth Circuit's first African-American and female law clerks.

Judge Heaney was a leading jurist on criminal justice issues. His opinions on the fourth amendment were exceedingly influential, including an argument in dissent concerning probable cause for a warrant that later was adopted by the Supreme Court. Judge Heaney's scholarship on Federal sentencing was an impassioned plea for humanity and decency in sentencing.

Judge Heaney is survived by Eleanor, his wife of 64 years, his daughter Carol, son Bill, sister Elizabeth, six grandchildren, and eight great-grandchildren. I offer my deepest sympathies to all who knew and loved him. Vice President Mondale said it best when he said that Judge Heaney was ''a great and decent human being, a superb judge and a really caring human being.''

Fittingly, the Federal courthouse in Duluth, MN, is named for Judge Heaney. It stands as a lasting monument to the cause of Judge Heaney's life—providing equal justice under the law.

ADDITIONAL STATEMENTS

WING, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 16 to 18, 2010, the residents of Wing will gather to celebrate their community's history and founding.

Wing, a Northern Pacific Railroad town site, was founded in 1910, and named after Charles Kleber Wing, who plotted many town sites, including McClusky, Wing, Pingree, Robinson, and Regan. Leslie B. Draper established the first post office on April 15, 1911. Wing was later incorporated as a village in 1921.

Today, Wing's school and residential market continue to prosper. The rural area remains rich in wildlife, attracting many out-of-state and instate hunters. The residents of Wing place great importance on involvement within the community. A strong Wing fire and ambulance service exists in town, with many local residents and farmers volunteering to perform much needed services.

Citizens of Wing have organized numerous activities to celebrate their centennial. Some of the celebratory festivities include socials, a class parade, pitchfork fondue, a concert, and a street dance.

Mr. President, I ask the Senate to join me in congratulating Wing, ND, and its residents on the first 100 years and in wishing them well through the next century. By honoring Wing and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Wing that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Wing has a proud past and a bright future.●

TRIBUTE TO SUE FELLEN

● Mr. CRAPO. Mr. President, today I offer tribute to a true leader and advocate for the rights of women and children in my home State of Idaho who deserve protection from abusive relationships. Sue Fellen has been executive director for the Idaho Coalition Against Sexual and Domestic Violence for more than a decade. She is announcing a well-deserved retirement at the end of this month. Her work on behalf of Idaho women, children and family protection is one well worth noting by all Americans who cherish family and personal security and freedom.

Sue Fellen's track record of service on behalf of Idahoans will remain long after she leaves active service. While she has headed the state's largest advocacy program to stop violence for 16 years now, she has been working nearly twice that long in other capacities to stop domestic violence and protect families, women and children across Idaho.

Sue Fellen began her career to stop domestic violence in the trenches. She was a shelter manager and director for the Women and Children's Association from 1982 through 1993. When she went on to head the Idaho Coalition, she built a statewide network of more than 80 organizations, including law enforcement, prosecutors, health care providers, victim advocates, victim witness coordinators, universities, and other professionals dedicated to preventing domestic violence and assisting victims of violence.

She is a trailblazer for Federal legislation protecting women. I know because I worked directly with Sue to pass the first-ever Federal law that recognizes the rights of dating partners in abusive relationships and offered them Federal assistance for the first time. We were able to shepherd that groundbreaking legislation through the Congress and saw it signed into law in 2004. ''Cassie's Law'' was named for Cassie Dehl of Idaho, who died following an abusive dating relationship. Sue Fellen, as a leader of the effort to stop abusive relationships in Idaho, was also a member of the National Network to End Domestic Violence. In her role in Idaho and nationally, Sue helped get the word out that this Idaho legislation should become a national model and I am proud to have partnered with her in these efforts.

Sue and I worked with a large group of Idahoans and found the funding and commitment to the first one-stop response center for response, treatment and prosecution in domestic violence and sexual assault cases in Idaho. I am proud to say that the FACES Center—for Family Advocacy Center and Education Services—has now been open nearly 5 years.

Sue Fellen and I have worked together on many other Federal issues. Congress has a penchant to want to spend money and on many occasions, leaders in both political parties have seen fit to borrow from the Victims of Crime Act, or VOCA. This fund is replenished by those who perpetrate crime and is intended as an ongoing fund to benefit the victims of crime and family members who need assistance. By working with advocates like Sue Fellen and my colleagues here in the Senate such as the chairman of the Judiciary Committee, my friend PATRICK LEAHY of Vermont, we have been able to keep that VOCA funding intact, and away from being spent on programs for which that money was never intended.

I have been proud to partner with Sue and the National Network with other Senate colleagues as we strengthened the Violence Against Women Act, provided improved DNA and rape assistance kits to speed the conviction of assault cases and worked with private partners such as the Liz Claiborne Foundation to broaden the audience for the critical message that domestic and sexual violence should not be tolerated. Not by Congress. Not by men. Not by anyone.

Surveys show that, out of the teenagers questioned, more than half, 62 percent, know someone who has been in an abusive relationship with their boyfriend. Two in five know someone who has been put down or called stupid, many of them through the social media on their computers and texts on their phones.

One in five between the ages of 13 and 14 know of friends and peers who have been hit, kicked, slapped or punched in anger. These statistics should alarm all of us. I have often said men should not stand by and observe any domestic violence.

Thankfully, there are people who do not just stand by. They jump in. They dedicate their lives to improving the safety of women, children and families. They are people like Sue Fellen and I am glad to call Sue my friend and colleague in this effort.

Thank you, Sue. You and your husband Sherm, and even your dog Belle, can look forward to a most well-deserved retirement.●

TRIBUTE TO JACOB COSTELLO

● Mrs. LINCOLN. Mr. President, today I recognize Arkansan Jacob Costello of Wesley, winner of the Congressional Award Gold Medal, the highest honor bestowed upon young people by the U.S. Congress. It is the first and only award for youth legislated by the U.S. Congress. I was proud to meet with Jacob in Washington this week and learn more about his experiences achieving this great honor.

Earning the Congressional Award Gold Medal requires a significant commitment. Participants must spend 2 years or more completing at least 400 hours of community service, 200 hours of personal development and physical fitness activities, and a 4-night ''Expedition or Exploration.''

Upon completion of these requirements, young leaders like Jacob from across the United States gather in Washington to honor their commitment to community service and personal improvement. They also have the opportunity to learn more about the federal government and visit Washington's museums and memorials.

Jacob represents the best of our Arkansas values of hard work and determination. His dedication to volunteerism and public service is to be admired by all Arkansans, and I commend him for this tremendous honor.●

RECOGNIZING GAY ISLAND OYSTER COMPANY

● Ms. SNOWE. Mr. President, one of the most beloved summer traditions we have in coastal Maine is enjoying fresh seafood from our State's numerous bays and harbors. While Maine is of course famous for its exquisite lobster, parts of our State are also undergoing a renaissance in oyster harvesting, particularly in the midcoast region. Today, I rise to recognize one of the companies involved in this reinvigoration of the industry, the Gay Island Oyster Company, a small family-run business founded in 2000 in the small seaside town of Cushing by Tara and Barrett Lynde.

A historic source of food in Maine, oysters have been gathered off the State's coast for over 5,000 years. Certain excavations have even found piles of shucked oysters, also known as ''middens,'' over 30 feet deep near the Damariscotta River near present-day route 1. Unfortunately, by 1949, climate changes, development, overfishing, and pollution had all but eliminated Maine's native oyster population. In response, Maine's Department of Sea and Shore Fisheries began a concerted effort to return this unique bivalve to local waters.

The Gay Island Oyster Company is one of the pioneering small businesses to take advantage of this reintroduction and has helped to revolutionize Maine's aquaculture industry. The owners of the company, Tara and Barrett Lynde, also hold a special distinction as a dynamic mother-and-son oyster harvesting team. Their oyster farm is unique in its harvesting methods, using floating mesh bags which bring Gay Island's oysters to the water's surface exposing them to tidal water flows. Tara and Barrett say that by

bringing oysters, which are normally found on the bottom of the ocean, to the surface, the oysters benefit from constant movement which translates into deeper oysters, narrower shells, and a cleaner taste. This method ensures that Gay Island oysters are full and sweet with perfect salinity and consistent taste.

To harvest these oysters, Tara and Barrett first place oyster seedlings in the calmer and less salty waters of the Meduncook River. After about a year they are moved a short distance away to an area between Gay and Morse islands, just off the coast of Cushing. The oysters then remain there for 2 more years before they are ready for harvest and consumption.

Gay Island Oyster Company is proud to remain a small business, and Tara and Barrett believe that their individual attention to detail allows them to ensure that the quality of their oysters will remain high. As a small family owned and operated business, Gay Island Oyster Company's efforts at responsible and sustainable oyster cultivation are a positive contribution towards a sensible use of such a precious resource. While Gay Island oysters are found in numerous restaurants, they can also be ordered from anywhere in the United States online, and are shipped the same day they are harvested to guarantee an unmatched freshness.

Maine's coastal heritage is critical to the past, present, and future of our State. While we often recognize the lobstermen and fishermen who spend long hours hauling in their catches, oystermen and other shellfishermen deserve credit for the intensity of their labors. I congratulate Tara and Barrett Lynde for founding Gay Island Oysters and recapturing a lost part of Maine's aquaculture, and I wish them all the best for many more successful years to come.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:19 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills and joint resolution, without amendment:

S. 1660. An act to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 2865. An act to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.), and for other purposes.

S.J. Res. 32. Joint resolution recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3993. An act to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services.

H.R. 5481. An act to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

H.R. 5551. An act to require the Secretary of the Treasury to make a certification when making purchases under the Small Business Lending Fund Program.

H.R. 5569. An act to extend the National Flood Insurance Program until September 30, 2010.

The message further announced that the Clerk be directed to request the Senate to return to the House of Representatives the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At 1:27 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431), and the order of the House of January 6, 2009, the Speaker appointed the following members on the part of the House of Representatives to the Commission on International Religious Freedom: Ms. Elizabeth W. Prodromou of Boston, Massachusetts, for a 2-year term ending May 14, 2012, to succeed herself, and upon the recommendation of the Minority Leader: Mr. Ted Van Der Meid of Rochester, New York, for a 2-year term ending May 14, 2012, to succeed Ms. Nina Shea.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 4:46 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 1660. An act to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 2865. An act to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.), and for other purposes.

S.J. Res. 32. Joint resolution recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance.

The enrolled bills and joint resolution were signed by the Acting President pro tempore (Mr. REID).

ENROLLED BILL SIGNED

At 7:19 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3962. An act to provide a physician payment update, to provide pension funding relief, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

At 7:31 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 3962) to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3993. An act to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services; to the Committee on Commerce, Science, and Transportation.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 5481. An act to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

H.R. 5551. An act to require the Secretary of the Treasury to make a certification when making purchases under the Small Business Lending Fund Program.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6375. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Thiamethoxam; Pesticide Tolerances'' (FRL No. 8830–4) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6376. A communication from the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report entitled ''2010 Report to Congress on Sustainable Ranges''; to the Committee on Armed Services.

EC–6377. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Ownership or Control by a Foreign Government'' (DFARS Case 2010–D010) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Armed Services.

EC–6378. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Payments in Support of Emergencies and Contingency Operations'' (DFARS Case 2009–D020) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Armed Services.

EC–6379. A joint communication from the President and Chief Executive Officer and the Chief Accounting and Administrative Officer and Corporate Secretary, Federal Home Loan Bank of Seattle, transmitting, pursuant to law, the Bank's 2009 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–6380. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13348 relative to the former Liberian regime of Charles Taylor; to the Committee on Banking, Housing, and Urban Affairs.

EC–6381. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Canada and Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–6382. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled, ''Fundamental Properties of Asphalts and Modified Asphalts-III''; to the Committee on Commerce, Science, and Transportation.

EC–6383. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report entitled ''National Action Plan on Demand Response''; to the Committee on Energy and Natural Resources.

EC–6384. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Fee Schedules; Fee Recovery for FY 2010'' (RIN3150–AI70) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Environment and Public Works.

EC–6385. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Ohio; Final Approval and Promulgation of State Implementation Plans; Carbon Monoxide and Volatile Organic Compounds'' (FRL No. 9159–3) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Environment and Public Works.

EC–6386. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Massachusetts: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL No. 9165–8) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Environment and Public Works.

EC–6387. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment for PM10 for the Sandpoint PM10 Nonattainment Area, Idaho'' (FRL No. 9165–2) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Environment and Public Works.

EC–6388. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oklahoma: Incorporation by Reference of Approved State Hazardous Waste Management Program'' (FRL No. 9162–7) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Environment and Public Works.

EC–6389. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Arkansas: Final Authorization of State-initiated Changes and Incorporation by Reference of State Hazardous Waste Management Program'' (FRL No. 9161–9) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Environment and Public Works.

EC–6390. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rules on Certain Chemical Substances'' ((RIN2070–AB27)(FRL No. 8824–6)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Environment and Public Works.

EC–6391. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—July 2010'' (Rev. Rul. 2010–18) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Finance.

EC–6392. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Interest and Penalty Suspension Provisions Under Section 6404(g) of the Internal Revenue Code'' ((TD 9488)(RIN1545–BE07)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Finance.

EC–6393. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rules Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act'' ((TD 9489)(RIN1545–BJ51)) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Finance.

EC–6394. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Sweden and Norway for the manufacture of F414–GE–400 engine components in support of U.S. Navy Commercial and FMS contracts in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–6395. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Centers for Independent Living Program—Training and Technical Assistance'' (CFDA No. 84.400B) received in the Office of the President of the Senate on June 22, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6396. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers (RRTCs)—Employment Outcomes for Individuals who are Blind or Visually Impaired'' (CFDA No. 84.133B–6) received in the Office of the President of the Senate on June 22, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6397. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''General Schedule Locality Pay Areas'' (RIN3206–AL96) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–6398. A communication from the Inspector General, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2009 through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–6399. A communication from the Secretary of Labor, transmitting, pursuant to law, the Semiannual Report of the Office of Inspector General of the Pension Benefit Guaranty Corporation for the period from April 1, 2009, through September 30, 2009 and the Director's Semiannual Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations; to the Committee on Homeland Security and Governmental Affairs.

EC–6400. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 3466. A bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Dennis J. Toner, of Delaware, to be a Governor of the United States Postal Service for the remainder of the term expiring December 8, 2012.

*John S. Pistole, of Virginia, to be an Assistant Secretary of Homeland Security.

By Mr. LEAHY for the Committee on the Judiciary.

Cathy Jo Jones, of Ohio, to be United States Marshal for the Southern District of Ohio for the term of four years.

Edward L. Stanton, III, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of four years.

Stephen R. Wigginton, of Illinois, to be United States Attorney for the Southern District of Illinois for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN of Ohio:

S. 3527. A bill to amend title XVIII of the Social Security Act to ensure access to chest radiography (x-ray) services that use Computer-Aided Detection for the purpose of early detection of lung cancer; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. LAUTENBERG, Mr. WHITEHOUSE, Ms. COLLINS, Mrs. SHAHEEN, Mrs. BOXER, Mr. KERRY, Ms. CANTWELL, Mr. REED, and Mr. BEGICH):

S. 3528. A bill to promote coastal jobs creation, promote sustainable fisheries and fishing communities, revitalize waterfronts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. HAGAN:

S. 3529. A bill to require that certain Federal job training and career education programs give priority to programs that provide an industry-recognized and nationally portable credential; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PRYOR (for himself and Mr. WARNER):

S. 3530. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to provide for prize competitions to stimulate innovations that advance the missions of Federal agencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SANDERS (for himself, Mrs. MURRAY, and Mr. LEAHY):

S. 3531. A bill to amend the Dairy Production Stabilization Act of 1983 to establish a dairy market stabilization program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 3532. A bill to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects; to the Committee on Energy and Natural Resources.

By Mr. SANDERS (for himself, Mr. WHITEHOUSE, Mr. HARKIN, Mr. BROWN of Ohio, and Mr. FRANKEN):

S. 3533. A bill to amend the Internal Revenue Code of 1986 to reinstate estate and generation-skipping taxes, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. DORGAN):

S. 3534. A bill to establish a Native American entrepreneurial development program in the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

By Mr. BURR (for himself and Mr. CHAMBLISS):

S. 3535. A bill to enhance the energy security of the United States by promoting the production of natural gas, nuclear energy, and renewable energy, and for other purposes; to the Committee on Finance.

By Mr. BENNETT (for himself and Ms. KLOBUCHAR):

S. 3536. A bill to enhance aviation security and protect personal privacy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL of Colorado (for himself, Mr. BENNETT, Mr. BENNET, and Mr. HATCH):

S. 3537. A bill to provide for certain land exchanges in Gunnison County, Colorado, and Uintah County, Utah; to the Committee on Energy and Natural Resources.

By Mr. BOND (for himself and Mr. HATCH):

S. 3538. A bill to improve the cyber security of the United States and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MERKLEY (for himself, Mr. FRANKEN, Mr. BROWN of Ohio, Mr. BEGICH, Mr. KERRY, Mr. WYDEN, Mrs. SHAHEEN, Ms. CANTWELL, Mrs. FEINSTEIN, Mrs. BOXER, Ms. MIKULSKI, Mrs. MURRAY, and Mrs. GILLIBRAND):

S. Res. 565. A resolution supporting and recognizing the achievements of the family planning services programs operating under title X of the Public Health Service Act; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 28, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

S. 306

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 306, a bill to promote biogas production, and for other purposes.

S. 332

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 435

At the request of Mr. CASEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

S. 678

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 678, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 797

At the request of Mr. DORGAN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 797, a bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes.

S. 831

At the request of Mr. KERRY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 1674

At the request of Mr. WYDEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 2792

At the request of Mrs. GILLIBRAND, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 2792, a bill to amend the Federal Meat Inspection Act to develop an effective sampling and testing program to test for E. coli O157:H7 in boneless beef manufacturing trimmings and other raw ground beef components, and for other purposes.

S. 3029

At the request of Mr. KERRY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 3029, a bill to establish an employment-based immigrant visa for alien entrepreneurs who have received significant capital from investors to establish a business in the United States.

S. 3036

At the request of Mr. BAYH, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3171

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3171, a bill to amend title 38, United States Code, to provide for the approval of certain programs of education for purposes of the Post-9/11 Educational Assistance Program.

S. 3192

At the request of Mr. SPECTER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3192, a bill to amend title 38, United States Code, to provide for the tolling of the timing of review for appeals of final decisions of the Board of Veterans' Appeals, and for other purposes.

S. 3196

At the request of Mr. KAUFMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3196, a bill to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

S. 3213

At the request of Mr. LEVIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3213, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 3278

At the request of Mr. BENNET, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 3278, a bill to establish the Meth Project Prevention Campaign Grant Program.

S. 3320

At the request of Mr. WHITEHOUSE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3335

At the request of Mr. COBURN, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 3335, a bill to require Congress to establish a unified and searchable database on a public website for congressional earmarks as called for by the President in his 2010 State of the Union Address to Congress.

S. 3347

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 3347, a bill to extend the National Flood Insurance Program through December 31, 2010.

S. 3371

At the request of Mrs. MCCASKILL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3371, a bill to amend title 10, United States Code, to improve access to mental health care counselors under the TRICARE program, and for other purposes.

S. 3479

At the request of Mrs. HAGAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3479, a bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program.

S. 3481

At the request of Mr. CARDIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3481, a bill to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution.

S. 3505

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3505, a bill to prohibit the purchases by the Federal Government of Chinese goods and services until China agrees to the Agreement on Government Procurement, and for other purposes.

S. 3512

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3512, a bill to provide a statutory waiver of compliance with the Jones Act to foreign flagged vessels assisting in responding to the Deepwater Horizon oil spill.

S. RES. 519

At the request of Mr. DEMINT, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 554

At the request of Mr. ENZI, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 554, a resolution designating July 24, 2010, as ''National Day of the American Cowboy''.

S. RES. 564

At the request of Mr. WEBB, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Indiana (Mr. LUGAR) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Res. 564, a resolution recognizing the 50th anniversary of the ratification of the Treaty of Mutual Security and Cooperation with Japan, and affirming support for the United States-Japan security alliance and relationship.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself, Mr. LAUTENBERG, Mr. WHITEHOUSE, Ms. COLLINS, Mrs. SHAHEEN, Mrs. BOXER, Mr. KERRY, Ms. CANTWELL, Mr. REED, Mr. BARRASSO, and Mr. BEGICH):

S. 3528. A bill to promote coastal jobs creation, promote sustainable fisheries and fishing communities, revitalize waterfronts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Coastal Jobs Creation Act of 2010. This bill would establish a grant program within the Department of Commerce to enhance employment opportunities for coastal communities by increasing support for cooperative research programs, revitalization of coastal infrastructure, and stewardship of coastal and marine resources. As Ranking Member of the Senate Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, and as a Senator from a State which relies heavily on its coastal region as an economic driver, I am acutely aware of the hardships that have been visited on these areas in recent years.

I particularly want to thank my lead cosponsor on this key piece of legislation, Senator LAUTENBERG. Clearly, his home State of New Jersey shares many of the same issues we face in Maine when it comes to ensuring the vitality of our historic fishing and coastal industries, and I greatly appreciate his support of this initiative. I also want to thank the bill's additional cosponsors, Senators WHITEHOUSE, COLLINS, SHAHEEN, BOXER, KERRY, and CANTWELL, for their vital contributions.

As our Nation struggles to recover from the ongoing recession, it is critical that we do all we can to create employment opportunities. I have said it before, and I will say it again: the jobless recovery that our Nation is currently experiencing is not a true economic recovery. While the most recent unemployment figures may have shown a decline from 9.9 to 9.7 percent—of course, welcome news—the private sector is not creating jobs. Indeed, there were 411,000 temporary Census employees hired in May, as opposed to the 41,000 new jobs in the private sector. This does not bode well for our future

economic health, and does not instill confidence in our fragile economy.

Ultimately, what affects our coastal economy drives our Nation's economy. More than 75 percent of growth in this country from 1997 to 2007, whether measured in population, jobs, or GDP, occurred in coastal States, and more than half of U.S. citizens live in coastal communities. As the Nation's economy has struggled through the ongoing recession, maritime industries have experienced more than their share of hardship. This has been compounded in the fishing industry by regulatory changes mandated by the Magnuson-Stevens Fishery Conservation and Management Act which we reauthorized in 2006. The law now requires strict, science-based annual catch limits to be imposed in all fisheries by 2011. While we expect these changes will ultimately be beneficial to the health of the fish stocks, they have dire economic implications today.

On April 18, 2010, Bumble Bee Foods shuttered the last sardine cannery in the United States, which had been located in Prospect Harbor, Maine. This closure can be attributed to a single cause: the National Marine Fisheries Service's decision to slash the catch limit for herring by 38 percent for 2010, meaning there were not enough fish available to supply the plant. Scientists did not recommend this reduction because herring is overfished—it is not—but rather because they did not have the data to provide sufficient confidence in the stock assessment. In addition to impacts on the herring and lobster fisheries, this lack of data has directly resulted in a century-old fish processing plant closing its doors, costing an economically depressed community 130 jobs and spelling the end of an entire industry in the United States. If the law's new mandates are to be effective, they will require an infusion of better scientific data. The grant program authorized in this legislation will lead to more cooperative research to improve fishery-dependent data and increase employment opportunities for fishermen by involving them in the research process.

An additional concern this bill would help alleviate is the rapid decline in availability of working waterfront property. As Americans move to the coast in greater numbers, the demand for waterfront property increases, boosting prices and raising the tax burdens on waterfront property owners. According to a report by Maine Sea Grant and the Island Institute, a nonprofit advocacy group, of the more than 5,300 miles of Maine's coastline, just 20 miles remain in use as working waterfront property—less than half of one percent of the potential area. This bill would authorize grants to recapitalize working waterfront property to stem the loss of this vital infrastructure without which our coastal industries will simply vanish.

If enacted, this critical legislation would greatly enhance the health and vitality of our Nation's coastal communities, and help put our Nation on a path to a true economic recovery, driven by small businesses and private sector job creation. Once again, I thank Senator LAUTENBERG, and all of my cosponsors again for their efforts in developing this vital legislation.

By Mrs. HAGAN:

S. 3529. A bill to require that certain Federal job training and career education programs give priority to programs that provide an industry-recognized and nationally portable credential; to the Committee on Health, Education, Labor, and Pensions.

Mrs. HAGAN. Mr. President, today, I am proud to introduce an important piece of legislation to spur job growth across America. The American Manufacturing Efficiency and Retraining Investment Collaboration Achievement Works Act also known as the AMERICA Works Act is part of the solution to the Nation's unemployment problem.

With the national unemployment rate at 9.7 percent, and at 10.8 percent in my home state of North Carolina, we need to do everything we can to reinvigorate the American workforce.

The United States needs a strong technical workforce. Our country is facing a widening skills gap between older workers with advanced technical skills who will be retiring in the next few years, and the younger workers who have not yet received adequate training to replace them. The benefits of industry-recognized credentials are widely known, but too often those credentials do not count toward educational requirements, do not match the needs of local employers, or require too much time to earn just one credential. Ultimately, the system ends up breaking down, to the detriment of instructors, employers, and employees.

The AMERICA Works Act would give priority to Federal job training programs that provide an industry-recognized and nationally-portable credential. The legislation encourages national industries to come together and agree upon common standards, defining the skill sets needed in employees. Once industries have agreed upon standards, they can work with educational institutions to turn the standards into workable curriculums with tiered or stackable credentials. Ultimately, local workforce boards can help workers seeking training and employment opportunity by directing them toward job training programs that have priority under existing Federal programs.

The AMERICA Works Act would require certain Federal job training and career development education programs to give priority to programs that provide an industry-recognized and nationally-portable credential. This credentialing system starts out with basic competencies that prepare individuals for the workplace. Once basic competencies are completed, individuals can work toward high performance technical competencies and then progress further to highly skilled technical and management competencies. The credentialing levels are stackable, allowing workers flexibility along their career tracks. Stackable credentials provide straight forward paths, with clear entry and exit points, for workers to advance their careers and attain high quality jobs.

In North Carolina, we have an advanced manufacturing skills program at Forsyth Technical Community College in Winston-Salem. Forsyth Technical Community College is participating in the National Association of Manufacturers Endorsed Skills Certification System, which offers credit programs toward nationally-recognized, stackable credentials. Currently, they have 207 students enrolled in their programs. Forsyth Technical has already collaborated with State and local businesses to begin the process of incorporating their credentials into job descriptions. They believe that introducing graduates with skill certifications into the local workforce will help improve the hiring process, and these nationally-recognized credentials will increase employment opportunities.

The AMERICA Works Act will benefit business. When businesses clearly identify skills they need in their employees, educational institutions can tailor programs to teach those skills and workers will be better suited to meet their needs—starting on day one.

This legislation will benefit workers. Stackable credentials benefit workers by offering several on-ramps and off-ramps to a two-year technical degree: workers in training can exit the system having earned a basic, industry-recognized credential that qualifies them for employment, but without having completed the full two-year technical degree, and they can easily re-enter the system later to move up within their field and work toward the more advanced degree.

The AMERICA Works Act will benefit educational programs. Local educational institutes want to provide their students with the most useful skills possible. Open lines of communication between businesses, workforce boards and workers will better enable them to do just that.

This legislation will benefit local economies. Local workforce boards will have the chance to determine which skills training programs are most valuable for their region, today and into the future. Local areas with well-trained workforces can more effectively lure new businesses. While this bill mentions manufacturing, it would benefit any industry that meets the criteria established in the legislation.

I want to do everything I can to create jobs and make sure our workers have the skills needed to help our businesses grow and thrive. By incentivizing companies to work with educational institutes and develop industry-recognized, nationally-portable,

and stackable credentialing curricula, we can ensure that we have the best businesses, with the best workers, trained at the best institutes.

I urge my other colleagues to join me in supporting this important bill to enhance employment opportunity for hardworking Americans.

By Ms. LANDRIEU (for herself and Mr. DORGAN):

S. 3534. A bill to establish a Native American entrepreneurial development program in the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, as Chair of the Committee on Small Business and Entrepreneurship, I am pleased to introduce the Native American Small Business Assistance and Entrepreneurial Growth Act of 2010. This vital and timely legislation codifies and builds upon the Small Business Administration's, SBA, existing efforts through the Office of Native American Affairs, which is responsible for overseeing and implementing programs that are specifically tailored to meet the needs of the Native American community. By strengthening and improving these programs, the SBA will be able to reach even more Native Americans, helping them to achieve their dream of starting or growing their own small businesses and spurring vital and necessary growth within tribal communities.

According to the most recent report released by the U.S. Census bureau, the ''three year average poverty rate for American Indians and Alaska Natives was 25.9 percent higher than for any other race groups.'' Additionally, research shows that entrepreneurial development is playing a significant role in promoting healthy tribal economies, and fostering much needed economic growth in various industries. Data from the 2000 U.S. Census shows that since 1997, the number of Native American-owned businesses has risen by 84 percent to 197,300, and that their gross incomes have increased by 179 percent to $34.5 billion.

However, in the face of historically high unemployment and tight credit, particularly for Native Americans, starting a business has never been more difficult. During the 111th Congress, the Committee has heard from industry experts, organizational leaders and entrepreneurs working in or on behalf of Native American communities. From them, we know that, despite the growth we are seeing in Native American-owned businesses, more resources are needed to provide additional technical assistance and business development opportunities so as to ensure the economic sustainability and growth within tribal communities. According to the Aspen Institute, ''training and technical assistance are arguably the most important components of microenterprise development services in the United States, particularly when those services are aimed at low-income clients.'' Additionally, according to the Corporation for Enterprise Development, this is particularly true for Native American entrepreneurs operating in environments that have not traditionally been geared towards private enterprise. For these reasons, it is critical that we do more to provide necessary resources for Native American entrepreneurial development programs that are working to address critical sustainability issues in tribal communities.

That is why today I am introducing the Native American Small Business Assistance and Entrepreneurial Growth Act of 2010. Since its establishment, SBA's Office of Native American Affairs worked to promote and support Native American entrepreneurs and to encourage important entrepreneurial activity in Native American communities. This legislation will further enhance and improve the existing programs within the Office of Native American Affairs, as well as create a new program that provides financial assistance to eligible entities to create Native American business centers which will conduct projects to provide culturally tailored business development training and related services to Native Americans and Native American small business concerns.

In introducing this important piece of legislation today, I would note that many of the provisions in this bill were included in S. 1229, the Entrepreneurial Development Act of 2009, which I introduced earlier this Congress and which passed out of Committee with unanimous and bi-partisan support in June of 2009. It is also the basis for many of the SBA related provisions included in the Native American Employment Act of 2010 that Senator DORGAN, Chairman of the U.S. Senate Committee on Indian Affairs introduced earlier this month. Given the importance of this legislation to hundreds of thousands of Native American-owned businesses, and the potential we have before us to strengthen one of America's greatest emerging markets, I have decided to re-introduce these provisions as a stand-alone bill. I look forward to working with my colleagues in the Senate to bring this legislation to the President's desk in the coming months.

In closing, I would like to thank Chairman DORGAN for his continued leadership on behalf of existing and future Native American small business owners, and especially for his cosponsorship of this important legislation. Chairman DORGAN has been a tireless advocate for Native American communities across the country and in his home state of North Dakota, and I am pleased to have his support on this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Native American Small Business Assistance and Entrepreneurial Growth Act of 2010''.

SEC. 2. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(b)(1) (15 U.S.C. 633(b)(1))—

(A) in the fifth sentence, by striking ''five Associate Administrators'' and inserting ''6 Associate Administrators''; and

(B) by inserting after the fifth sentence the following: ''1 Associate Administrator shall be the Associate Administrator of the Office of Native American Affairs established by section 44.'';

(2) by redesignating section 44 as section 45; and

(3) by inserting after section 43 (15 U.S.C. 657o) the following:

''SEC. 44. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ASSOCIATE ADMINISTRATOR.—The term 'Associate Administrator' means the Associate Administrator of the Office of Native American Affairs established under subsection (b).

''(2) CENTER; NATIVE AMERICAN BUSINESS CENTER.—The terms 'center' and 'Native American business center' mean a center established under subsection (c).

''(3) ELIGIBLE APPLICANT.—The term 'eligible applicant' means—

''(A) a tribal college;

''(B) a private, nonprofit organization—

''(i) that provides business and financial or procurement technical assistance to 1 or more Native American communities; and

''(ii) that is dedicated to assisting one or more Native American communities; or

''(C) a small business development center, women's business center, or other private organization participating in a joint project.

''(4) JOINT PROJECT.—The term 'joint project' means a project that—

''(A) combines the resources and expertise of 2 or more distinct entities at a physical location dedicated to assisting the Native American community; and

''(B) submits to the Administration a joint application that contains—

''(i) a certification that each participant of the project—

''(I) is an eligible applicant;

''(II) employs an executive director or program manager to manage the center; and

''(ii) information demonstrating a record of commitment to providing assistance to Native Americans and;

''(iii) information demonstrating that the participants in the joint project have the ability and resources to meet the needs, including the cultural needs, of the Native Americans to be served by the project.

''(5) NATIVE AMERICAN SMALL BUSINESS CONCERN.—The term 'Native American small business concern' means a small business concern that is at least 51 percent owned and controlled by —

''(A) an Indian tribe or a Native Hawaiian Organization, as the terms are described in paragraphs (13) and (15) of section 8(a), respectively; or

''(B) 1 or more individuals members of an Indian tribe or Native Hawaiian Organization.

''(6) NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.—The term 'Native American small business development program' means the program established under subsection (c).

''(7) SMALL BUSINESS CONCERN.—The term 'small business concern' has the same meaning as in section 3.

''(8) SMALL BUSINESS DEVELOPMENT CENTER.—The term 'small business development center' means a small business development center described in section 21.

''(9) TRIBAL COLLEGE.—The term 'tribal college' has the meaning given the term 'tribally controlled college or university' in section 2(a) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)).

''(10) TRIBAL LAND.—The term 'tribal land' has the meaning given the term 'reservation' in section 3 of the Indian Financing Act (25 U.S.C. 1452).

''(b) OFFICE OF NATIVE AMERICAN AFFAIRS.—

''(1) ESTABLISHMENT.—There is established within the Administration the Office of Native American Affairs, which, under the direction of the Associate Administrator, shall implement the programs of the Administration for the development of business enterprises by Native Americans.

''(2) PURPOSE.—The purpose of the Office of Native American Affairs is to help Native American small business concerns—

''(A) to start, operate, and increase the business of small business concerns;

''(B) to develop management and technical skills;

''(C) to seek Federal procurement opportunities;

''(D) to increase employment opportunities for Native Americans through the establishment and expansion of small business concerns; and

''(E) to increase the access of Native Americans to capital markets.

''(3) ASSOCIATE ADMINISTRATOR.—

''(A) APPOINTMENT.—The Administrator shall appoint a qualified individual to serve as Associate Administrator of the Office of Native American Affairs in accordance with this paragraph.

''(B) QUALIFICATIONS.—The Associate Administrator appointed under subparagraph (A) shall have—

''(i) knowledge of Native American culture; and

''(ii) experience providing culturally tailored small business development assistance to Native Americans.

''(C) EMPLOYMENT STATUS.—The Administrator shall establish the position of Associate Administrator, who shall—

''(i) be an appointee in the Senior Executive Service (as defined in section 3132(a) of title 5, United States Code); and

''(ii) shall report to and be responsible directly to the Administrator.

''(D) RESPONSIBILITIES AND DUTIES.—The Associate Administrator shall—

''(i) administer and manage the Native American small business development program;

''(ii) formulate, execute, and promote the policies and programs of the Administration that provide assistance to small business concerns owned and controlled by Native Americans;

''(iii) act as an ombudsman for full consideration of Native Americans in all programs of the Administration;

''(iv) recommend the annual administrative and program budgets for the Office of Native American Affairs;

''(v) consult with Native American business centers in carrying out the Native American small business development program;

''(vi) recommend appropriate funding levels;

''(vii) review the annual budgets submitted by each applicant for the Native American small business development program;

''(viii) select applicants to participate in the Native American small business development program;

''(ix) implement this section; and

''(x) maintain a clearinghouse for the dissemination and exchange of information between all Administration-sponsored business centers.

''(E) CONSULTATION REQUIREMENTS.—In carrying out the responsibilities and duties described in this paragraph, the Associate Administrator shall confer with and seek the advice of—

''(i) officials of the Administration working in areas served by Native American business centers; and

''(ii) eligible applicants.

''(c) NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.—

''(1) FINANCIAL ASSISTANCE.—

''(A) IN GENERAL.—The Administration, acting through the Associate Administrator, shall provide financial assistance to eligible applicants to establish Native American business centers in accordance with this section.

''(B) USE OF FUNDS.—The financial and resource assistance provided under this subsection shall be used to establish a Native American business center to overcome obstacles impeding the establishment, development, and expansion of small business concerns, in accordance with this section.

''(2) 5-YEAR PROJECTS.—

''(A) IN GENERAL.—Each Native American business center that receives assistance under paragraph (1)(A) shall conduct a 5-year project that offers culturally tailored business development assistance in the form of—

''(i) financial education, including training and counseling in—

''(I) applying for and securing business credit and investment capital;

''(II) preparing and presenting financial statements; and

''(III) managing cash flow and other financial operations of a business concern;

''(ii) management education, including training and counseling in planning, organizing, staffing, directing, and controlling each major activity and function of a small business concern; and

''(iii) marketing education, including training and counseling in—

''(I) identifying and segmenting domestic and international market opportunities;

''(II) preparing and executing marketing plans;

''(III) developing pricing strategies;

''(IV) locating contract opportunities;

''(V) negotiating contracts; and

''(VI) using varying public relations and advertising techniques.

''(B) BUSINESS DEVELOPMENT ASSISTANCE RECIPIENTS.—The business development assistance under subparagraph (A) shall be offered to prospective and current owners of Native American small business concerns.

''(3) FORM OF FEDERAL FINANCIAL ASSISTANCE.—

''(A) DOCUMENTATION.—The financial assistance to Native American business centers authorized under this subsection may be made by grant, contract, or cooperative agreement.

''(B) PAYMENTS.—

''(i) TIMING.—Payments made under this subsection may be disbursed in periodic installments, at the request of the recipient.

''(ii) ADVANCE.—The Administrator may disburse not more than 25 percent of the annual amount of Federal financial assistance awarded to a Native American business center after notice of the award has been issued.

''(C) NON-FEDERAL CONTRIBUTIONS.—

''(i) IN GENERAL.—

''(I) INITIAL FINANCIAL ASSISTANCE.—Except as provided in subclause (II), an eligible applicant that receives financial assistance under this subsection shall provide non-Federal contributions for the operation of the Native American business center established by the eligible applicant in an amount equal to—

''(aa) in each of the first and second years of the project, not less than 33 percent of the amount of the financial assistance received under this subsection; and

''(bb) in the third through fifth years of the project, not less than 50 percent of the amount of the financial assistance received under this subsection.

''(II) RENEWALS.—An eligible applicant that receives a renewal of financial assistance under this subsection shall provide non-Federal contributions for the operation of a Native American business center established by the eligible applicant in an amount equal to not less than 50 percent of the amount of the financial assistance received under this subsection.

''(III) EXCEPTIONS.—The requirements of this section may be waived at the discretion of the Administrator, based on an evaluation of the ability of the eligible applicant to provide non-Federal contributions.

''(4) CONTRACT AND COOPERATIVE AGREEMENT AUTHORITY.—A Native American business center may enter into a contract or cooperative agreement with a Federal department or agency to provide specific assistance to Native American and other underserved small business concerns located on or near tribal land, to the extent that the contract or cooperative agreement is consistent with and does not duplicate the terms of any assistance received by the Native American business center from the Administration.

''(5) APPLICATION PROCESS.—

''(A) SUBMISSION OF A 5-YEAR PLAN.—Each applicant for assistance under paragraph (1) shall submit a 5-year plan to the Administration on proposed assistance and training activities.

''(B) CRITERIA.—

''(i) IN GENERAL.—The Administrator shall evaluate applicants for financial assistance under this subsection in accordance with selection criteria that are—

''(I) established before the date on which eligible applicants are required to submit the applications;

''(II) stated in terms of relative importance; and

''(III) publicly available and stated in each solicitation for applications for financial assistance under this subsection made by the Administrator.

''(ii) CONSIDERATIONS.—The criteria required by this subparagraph shall include—

''(I) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of current or potential owners of Native American small business concerns;

''(II) the ability of the applicant to commence a project within a minimum amount of time;

''(III) the ability of the applicant to provide quality training and services to a significant number of Native Americans;

''(IV) previous assistance from the Administration to provide services in Native American communities;

''(V) the proposed location for the Native American business center, with priority given based on the proximity of the center to the population being served and to achieve a broad geographic dispersion of the centers; and

''(VI) demonstrated experience in providing technical assistance, including financial, marketing, and management assistance.

''(6) CONDITIONS FOR PARTICIPATION.—Each eligible applicant desiring a grant under this

subsection shall submit an application to the Administrator that contains—

''(A) a certification that the applicant—

''(i) is an eligible applicant;

''(ii) employs a full-time executive director, project director, or program manager to manage the Native American business center; and

''(iii) agrees—

''(I) to a site visit by the Administrator as part of the final selection process;

''(II) to an annual programmatic and financial examination; and

''(III) to the maximum extent practicable, to remedy any problems identified pursuant to that site visit or examination;

''(B) information demonstrating that the applicant has the ability and resources to meet the needs, including cultural needs, of the Native Americans to be served by the grant;

''(C) information relating to proposed assistance that the grant will provide, including—

''(i) the number of individuals to be assisted; and

''(ii) the number of hours of counseling, training, and workshops to be provided;

''(D) information demonstrating the effectiveness and experience of the applicant in—

''(i) conducting financial, management, and marketing assistance programs designed to educate or improve the business skills of current or prospective Native American business owners;

''(ii) providing training and services to a representative number of Native Americans;

''(iii) using resource partners of the Administration and other entities, including institutions of higher education, Indian tribes, or tribal colleges; and

''(iv) the prudent management of finances and staffing;

''(E) the location at which the applicant will provide training and services to Native Americans;

''(F) a 5-year plan that describes—

''(i) the number of Native Americans and Native American small business concerns to be served by the grant;

''(ii) if the Native American business center is located in the continental United States, the number of Native Americans to be served by the grant; and

''(iii) the training and services to be provided to a representative number of Native Americans; and

''(G) if the applicant is a joint project—

''(i) a certification that each participant in the joint project is an eligible applicant;

''(ii) information demonstrating a record of commitment to providing assistance to Native Americans; and

''(iii) information demonstrating that the participants in the joint project have the ability and resources to meet the needs, including the cultural needs, of the Native Americans to be served by the grant.

''(7) REVIEW OF APPLICATIONS.—The Administrator shall approve or disapprove each completed application submitted under this subsection not later than 90 days after the date on which the eligible applicant submits the application.

''(8) PROGRAM EXAMINATION.—

''(A) IN GENERAL.—Each Native American business center established under this subsection shall annually provide to the Administrator an itemized cost breakdown of actual expenditures made during the preceding year.

''(B) ADMINISTRATION ACTION.—Based on information received under subparagraph (A), the Administration shall—

''(i) develop and implement an annual programmatic and financial examination of each Native American business center assisted pursuant to this subsection; and

''(ii) analyze the results of each examination conducted under clause (i) to determine the programmatic and financial viability of each Native American business center.

''(C) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to renew a grant, contract, or cooperative agreement with a Native American business center, the Administration—

''(i) shall consider the results of the most recent examination of the center under subparagraph (B), and, to a lesser extent, previous examinations; and

''(ii) may withhold the renewal, if the Administrator determines that—

''(I) the center has failed to provide the information required to be provided under subparagraph (A), or the information provided by the center is inadequate;

''(II) the center has failed to provide adequate information required to be provided by the center for purposes of the report of the Administrator under subparagraph (E);

''(III) the center has failed to comply with a requirement for participation in the Native American small business development program, as determined by the Administrator, including—

''(aa) failure to acquire or properly document a non-Federal contribution;

''(bb) failure to establish an appropriate partnership or program for marketing and outreach to reach new Native American small business concerns;

''(cc) failure to achieve results described in a financial assistance agreement; and

''(dd) failure to provide to the Administrator a description of the amount and sources of any non-Federal funding received by the center;

''(IV) the center has failed to carry out the 5-year plan under in paragraph (6)(F); or

''(V) the center cannot make the certification described in paragraph (6)(A).

''(D) CONTINUING CONTRACT AND COOPERATIVE AGREEMENT AUTHORITY.—

''(i) IN GENERAL.—The authority of the Administrator to enter into contracts or cooperative agreements in accordance with this subsection shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

''(ii) RENEWAL.—After the Administrator has entered into a contract or cooperative agreement with any Native American business center under this subsection, the Administrator may not suspend, terminate, or fail to renew or extend any such contract or cooperative agreement unless the Administrator—

''(I) provides the center with written notification that describes the reasons for the action of the Administrator; and

''(II) affords the center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

''(E) ANNUAL MANAGEMENT REPORT.—

''(i) IN GENERAL.—The Administrator shall prepare and submit to the Committee on Small Business and Entrepreneurship and the Committee on Indian Affairs of the Senate and the Committee on Small Business and the Committee on Natural Resources of the House of Representatives an annual report on the effectiveness of all projects conducted by Native American business centers under this subsection and any pilot programs administered by the Office of Native American Affairs.

''(ii) CONTENTS.—Each report submitted under clause (i) shall include, with respect to each Native American business center receiving financial assistance under this subsection—

''(I) the number of individuals receiving assistance from the Native American business center;

''(II) the number of startup business concerns established with the assistance of the Native American business center;

''(III) the number of existing businesses in the area served by the Native American business center seeking to expand employment;

''(IV) the number of jobs established or maintained, on an annual basis, by Native American small business concerns assisted by the center since receiving funding under this section;

''(V) to the maximum extent practicable, the amount of the capital investment and loan financing used by emerging and expanding businesses that were assisted by a Native American business center;

''(VI) any additional information on the counseling and training program that the Administrator determines to be necessary; and

''(VII) the most recent examination, as required under subparagraph (B), and the determination made by the Administration under that subparagraph.

''(9) ANNUAL REPORTS.—Each Native American business center receiving financial assistance under this subsection shall submit to the Administrator an annual report on the services provided with the financial assistance, including—

''(A) the number of individuals assisted, by tribal affiliation;

''(B) the number of hours spent providing counseling and training for those individuals;

''(C) the number of startup small business concerns established or maintained with the assistance of the Native American business center;

''(D) the gross receipts of small business concerns assisted by the Native American business center;

''(E) the number of jobs established or maintained by small business concerns assisted by the Native American business center; and

''(F) the number of jobs for Native Americans established or maintained at small business concerns assisted by the Native American business center.

''(10) RECORD RETENTION.—

''(A) APPLICATIONS.—The Administrator shall maintain a copy of each application submitted under this subsection for not less than 7 years.

''(B) ANNUAL REPORTS.—The Administrator shall maintain copies of the certification submitted under paragraph (6)(A) indefinitely.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out the Native American small business development program $10,000,000 for each of fiscal years 2011 through 2013.

''(2) ADMINISTRATION.—Not more than 10 percent of funds appropriated for a fiscal year may be used for the costs of administering the programs under this section.''.

By Mr. UDALL of Colorado (for himself, Mr. BENNETT, Mr. BENNET, and Mr. HATCH):

S. 3537. A bill to provide for certain land exchanges in Gunnison County, Colorado, and Uintah County, Utah; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, I rise today to speak about legislation I am introducing, co-sponsored by Senators BENNETT, HATCH, and BENNET of Colorado, to effectuate a relatively small land exchange involving

lands in Colorado and Utah. The exchange involves a private ranch, the U.S. Bureau of Land Management and the National Park Service.

In a nutshell, the private Bear Ranch in central/west Colorado is completely bisected by a narrow strip of BLM land, mostly 1/4 to 1/2 mile wide, which is of limited public use due to its narrow configuration. The Bear Ranch would like to acquire the BLM strip in order to consolidate its ranch holdings for more efficient land, ranch and wildlife management, and to improve wildlife enhancement. There is also an issue of inadvertent trespass onto the Bear Ranch from the neighboring BLM land that would be eliminated by the Bear Ranch's acquisition of the BLM land strip.

In return for the BLM land, the Bear Ranch has purchased or optioned two magnificent tracts of land in Colorado and Utah that would be added into the National Park System. The first is a 911 acre property near the shores of the heavily used Blue Mesa Reservoir in the Curecanti National Recreation Area outside of Gunnison, CO. This property has an important sage grouse habitat, superb views of both the Blue Mesa Reservoir and the spectacular Dillon Pinnacles, and an important elk and deer winter range. A portion of it might also be utilized for a future park visitor center.

In Utah, the Bear Ranch has optioned 80 acres located inside Dinosaur National Monument. The so-called Orchid Draw property is about 1 mile west of the Monument's Quarry Visitor Center and is thought to contain rich dinosaur and vertebrate fossil resources. It is also within an area of special botanic interest, with nine sensitive plant species. The Park Service has been trying to acquire this property for a long time.

There are several other special features of our legislation which deserve special mention.

First, the Bear Ranch will place a permanent conservation status on all the land it acquires from the BLM which will limit future use of the land to ranching, wildlife conservation, open space and recreational purposes only.

Second, the BLM land will be appraised at its full market value before the conservation easement is put in place so that the U.S. taxpayers will get full value for the land they convey to the Bear Ranch.

Third, if the land Bear Ranch conveys to the Park Service appraises higher than the BLM land, the Bear Ranch will forego any cash equalization payment which might otherwise be due from the U.S., and will instead donate the excess value to the U.S.

Fourth, the Bear Ranch has committed to donate up to $250,000 for new trail, trailhead and other outdoor recreational improvements in the vicinity of the land exchange in order to improve public access and enhance recreational opportunities on nearby Forest Service and BLM lands. Exactly where, and how, those funds will be used will be determined by BLM and Forest Service planning that is currently underway.

Our legislation has received the support of the local county and town governments of jurisdiction in both Colorado and Utah, and from numerous environmental, conservation, recreation, historic and natural preservation organizations. Those include Gunnison County. CO, Uintah County, UT, the City of Gunnison, CO, City of Vernal, UT, the Nature Conservancy, National Parks & Conservation Association, Thunder Mountain Wheelers, Intermountain Natural History Association, and several others.

The bill also effectuates another small land for right of way exchange near Marble, CO, in order to facilitate a proposed small hydroelectric project and to acquire a new public trailhead to access the popular Maroon Bells-Snowmass Wilderness Area. That exchange is endorsed by the Aspen Valley Land Trust, Holy Cross Electric Association, a rural electric cooperative, the Town of Marble, CO and Gunnison County, CO, among others.

In summary, this legislation represents a true ''win-win'' for both the general public and numerous local communities. I thank my colleagues, Senators BENNETT, HATCH, and BENNET for joining me in sponsoring the bill, and for Congressmen JOHN SALAZAR, JIM MATHESON and MIKE THOMPSON for introducing an identical bill in the House. I am looking forward to the Senate's expeditious consideration and approval so that it can become law this year.

By Mr. BOND (for himself and Mr. HATCH):

S. 3538. A bill to improve the cyber security of the United States and for other purposes; to the Committee on Homeland Security and Government Affairs.

Mr. BOND. Mr. President, over the past several months, our Homeland has experienced direct terrorist attacks against two military bases and attempted terrorist attacks on Christmas Day and in Times Square. These attacks quickly captured the attention of the American public and stand as stark reminders of the threats our Nation continues to face from terrorists across the globe.

After these recent attacks, I have no doubt that every American is aware of the threat from a terrorist with a bomb, which could take out a city block or bring down an airplane. But I am afraid that right now, the American public is largely unaware of a silent threat that could devastate our entire Nation—cyber attacks.

These cyber attacks happen every day, but have remained largely under the public radar. Our government, businesses, citizens, and even social networking sites all have been hit. Cyber attacks are on the rise and unless our private sector and Congress start down a better path to protect our information networks, serious damage to our economy and our national security will follow.

In an ever-increasing cyber age, where our financial system conducts trades via the Internet, families pay bills online, and the government uses computers to calculate benefits and implement war strategies, successful cyber attacks can be devastating. The nightmare scenarios no longer exist just in Hollywood movies. Imagine if a terrorist disrupted our air traffic control on an average day with more than 28,000 commercial aircraft in our skies; if a hacker took down Wall Street trading for just hours; or if an attack destroyed an electrical grid in a major city.

Scenarios like these make it even more important that we listen to the recent comments by former Director of National Intelligence Mike McConnell who testified that ''[i]f we were in a cyber war today, the United States would lose.'' That is no insignificant statement coming from a military and intelligence veteran like Mike McConnell and it should cause all of us to pause and take a look at how we should neutralize this rising threat. Our networks and way of life could be taken down by an enemy state, a terrorist group, or a single hacker. That is why Senator HATCH and I are introducing the National Cyber Infrastructure Protection Act of 2010 today.

Let me be blunt here: our enemies won't wait for us to do our homework, solve our turf battles, or modernize our laws before using our networks as a deadly weapon; in fact, the attacks have already started. We do not have another day to waste, and I believe our bill is the best solution to address this threat.

This act is built on three principles: first, we must be clear about where Congress should, and, more importantly, should not legislate. Congress should set lanes in the road to protect our Nation's cyber security, but leave flexibility for the private sector and government to adapt to changing threats within those lanes.

In 1978, when the Foreign Intelligence Surveillance Act was enacted, it put into law certain technologies. Those technologies changed and thus FISA was ineffective in enabling us to listen in on cell phone and e-mail traffic between terrorists in foreign countries.

We have seen within the past few years the national security problems that can arise when laws are too rigid to keep pace with technology. We have also heard repeated concerns from industry, the private sector, and those operating critical infrastructure that overlegislating by Congress ultimately will make it harder to protect our networks as innovation and quick response get overrun by unnecessary regulatory schemes and mandates.

Second, right now virtually every Federal department or agency has

someone who is responsible for cyber security issues. But who makes sure that all those departments and agencies work together to protect all of our government networks? Who is the one person responsible, with authority to impact our cyber security strategies and activities? Unfortunately, right now, the answer is ''no one.''

To solve this problem, our bill establishes a National Cyber Center and designates a single, Senate-confirmed individual, accountable to the Congress and the American people and reporting directly to the President, to serve as the Director. The Director has the statutory responsibility and authority to coordinate activities to protect government networks and develop policies and procedures to help Federal agencies do the job.

In order to reduce the center's operating costs and to capitalize on the cyber expertise we all know resides in the Department of Defense, the National Cyber Center is administratively placed in DOD. But, out of deference to concerns that the military should not have too much control over government networks, the center is not run by the Defense Department and the Director does not report to the Secretary of Defense.

Because a key part of the center is to make sure the right people are talking to each other, the act requires those parts of DOD, the Department of Homeland Security, the Office of the Director of National Intelligence, and the Federal Bureau of Investigation needed to carry out the center's missions to collocate and integrate within the center, much like the National Counterterrorism Center integrates elements of the intelligence community. Other Federal agencies may also participate in the center.

As we put this bill together, former senior intelligence community officials told us that providing strong budget authority was essential for the Director to have the clout needed to do the job. And so, this act gives the Director clear input into cyber budgets across all Federal agencies, much like the Federal drug czar has in coordinating counterdrug budgets across different agencies. To hit this point home, the act also creates a National Cyber Security Program, similar to the National Intelligence Program. Such influence—influence that the current cyber czar simply does not have—is essential to creating a comprehensive, cost-effective approach to securing our government information networks.

The third and final principle underlying this act is the idea that there must be a venue for the government and the private sector to collaborate and share information on cyber-related matters. The private sector is often on the front lines of cyber attacks, so any information it can provide to increase government awareness of the source and nature of cyber threats will make both government and the private sector stronger. The corollary to this is that the Government must share its own cyber threat information, including classified or declassified intelligence, with the private sector.

Moreover, this collaboration, in order to be effective, must be voluntary. Once the private sector stands to gain technical advice and greater access to cyber threat information, there will be a clear incentive to join with the government in protecting our networks.

Our bill codifies this collaboration, creating a public-private partnership known as the Cyber Defense Alliance to facilitate the flow of information about cyber threats and the latest technologies between the private sector and the government. The Alliance will be the clearinghouse for passing sensitive cyber threat information to the private and critical infrastructure entities on the front lines, but without compromising our intelligence sources and methods.

We agree with intelligence experts and private sector representatives who have told us if the heavy hand of government drives this collaboration, it will not be effective. Therefore, the alliance will be managed by a board of directors consisting largely of private sector representatives and located in the Department of Energy, where the existing National Labs have great expertise to share. Because our private partners must know the information will not be compromised or other consequences will occur, the act gives solid protections from FOIA, antitrust restrictions, and other limitations.

This bill is one of many cyber-bills introduced in Congress, so some may be asking why this approach is better.

A key aspect of this bill is that it provides a practical public-private cyber infrastructure designed to address effectively the cyber threat rather than preserve the jurisdictional turf of any one agency or congressional oversight committee. In other words—I don't have a dog in this fight—I just want to pass the best bill to protect our networks. The cyber threat will only be eliminated when we get all of the public and private players working together in harmony under a common vision toward common mission objectives.

Our bill does not impose mandates on industry and the private sector—mandates and regulations that form the core of other bills, raising substantial concerns among our industry and private sector partners. Our economy is in turmoil as it is and the last thing we need are mandates imposed on U.S. businesses that will put them at a serious competitive disadvantage and jeopardize their proprietary information in the global marketplace. Many industry partners have told us that if we mandate this it would put them at a competitive disadvantage.

Finally, our bill moves away from the notion that creating a statutory cyber coordinator in the Executive Office of the President will solve the cyber security problem. The current cyber security coordinator in the White House has neither the authority nor the staff to coordinate the government's wide-range of cyber operations and strategies. Simply enshrining his position in statute will not overcome the claims of ''Executive Privilege'' that are bound to come when Congress asks for information and it will not guarantee the leadership necessary to address the cyber threat.

Also, I think many of my colleagues would agree that now is not the time to give the Department of Homeland Security more responsibility, as some of the cyber bills out there want to do. I don't think many in this Chamber would disagree that DHS is already overburdened.

The bill we are introducing today has already earned praise from the electric power sector because of the cooperative relationship that the Cyber Defense Alliance created in this bill fosters between the government and private sector. The entities that are part of the electric power sector recognize that this bill builds on what is already working and creates the infrastructure necessary to ensure a cooperative relationship between all of the relevant public and private cyber players to address the evolving cyber-security threat. I ask unanimous consent that this statement from the electric power sector be made a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE NATIONAL CYBER INFRASTRUCTURE PROTECTION ACT OF 2010

Protecting the North American electric grid and ensuring a reliable supply of power is the electric power industry's top priority. Reliability is more than a buzzword for the electric industry—it's a mandate. In fact, electric companies can be assessed substantial penalties for failure to comply with reliability standards.

This focus on reliability, resiliency and recovery requires the power sector to take an all-hazards approach, recognizing risks from natural phenomena such as hurricanes or geomagnetic disturbances to intentional cyber attacks. The electric power sector works closely with the North American Electric Reliability Corporation (NERC) and federal agencies to enhance the cyber security of the bulk power system. This includes coordination with the Federal Energy Regulatory Commission (FERC), the Department of Homeland Security (DHS), and the Department of Energy (DOE), as well as federal intelligence and law enforcement agencies, and various federal and provincial authorities in Canada.

To complement its cyber security efforts and to address rapidly changing intelligence on evolving threats, the industry welcomes a cooperative relationship with federal authorities to protect against situations that threaten national security or public welfare, and to prioritize the assets that need enhanced security. A well-practiced, public-private partnership utilizes all stakeholders' expertise, including the government's ability to gather and share timely and actionable threat information with critical infrastructure asset owners and operators, upon which they can formulate appropriate mitigation strategies to prevent significant adverse consequences to utility operations or assets.

The comprehensive draft cyber security legislation under development in the Senate Select Committee on Intelligence attempts to create such a cooperative relationship by:
* * *

Mr. BOND. In addition, because, the vice chairman of the Intelligence Committee, believe no legislation in this area should impede the intelligence community's ability to protect our nation from terrorist attacks and other threats, we asked the Office of the Director of National Intelligence for an informal assessment of our bill. They told us that, unlike other bills that have been introduced, this bill protects intelligence community equities, especially with respect to protecting classified intelligence sources and methods.

The National Cyber Infrastructure Protection Act of 2010 provides broad lanes in the road, without micromanaging, to give all partners in cyber security, whether government or private, the flexibility to defend against threats from our enemies. The private sector already has a tremendous incentive to protect their own networks; all the Federal Government needs to do is support them with technology and information and get out of the way.

Cyber attackers have been stealing intellectual property, threatening to take down our critical infrastructure, and gaining insight into our national security networks. The longer Congress waits to act, the more our vulnerability to these attacks increases. The National Cyber Infrastructure Protection Act will put the Government, our critical infrastructure companies, and the private sector on the right path to securing our networks. I urge my colleagues to join us in supporting this important legislation.

Mr. HATCH. Mr. President, today I rise to express my support as a cosponsor of the National Cyber Infrastructure Protection Act. At long last, our Nation is finally recognizing the increasing danger posed by cyber threats and the devastating disruption that they can cause because of the interdependent nature of information systems that support our Nation's critical infrastructure.

As a Nation, we must develop a strategy that provides a strategic framework to prevent cyber attacks against America's critical infrastructures. As a government, we must reduce national vulnerability to cyber attacks and minimize the damage and recovery time from cyber attacks should they occur. I believe that the legislation that my colleague from Missouri and I are introducing today will provide a sure foundation to put our Nation on a path to begin to address cyber vulnerabilities.

The challenge to protect cyberspace is vast and complex and ultimately requires the efforts of the entire government. As a Nation, we must recognize that cyber threats are multi-faceted and global in nature. These threats operate in an environment that rapidly changes. The sharing of information between government and the private sector is crucial to our overall national and economic viability.

Last January, McAfee issued a report that concluded that the use of cyber attacks as a strategic weapon by governments and political organizations is on the rise. The U.S. is the most targeted nation in the world—and our military, government, and private sector systems are often attacked with impunity. Our Nation has experienced large-scale malicious cyber intrusions from individuals, groups and nations. These attacks have dramatically increased in number and complexity.

Just last year, Google and over 30 other companies linked to our energy, finance, defense, technology and media sectors fell prey to costly cyber attacks. Too many nations either directly sanction this activity or give it tacit approval by failing to investigate or prosecute the perpetrators. Many of the major incidents are presently coming out of Russia and China.

The National Cyber Infrastructure Protection Act would establish a National Cyber Center, housed within the Department of Defense. The mission of the National Cyber Center would be to serve as the primary organization for coordinating Federal Government defensive operations, cyber intelligence collection and analysis, and activities to protect and defend Federal Government information networks. Critical in achieving this mission would be the sharing of information between the private sector and federal agencies regarding cyber threats. This center would be led by a Senate-confirmed director modeled after the Director of National Intelligence position. The director reports directly to the President and would coordinate cyber activities to protect and defend Federal Government information networks. The director would serve as the President's principal adviser on such matters and developing policies for securing Federal Government information networks.

In our Nation today, over 3/4 of our Nation's critical infrastructure is under the control of the private sector. One such example is smart grid technology for power grids. The Smart Grid will use automated meters, two-way communications and advanced sensors to improve electricity efficiency and reliability. The nation's utilities have embraced the concept and are installing millions of automated meters on homes across the country. However, cyber security experts have determined that some types of meters can be hacked. As we rely on technology developed by private industry, we must ensure that we harden this technology against threats that could leave our citizens vulnerable.

The opening salvos of future conflicts will be launched in cyberspace. In 2008, we saw this occur when Russian forces launched a cyber attack on Georgian defense and information networks. The Russians essentially blinded the Georgian military during the South Ostessia conflict. Our reliance on technology and integrated networks certainly makes our military and critical infrastructure more efficient. However, that efficiency can have its price in the form of cyber vulnerability.

As Americans, we must be prepared to fight back should we be attacked. We must also harden our networks against the tools that criminals use to steal a person's identity and a company's trade secrets. These are the same tools that today can and will be used by terrorists in the future to attack and erode our infrastructure and defense systems. The stakes are too high and the risks are too grave to delay. If we don't move now to protect our national cyber infrastructure, the consequences to our economy, security and citizens could be dire. This is a fight we must win. The only way to win is to be prepared.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 565—SUPPORTING AND RECOGNIZING THE ACHIEVEMENTS OF THE FAMILY PLANNING SERVICES PROGRAMS OPERATING UNDER TITLE X OF THE PUBLIC HEALTH SERVICE ACT

Mr. MERKLEY (for himself, Mr. FRANKEN, Mr. BROWN of Ohio, Mr. BEGICH, Mr. KERRY, Mr. WYDEN, Mrs. SHAHEEN, Ms. CANTWELL, Mrs. FEINSTEIN, Mrs. BOXER, Ms. MIKULSKI, Mrs. MURRAY, and Mrs. GILLIBRAND) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 565

Whereas 2010 marks the 40th anniversary of the family planning services programs operating under title X of the Public Health Service Act which has for 40 years provided low-income people in the United States access to contraceptive services, supplies, and information regardless of their ability to pay for these services;

Whereas a 2009 report from the Institute of Medicine echoed the Centers for Disease Control and Prevention's finding that, ''family planning is one of the most significant public health achievements of the twentieth century'';

Whereas the family planning services programs operating under title X are the only dedicated source of Federal funding for family planning services in the United States;

Whereas in 2008, 17,400,000 people were in need of publicly funded services and supplies;

Whereas in 2008, title X-funded family planning providers worked tirelessly to serve over 5,000,000 low-income men and women;

Whereas publicly supported family planning services, such as those provided by title X, help to prevent 1,500,000 unintended pregnancies each year;

Whereas the contribution of family planning services in assisting women in the planning and spacing of their pregnancies is linked to a reduction in infant mortality;

Whereas every dollar spent to provide services in the nationwide network of publicly funded family planning clinics saves $3.74 in Medicaid-related costs;

Whereas title X funds allow health centers to provide an array of confidential preventive health services, including contraceptive services, pelvic exams, pregnancy testing, screening for cervical and breast cancer, screening for high blood pressure, anemia, and diabetes, screening for STDs, including HIV, basic infertility services, health education, and referrals for other health and social services;

Whereas in 2008, title X centers provided over 2,200,000 Pap tests and over 2,300,000 clinical breast exams; and

Whereas women who have access to family planning services have better health outcomes: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the family planning services programs operating under title X of the Public Health Service Act as a critical component of the United States public health care system, providing high-quality family planning services and other preventive health care to low-income or uninsured individuals who may otherwise lack access to health care;

(2) recognizes family planning providers at Title X health centers who work tirelessly to provide quality care to millions of low-income women and men in the United States; and

(3) supports the mission of the family planning services programs operating under title X which provide men and women the opportunity to maintain their reproductive health which contributes to the health, social, and economic well-being of families in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4394. Mr. WHITEHOUSE (for himself, Mr. BENNET, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CORKER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. KAUFMAN, Ms. LANDRIEU, Mr. LEAHY, Mr. LEMIEUX, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. PRYOR, Mr. SCHUMER, Mr. SESSIONS, Mr. SPECTER, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4386 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 4395. Mr. HARKIN (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 4386 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4396. Mr. CORNYN (for Mr. KERRY) proposed an amendment to the resolution S. Res. 548, to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship Mavi Marmara.

SA 4397. Mr. CORNYN (for Mr. KERRY) proposed an amendment to the resolution S. Res. 548, supra.

TEXT OF AMENDMENTS

SA 4394. Mr. WHITEHOUSE (for himself, Mr. BENNET, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CORKER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. KAUFMAN, Ms. LANDRIEU, Mr. LEAHY, Mr. LEMIEUX, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. PRYOR, Mr. SCHUMER, Mr. SESSIONS, Mr. SPECTER, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4386 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 407, between lines 18 and 19, insert the following:

TITLE X—REGISTRATION OF AGENTS OF FOREIGN MANUFACTURERS AUTHORIZED TO ACCEPT SERVICE OF PROCESS

SEC. 1001. FINDINGS.

Congress makes the following findings:

(1) Each year, many people in the United States are injured by defective products manufactured or produced by foreign entities and imported into the United States.

(2) Both consumers and businesses in the United States have been harmed by injuries to people in the United States caused by defective products manufactured or produced by foreign entities.

(3) People in the United States injured by defective products manufactured or produced by foreign entities often have difficulty recovering damages from the foreign manufacturers and producers responsible for such injuries.

(4) The difficulty described in paragraph (3) is caused by the obstacles in bringing a foreign manufacturer or producer into a United States court and subsequently enforcing a judgment against that manufacturer or producer.

(5) Obstacles to holding a responsible foreign manufacturer or producer liable for an injury to a person in the United States undermine the purpose of the tort laws of the United States.

(6) The difficulty of applying the tort laws of the United States to foreign manufacturers and producers puts United States manufacturers and producers at a competitive disadvantage because United States manufacturers and producers must—

(A) abide by common law and statutory safety standards; and

(B) invest substantial resources to ensure that they do so.

(7) Foreign manufacturers and producers can avoid the expenses necessary to make their products safe if they know that they will not be held liable for violations of United States product safety laws.

(8) Businesses in the United States undertake numerous commercial relationships with foreign manufacturers, exposing the businesses to additional tort liability when foreign manufacturers or producers evade United States courts.

(9) Businesses in the United States engaged in commercial relationships with foreign manufacturers or producers often cannot vindicate their contractual rights if such manufacturers or producers seek to avoid responsibility in United States courts.

(10) One of the major obstacles facing businesses and individuals in the United States who are injured and who seek compensation for economic or personal injuries caused by foreign manufacturers and producers is the challenge of serving process on such manufacturers and producers.

(11) An individual or business injured in the United States by a foreign company must rely on a foreign government to serve process when that company is located in a country that is a signatory to the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters done at The Hague November 15, 1965 (20 UST 361; TIAS 6638).

(12) An injured person in the United States must rely on the cumbersome system of letters rogatory to effect service in a country that did not sign the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. These countries do not have an enforceable obligation to serve process as requested.

(13) The procedures described in paragraphs (11) and (12) add time and expense to litigation in the United States, thereby discouraging or frustrating meritorious lawsuits brought by persons injured in the United States against foreign manufacturers and producers.

(14) Foreign manufacturers and producers often seek to avoid judicial consideration of their actions by asserting that United States courts lack personal jurisdiction over them.

(15) The due process clauses of the fifth amendment to and section 1 of the fourteenth amendment to the Constitution govern United States courts' personal jurisdiction over defendants.

(16) The due process clauses described in paragraph (15) are satisfied when a defendant consents to the jurisdiction of a court.

(17) United States markets present many opportunities for foreign manufacturers.

(18) In choosing to export products to the United States, a foreign manufacturer or producer subjects itself to the laws of the United States. Such a foreign manufacturer or producer thereby acknowledges that it is subject to the personal jurisdiction of the State and Federal courts in at least one State.

SEC. 1002. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) foreign manufacturers and producers whose products are sold in the United States should not be able to avoid liability simply because of difficulties relating to serving process upon them;

(2) to avoid such lack of accountability, foreign manufacturers and producers of foreign products distributed in the United States should be required, by regulation, to register an agent in the United States who is authorized to accept service of process for such manufacturer or producer;

(3) it is unfair to United States consumers and businesses that foreign manufacturers and producers often seek to avoid judicial consideration of their actions by asserting that United States courts lack personal jurisdiction over them;

(4) those who benefit from exporting products to United States markets should expect to be subject to the jurisdiction of at least one court within the United States;

(5) exporting products to the United States should be understood as consent to the accountability that the legal system of the United States ensures for all manufacturers and producers, foreign, and domestic;

(6) exporters recognize the scope of opportunities presented to them by United States markets but also should recognize that products imported into the United States must satisfy Federal and State safety standards established by statute, regulation, and common law;

(7) foreign manufacturers should recognize that they are responsible for the contracts they enter into with United States companies;

(8) foreign manufacturers should act responsibly and recognize that they operate within the constraints of the United States legal system when they export products to the United States;

(9) United States laws and the laws of United States trading partners should not put burdens on foreign manufacturers and producers that do not apply to domestic companies;

(10) it is fair to ensure that foreign manufacturers, whose products are distributed in

commerce in the United States, are subject to the jurisdiction of State and Federal courts in at least one State because all United States manufacturers are subject to the jurisdiction of the State and Federal courts in at least one State; and

(11) it should be understood that, by registering an agent for service of process in the United States, the foreign manufacturer or producer acknowledges consent to the jurisdiction of the State in which the registered agent is located.

SEC. 1003. DEFINITIONS.

In this title:

(1) APPLICABLE AGENCY.—The term ''applicable agency'' means, with respect to covered products—

(A) described in subparagraphs (A) and (B) of paragraph (4), the Food and Drug Administration;

(B) described in paragraph (4)(C), the Consumer Product Safety Commission;

(C) described in subparagraphs (D) and (E) of paragraph (4), the Environmental Protection Agency; and

(D) described in subparagraph (F) of paragraph (4)—

(i) the Food and Drug Administration, if the item is intended to be a component part of a product described in subparagraphs (A) and (B) of paragraph (4);

(ii) the Consumer Product Safety Commission, if the item is intended to be a component part of a product described in paragraph (4)(C); and

(iii) the Environmental Protection Agency, if the item is intended to be a component part of a product described in subparagraphs (D) and (E) of paragraph (4).

(2) COMMERCE.—The term ''commerce'' means trade, traffic, commerce, or transportation—

(A) between a place in a State and any place outside of the State; or

(B) which affects trade, traffic, commerce, or transportation described in subparagraph (A).

(3) COMMISSIONER OF U.S. CUSTOMS AND BORDER PROTECTION.—The term ''Commissioner of U.S. Customs and Border Protection'' means the Commissioner responsible for U.S. Customs and Border Protection of the Department of Homeland Security.

(4) COVERED PRODUCT.—The term ''covered product'' means any of the following:

(A) Drugs, devices, and cosmetics, as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(B) A biological product, as such term is defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)).

(C) A consumer product, as such term is used in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052).

(D) A chemical substance or new chemical substance, as such terms are defined in section 3 of the Toxic Substances Control Act (15 U.S.C. 2602).

(E) A pesticide, as such term is defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(F) An item intended to be a component part of a product described in subparagraph (A), (B), (C), (D), or (E) but is not yet a component part of such product.

(5) DISTRIBUTE IN COMMERCE.—The term ''distribute in commerce'' means to sell in commerce, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.

SEC. 1004. REGISTRATION OF AGENTS OF FOREIGN MANUFACTURERS AUTHORIZED TO ACCEPT SERVICE OF PROCESS IN THE UNITED STATES.

(a) REGISTRATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and except as otherwise provided in this subsection, the head of each applicable agency shall require foreign manufacturers and producers of covered products distributed in commerce to establish a registered agent in the United States who is authorized to accept service of process on behalf of such manufacturer or producer—

(A) for the purpose of any civil or regulatory proceeding in State or Federal court relating—

(i) to a covered product; and

(ii) to—

(I) commerce in the United States;

(II) an injury or damage suffered in the United States; or

(III) conduct within the United States; and

(B) if such service is made in accord with the State or Federal rules for service of process in the State of the civil or regulatory proceeding.

(2) LOCATION.—The head of each applicable agency shall require that an agent of a foreign manufacturer or producer registered under this subsection with respect to a covered product be located in a State with a substantial connection to the importation, distribution, or sale of the covered product.

(3) MINIMUM SIZE.—This subsection shall only apply to foreign manufacturers and producers that manufacture or produce covered products in excess of a minimum value or quantity the head of the applicable agency shall prescribe by rule for purposes of this section. Such rules may include different minimum values or quantities for different subcategories of covered products prescribed by the head of the applicable agency for purposes of this section.

(b) REGISTRY OF AGENTS OF FOREIGN MANUFACTURERS.—

(1) IN GENERAL.—The Secretary of Commerce shall, in cooperation with each head of an applicable agency, establish and keep up to date a registry of agents registered under subsection (a).

(2) AVAILABILITY.—The Secretary of Commerce shall make the registry established under paragraph (1) available—

(A) to the public through the Internet website of the Department of Commerce; and

(B) to the Commissioner of U.S. Customs and Border Protection.

(c) CONSENT TO JURISDICTION.—A foreign manufacturer or producer of covered products that registers an agent under this section thereby consents to the personal jurisdiction of the State or Federal courts of the State in which the registered agent is located for the purpose of any civil or regulatory proceeding relating—

(1) to a covered product; and

(2) to—

(A) commerce in the United States;

(B) an injury or damage suffered in the United States; or

(C) conduct within the United States.

(d) DECLARATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, any person importing a covered product manufactured outside the United States shall provide a declaration to U.S. Customs and Border Protection that—

(A) the person has made appropriate inquiry, including seeking appropriate documentation from the exporter of the covered product and consulting the registry of agents of foreign manufacturers described in subsection (b); and

(B) to the best of the person's knowledge, with respect to each importation of a covered product, the foreign manufacturer or producer of the product has established a registered agent in the United States as required under subsection (a).

(2) PENALTIES.—Any person who fails to provide a declaration required under paragraph (1), or files a false declaration, shall be subject to any applicable civil or criminal penalty, including seizure and forfeiture, that may be imposed under the customs laws of the United States or title 18, United States Code, with respect to the importation of a covered product.

(e) REGULATIONS.—Not later than the date described in subsection (a)(1), the Secretary of Commerce, the Commissioner of U.S. Customs and Border Protection, and each head of an applicable agency shall prescribe regulations to carry out this section, including the establishment of minimum values and quantities under subsection (a)(3).

SEC. 1005. STUDY ON REGISTRATION OF AGENTS OF FOREIGN FOOD PRODUCERS AUTHORIZED TO ACCEPT SERVICE OF PROCESS IN THE UNITED STATES.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture and the Commissioner of Food and Drugs shall jointly—

(1) complete a study on the feasibility and advisability of requiring foreign producers of food distributed in commerce to establish a registered agent in the United States who is authorized to accept service of process on behalf of such producers for the purpose of all civil and regulatory actions in State and Federal courts; and

(2) submit to Congress a report on the findings of the Secretary with respect to such study.

SEC. 1006. STUDY ON REGISTRATION OF AGENTS OF FOREIGN MANUFACTURERS AND PRODUCERS OF COMPONENT PARTS WITHIN COVERED PRODUCTS.

Not later than 1 year after the date of the enactment of this Act, the head of each applicable agency shall—

(1) complete a study on determining feasible and advisable methods of requiring manufacturers or producers of a component parts within covered products manufactured or produced outside the United States and distributed in commerce to establish registered agents in the United States who are authorized to accept service of process on behalf of such manufacturers or producers for the purpose of all civil and regulatory actions in State and Federal courts; and

(2) submit to Congress a report on the findings of the head of the applicable agency with respect to the study.

SEC. 1007. RELATIONSHIP WITH OTHER LAWS.

Nothing in this title shall affect the authority of any State to establish or continue in effect a provision of State law relating to service of process or personal jurisdiction, except to the extent that such provision of law is inconsistent with the provisions of this title, and then only to the extent of such inconsistency.

SA 4395. Mr. HARKIN (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 4386 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

Subtitle C—Fee Disclosure

SEC. 321. SHORT TITLE OF SUBTITLE.

This subtitle may be cited as the ''Defined Contribution Fee Disclosure Act of 2010''.

SEC. 322. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) REQUIREMENTS RELATING TO SERVICE PROVIDERS AND PLAN ADMINISTRATORS OF INDIVIDUAL ACCOUNT PLANS.—

(1) IN GENERAL.—Part 1 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended—

(A) by redesignating section 111 (29 U.S.C. 1031) as section 113; and

(B) by inserting after section 110 (29 U.S.C. 1030) the following new sections:

"SEC. 111. REQUIREMENT TO PROVIDE NOTICE OF PLAN FEE INFORMATION TO PLAN ADMINISTRATORS.

''(a) INITIAL STATEMENT OF SERVICES PROVIDED AND REVENUES RECEIVED.—

''(1) IN GENERAL.—In any case in which a service provider enters into a contract or arrangement to provide services to an individual account plan, the service provider shall, before entering into such contract or arrangement, provide to the plan administrator a single written statement which includes, with respect to the first plan year covered under such contract or arrangement, the following information:

''(A) A detailed description of the services which will be provided to the plan by the service provider, the amount of total expected annual revenue with respect to such services, the manner in which such revenue will be collected, and the extent to which such revenue varies between specific investment options.

''(B)(i) In the case of a service provider who is providing recordkeeping services with respect to any investment option, such information as is necessary for the plan administrator to satisfy the requirements of subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and paragraphs (1) and (3) of section 112(a) with respect to such option, including specifying the method used by the service provider in disclosing or estimating expenses under subparagraphs (C)(iv) and (E) of section 105(a)(2).

''(ii) To the extent provided in regulations issued by the Secretary, clause (i) shall not apply in the case of a service provider described in such clause if the service provider receives a written notification from the plan administrator that the information described in such clause in connection with the investment option is provided by another service provider pursuant to a contract or arrangement to provide services to the plan.

''(C) A statement indicating—

''(i) the identity of any investment options offered under the plan with respect to which the service provider provides substantial investment, trustee, custodial, or administrative services, and

''(ii) in the case of any investment option, whether the service provider expects to receive any component of total expected annual revenue described in paragraph (2)(A)(ii)(II) with respect to such option and the amount of any such component.

''(D) The portion of total expected annual revenue which is properly allocable to each of the following:

''(i) Administration and recordkeeping.

''(ii) Investment management.

''(iii) Other services or amounts not described in clause (i) or (ii).

''(2) DEFINITION OF TOTAL EXPECTED ANNUAL REVENUE.—For purposes of this section—

''(A) IN GENERAL.—The term 'total expected annual revenue' means, with respect to any plan year—

''(i) any amount expected to be received during such plan year from the plan (including amounts paid from participant accounts), any participant or beneficiary, or any plan sponsor in connection with the contract or arrangement referred to in paragraph (1), and

''(ii) any amount not taken into account under clause (i) which is expected to be received during such plan year by the service provider in connection with—

''(I) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by the service provider with respect to the plan, or

''(II) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by any other person with respect to the plan.

''(B) EXPRESSED AS DOLLAR AMOUNT OR PERCENTAGE OF ASSETS.—Total expected annual revenue and any amount indicated under paragraph (1)(C)(ii) may be expressed as a dollar amount or as a percentage of assets (or a combination thereof), as appropriate. To the extent that total expected annual revenue is expressed as a percentage of assets, such percentage shall be properly allocated among clauses (i), (ii), and (iii) of paragraph (1)(D).

''(C) PROVISION OF FEE SCHEDULE FOR CERTAIN PARTICIPANT INITIATED TRANSACTIONS.—In the case of amounts expected to be received from participants or beneficiaries under the plan (or from an account of a participant or beneficiary) as a fee or charge in connection with a transaction initiated by the participant (other than loads, commissions, brokerage fees, and other investment related transactions)—

''(i) such amounts shall not be taken into account in determining total expected annual revenue, and

''(ii) the service provider shall provide to the plan administrator, as part of the statement referred to in paragraph (1), a fee schedule which describes each such fee or charge, the amount thereof, and the manner in which such amount is collected.

''(3) ESTIMATIONS.—In determining under this section any amount which is to be disclosed by the service provider, the service provider may provide a reasonable estimate of such amount but only if the service provider indicates that such amount disclosed is an estimate. Any such estimate shall be based on reasonable assumptions specified in writing to the plan administrator.

''(4) DISCLOSURE OF DIFFERENT PRICING OF INVESTMENT OPTIONS.—In the case of investment options with more than one share class or price level, the Secretary shall prescribe regulations for the disclosure of the different share classes or price levels available as part of the statement in paragraph (1). Such regulations shall provide guidance with respect to the disclosure of the basis for qualifying for such share classes or price levels, which may include amounts invested, number of participants, or other factors.

''(5) DISCLOSURE OF INVESTMENT TRANSACTION COSTS.—To the extent provided in regulations issued by the Secretary, a service provider shall separately disclose the transaction costs (including sales commissions) for each investment option for the preceding year or the plan's allocable share of such costs for the preceding year. The Secretary shall, before making a determination to issue any final rule under this subsection, conduct, and report to the Congress on the results of, a study regarding the feasibility and benefits of requiring the disclosure of transaction costs to plan sponsors.

''(b) ANNUAL STATEMENTS.—With respect to each plan year after the plan year covered by the statement described in subsection (a), the service provider shall provide the plan administrator a single written statement which includes the information described in subsection (a) with respect to such subsequent plan year.

''(c) MATERIAL CHANGE STATEMENTS.—In the case of any event or other change during a plan year which causes the information included in any statement described in subsection (a) or (b) with respect to such plan year to become materially incorrect, the service provider shall provide the plan administrator a written statement providing the corrected information not later than 30 days after the service provider knows, or exercising reasonable diligence would have known, of such event or other change.

''(d) TIME AND MANNER OF PROVIDING STATEMENT AND OTHER MATERIALS.—The statement referred to in subsections (a)(1) and (b) shall be made at such time and in such manner as the Secretary may provide. Other materials required to be provided under this section shall be provided in such manner as the Secretary may provide. All information included in such statements and other materials shall be presented in a manner which is easily understood by the typical plan administrator.

''(e) EXCEPTION FOR SMALL SERVICE PROVIDERS.—The requirements of this section shall not apply with respect to any contract or arrangement for services provided with respect to an individual account plan for any plan year if—

''(1) the total annual revenue expected by the service provider to be received with respect to the plan for such plan year is less than $5,000, and

''(2) the service provider provides a written statement to the plan administrator that the total annual revenue expected by the service provider to be received with respect to the plan is less than $5,000.

Service providers who expect to receive de minimis annual revenue from the plan need not provide the written statement described in paragraph (2). The Secretary may by regulation or other guidance adjust the dollar amount specified in this subsection.

''(f) DEFINITION OF SERVICE PROVIDER.—For purposes of this section—

''(1) IN GENERAL.—The term 'service provider' includes any person providing administration, recordkeeping, consulting, investment management services, or investment advice to an individual account plan under a contract or arrangement.

''(2) CONTROLLED GROUPS TREATED AS ONE SERVICE PROVIDER.—All persons which would be treated as a single employer under subsection (b) or (c) of section 414 of the Internal Revenue Code of 1986 if section 1563(a)(1) of such Code were applied—

''(A) except as provided by subparagraph (B), by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears therein, or

''(B) for purposes of subsection (a)(1)(C)(i), by substituting 'at least 20 percent' for 'at least 80 percent' each place it appears therein,

shall be treated as one person for purposes of this section.

"SEC. 112. REQUIREMENT TO PROVIDE NOTICE TO PARTICIPANTS OF PLAN FEE INFORMATION.

''(a) DISCLOSURES TO PARTICIPANTS AND BENEFICIARIES.—

''(1) ADVANCE NOTICE OF AVAILABLE INVESTMENT OPTIONS.—

''(A) IN GENERAL.—The plan administrator of an applicable individual account plan shall provide to the participant or beneficiary notice of the investment options available under the plan before—

''(i) the earliest date provided for under the plan for the participant's initial investment of any contribution made on behalf of such participant, and

''(ii) the effective date of any change in the list of investment options available under the plan, unless such advance notice is impracticable, and in such case, as soon as is practicable.

''(B) INFORMATION INCLUDED IN NOTICE.—The notice required under subparagraph (A) shall—

''(i) set forth, with respect to each available investment option—

''(I) the name of the option,

''(II) a general description of the option's investment objectives and principal investment strategies, principal risk and return characteristics, and the name of the option's investment manager,

''(III) whether the investment option is designed to be a comprehensive, stand-alone investment for retirement that provides varying degrees of long-term appreciation and capital preservation through a mix of equity and fixed income exposures,

''(IV) the extent to which the investment option is actively managed or passively managed in relation to an index and the difference between active management and passive management,

''(V) where, and the manner in which, additional plan-specific, option-specific, and generally available investment information may be obtained, and

''(VI) a statement explaining that investment options should not be evaluated solely on the basis of the charges for each option but should also be based on consideration of other key factors, including the risk level of the option, the investment objectives of the option, historical returns of the option, and the participant's personal investment objectives,

''(ii) include a statement of the right under paragraph (2) of participants and beneficiaries to request, and a description of how a participant or beneficiary may request, a copy of the statements received by the plan administrator under section 111 with respect to the plan, and

''(iii) include the plan fee comparison chart described in subparagraph (C).

''(C) PLAN FEE COMPARISON CHART.—

''(i) IN GENERAL.—

''(I) IN GENERAL.—The notice provided under this paragraph shall include a plan fee comparison chart consisting of a comparison of the service and investment charges that will or could be assessed against the account of the participant or beneficiary with respect to the plan year.

''(II) EXPRESSED AS DOLLAR AMOUNT OR FORMULA.—For purposes of this subparagraph, such charges shall be provided in the form of a dollar amount or as a formula (such as a percentage of assets), as appropriate.

''(ii) CATEGORIZATION OF CHARGES.—The plan fee comparison chart shall provide information in relation to the following categories of charges that will or could be assessed against the account of the participant or beneficiary:

''(I) ASSET-BASED CHARGES SPECIFIC TO INVESTMENT.—Charges that vary depending on the investment options selected by the participant or beneficiary, including the annual operating expenses of the investment option and investment-specific asset-based charges (such as loads, commissions, brokerage fees, exchange fees, redemption fees, and surrender charges). Except as provided by the Secretary in regulations under this section, the information relating to such charges shall include a statement noting any charges for 1 or more investment options which pay for services other than investment management.

''(II) RECURRING ASSET-BASED CHARGES NOT SPECIFIC TO INVESTMENT.—Charges that are assessed as a percentage of the total assets in the account of the participant or beneficiary, regardless of the investment option selected.

''(III) ADMINISTRATIVE AND TRANSACTION-BASED CHARGES.—Administration and transaction-based charges, including fees charged to participants to cover plan administration, compliance, and recordkeeping costs, plan loan origination fees, possible redemption fees, and possible surrender charges, that are not assessed as a percentage of the total assets in the account and are either automatically deducted each year or result from certain transactions engaged in by the participant or beneficiary.

''(IV) OTHER CHARGES.—Any other charges which may be deducted from participants' or beneficiaries' accounts and which are not described in subclauses (I), (II), and (III).

''(iii) FEES AND HISTORICAL RETURNS.—The plan fee comparison chart shall include—

''(I) the historical returns, net of fees and expenses, for the previous year, 5 years, and 10 years (or for the period since inception, if shorter) with respect to such investment option, and

''(II) the historical returns of an appropriate benchmark, index, or other point of comparison for each such period.

''(D) MODEL NOTICES.—The Secretary shall prescribe one or more model notices that may be used for purposes of satisfying the requirements of this paragraph, including model plan fee comparison charts.

''(E) ESTIMATIONS.—For purposes of providing the notice required under this paragraph, the plan administrator may provide a reasonable and representative estimate for any charges or percentages disclosed under subparagraph (B) or (C) and shall indicate whether the amount of any such charges or percentages disclosed is an estimate.

''(2) DISCLOSURE OF SERVICE PROVIDER STATEMENTS.—The plan administrator shall provide to any participant or beneficiary a copy of any statement received pursuant to section 111 within 30 days after receipt of a request for such a statement.

''(3) NOTICE OF MATERIAL CHANGES.—In the case of any event or other change which causes the information included in any notice described in paragraph (1) to become materially incorrect, the plan administrator shall provide participants and beneficiaries a written statement providing the corrected information not later than 30 days after the plan administrator knows, or exercising reasonable diligence would have known, of such event or other change.

''(4) TIME AND MANNER OF PROVIDING NOTICES AND DISCLOSURES.—

''(A) IN GENERAL.—The notices described in paragraph (1) shall be provided at such times and in such manner as the Secretary may provide. Other notices and materials required to be provided under this subsection shall be provided in such manner as the Secretary may provide.

''(B) MANNER OF PRESENTATION.—

''(i) IN GENERAL.—All information included in such notices or explanations shall be presented in a manner which is easily understood by the typical participant.

''(ii) GENERIC EXAMPLE OF OPERATING EXPENSES OF INVESTMENT OPTIONS.—The information described in paragraph (1)(C)(ii)(I) shall include a generic example describing the charges that would apply during an annual period with respect to a $10,000 investment in the investment option.

''(b) APPLICABLE INDIVIDUAL ACCOUNT PLAN.—For purposes of this section, the term 'applicable individual account plan' means the portion of any individual account plan which permits a participant or beneficiary to exercise control over assets in his or her account.

''(c) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which—

''(1) provide a later deadline for providing the notice of investment menu changes described in subsection (a)(3) in appropriate circumstances, and

''(2) provide guidelines, and a safe harbor, for the selection of an appropriate benchmark, index, or other point of comparison for an investment option under subsection (a)(1)(C)(iii)(II).''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 111 and inserting the following new items:

''Sec. 111. Requirement to provide notice of plan fee information to plan administrators.

''Sec. 112. Requirement to provide notice to participants of plan fee information.

''Sec. 113. Repeal and effective date.''.

(b) QUARTERLY BENEFIT STATEMENTS.—Section 105 of such Act (29 U.S.C. 1025) is amended—

(1) in subsection (a)(2)—

(A) by redesignating subparagraph (C) as subparagraph (G);

(B) in subparagraph (B)(ii)—

(i) in subclause (II), by striking ''diversified, and'' and inserting ''diversified,'';

(ii) in subclause (III) by striking the period and inserting '', and''; and

(iii) by adding after subclause (III) the following new subclause:

''(IV) with respect to the portion of a participant's account for which the participant has the right to direct the investment of assets, the information described in subparagraph (C).''; and

(C) by inserting after subparagraph (B) the following new subparagraphs:

''(C) QUARTERLY BENEFIT STATEMENTS.—The plan administrator shall provide to each participant and beneficiary, at least once each calendar quarter, an explanation describing the investment options in which the participant's or beneficiary's account is invested as of the last day of the preceding quarter. Such explanation shall provide, to the extent applicable, the following for the preceding quarter:

''(i) As of the last day of the quarter, a statement of the different asset classes that the participant's or beneficiary's account is invested in and the percentage of the account allocated to each asset class.

''(ii) A statement of the starting and ending balance of the participant's or beneficiary's account for such quarter.

''(iii) A statement of the total contributions made to the participant's or beneficiary's account during the quarter and a separate statement of—

''(I) the amount of such contributions, and the total amount of any restorative payments, which were made by the employer during the quarter, and

''(II) the amount of such contributions which were made by the employee.

''(iv) A statement of the total fees and expenses which were directly deducted from the participant's or beneficiary's account during the quarter and an itemization of such fees and expenses.

''(v) A statement of the net returns for the year to date, expressed as a percentage, and a statement as to whether the net returns include amounts described in clause (iv).

''(vi) With respect to each investment option in which the participant or beneficiary was invested as of the last day of the quarter, the following:

''(I) A statement of the percentage of the participant's or beneficiary's account that is invested in such option as of the last day of such quarter.

''(II) A statement of the starting and ending balance of the participant's or beneficiary's account that is invested in such option for such quarter.

''(III) A statement of the annual operating expenses of the investment option.

''(IV) A statement of whether the disclosure described in clause (iv) includes the annual operating expenses of the investment options of the participant or beneficiary.

''(vii) The statement described in section 112(a)(1)(B)(i)(VI).

''(viii) A statement regarding how a participant or beneficiary may access the information required to be disclosed under section 112(a)(1).

''(D) MODEL EXPLANATIONS.—The Secretary shall prescribe one or more model explanations that may be used for purposes of satisfying the requirements of subparagraph (C).

''(E) DETERMINATION OF EXPENSES.—For purposes of subparagraph (C)(vi)(III)—

''(i) Expenses may be expressed as a dollar amount or as a percentage of assets (or a combination thereof).

''(ii) The plan administrator may provide disclosure of the expenses for the quarter or may provide a reasonable and representative estimate of such expenses and shall indicate any such estimate as being an estimate. Any such estimate shall be based on reasonable assumptions stated together with such estimate.

''(iii) To the extent that estimated expenses are expressed as a percentage of assets, the disclosure shall also include one of the following, stated in dollar amounts:

''(I) an estimate of the expenses for the quarter based on the amount invested in the option; or

''(II) an example describing the expenses that would apply during the quarter with respect to a hypothetical $10,000 investment in the option.

''(F) ANNUAL COMPLIANCE FOR SMALL PLANS.—A plan that has fewer than 100 participants and beneficiaries as of the first day of the plan year may provide the explanation described in subparagraph (C) on an annual rather than a quarterly basis.''.

(c) ASSISTANCE FROM THE DEPARTMENT OF LABOR.—Section 105 of such Act (29 U.S.C. 1025) is amended by adding at the end the following new subsections:

''(d) ASSISTANCE TO SMALL EMPLOYERS.—The Secretary shall make available to employers with 100 or fewer employees—

''(1) educational and compliance materials designed to assist such employers in selecting and monitoring service providers for individual account plans which permit a participant or beneficiary to exercise control over the assets in the account of the participant or beneficiary, investment options under such plans, and charges relating to such options, and

''(2) services designed to assist such employers in finding and understanding affordable investment options for such plans and in comparing the investment performance of, and charges for, such options on an ongoing basis against appropriate benchmarks or other appropriate measures.

''(e) ASSISTANCE TO PLAN SPONSORS AND PLAN PARTICIPANTS AND BENEFICIARIES.—The Secretary shall provide plan administrators and plan sponsors of individual account plans and participants and beneficiaries under such plans assistance with any questions or problems regarding compliance with the requirements of subparagraphs (B)(ii)(IV) and (C) of subsection (a)(2) and section 112.''.

(d) ENFORCEMENT.—

(1) PENALTIES.—Section 502 of such Act (29 U.S.C. 1132) is amended—

(A) in subsection (a)(6), by striking ''under paragraph (2)'' and all that follows through ''subsection (c)'' and inserting ''under paragraph (2), (4), (5), (6), (7), (8), (9), (10), (11), or (12) of subsection (c)''; and

(B) in subsection (c), by redesignating the second paragraph (10) as paragraph (13), and by inserting after the first paragraph (10) the following new paragraphs:

''(11)(A) In the case of any failure by a service provider (as defined in section 111(f)(1)) to provide a statement in violation of section 111, the service provider may be assessed by the Secretary a civil penalty of up to $1,000 for each day in the noncompliance period.

''(B) For purposes of subparagraph (A), the noncompliance period with respect to the failure to provide any statement is the period beginning on the date that such statement was required to be provided and ending on the date that such statement is provided or the failure is otherwise corrected.

''(C)(i) The total amount of a penalty assessed under this paragraph on any service provider with respect to any individual account plan for any plan year shall not exceed an amount equal to the lesser of—

''(I) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

''(II) $1,000,000.

''(ii) No penalty shall be imposed by subparagraph (A) on any failure if—

''(I) the service provider subject to liability for the penalty under subparagraph (A) exercised reasonable diligence to meet the requirement with respect to which the failure relates, and

''(II) such service provider provides the information required under section 111 during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

''(iii) In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty under subparagraph (A) to the extent that the payment of such penalty would be excessive or otherwise inequitable relative to the failure involved.

''(D) The penalty imposed under this paragraph with respect to any failure shall be reduced by the amount of any tax imposed on such person with respect to such failure under section 4980J of the Internal Revenue Code of 1986.

''(12)(A) Any plan administrator with respect to a plan who fails or refuses to provide a notice, explanation, or statement to participants and beneficiaries in accordance with subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and section 112 may be assessed by the Secretary a civil penalty of up to $110 for each day in the noncompliance period.

''(B) For purposes of subparagraph (A), the noncompliance period with respect to the failure to provide any notice, explanation, or statement referred to in subparagraph (B)(ii)(IV) or (C) of section 105(a)(2) or section 112 with respect to any participant or beneficiary is the period beginning on the date that such notice, explanation, or statement was required to be provided and ending on the date that such notice, explanation, or statement is provided or the failure is otherwise corrected.

''(C)(i) The total amount of penalty assessed under this paragraph with respect to any plan for any plan year shall not exceed an amount equal to the lesser of—

''(I) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

''(II) $500,000.

''(ii) No penalty shall be imposed under subparagraph (A) on any failure to meet the requirements of subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and section 112 if—

''(I) any person subject to liability for the penalty under subparagraph (A) exercised reasonable diligence to meet such requirements, and

''(II) such person provides the notice, explanation, or statement to which the failure relates during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

''(iii) In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary shall waive part or all of the penalty under subparagraph (A) to the extent that the payment of such penalty would be excessive or otherwise inequitable relative to the failure involved.

''(iv) The penalty imposed under this paragraph with respect to any failure shall be reduced by the amount of any tax imposed on such person with respect to such failure under section 4980K of the Internal Revenue Code of 1986.''.

(2) ENFORCEMENT COORDINATION AND REVIEW BY THE DEPARTMENT OF LABOR.—Section 502 of such Act (29 U.S.C. 1132) is amended by adding at the end the following new subsection:

''(n) ENFORCEMENT COORDINATION OF CERTAIN DISCLOSURE REQUIREMENTS RELATING TO INDIVIDUAL ACCOUNT PLANS AND REVIEW BY THE DEPARTMENT OF LABOR.—

''(1) NOTIFICATION AND ACTION RELATING TO SERVICE PROVIDERS.—The Secretary shall notify the applicable regulatory authority in any case in which the Secretary determines that a service provider is engaged in a pattern or practice that precludes compliance by plan administrators with subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and section 112. The Secretary shall, in consultation with the applicable authority, take such timely enforcement action under this title as is necessary to assure that such pattern or practice ceases and desists and assess any appropriate penalties.

''(2) ANNUAL AUDIT OF REPRESENTATIVE SAMPLING OF INDIVIDUAL ACCOUNT PLANS.—The Secretary shall annually audit a representative sampling of individual account plans covered by this title to determine compliance with the requirements of subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2), section 111, and section 112. The Secretary shall annually report the results of such audit and any related recommendations of the Secretary to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.''.

(e) REVIEW AND REPORT TO THE CONGRESS BY SECRETARY OF LABOR RELATING TO REPORTING AND DISCLOSURE REQUIREMENTS.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Labor shall review the reporting and disclosure requirements of part 1 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 and related provisions of the Pension Protection Act of 2006.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of the Treasury, shall make such recommendations as the Secretary of Labor considers appropriate to the appropriate committees of the Congress to consolidate, simplify, standardize, and improve the applicable reporting and disclosure requirements so as to simplify reporting for employee pension benefit plans and ensure that needed understandable information is provided to participants and beneficiaries of such plans.

SEC. 323. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 (relating to qualified pension, etc. plans) is amended by adding at the end the following new sections:

''SEC. 4980J. FAILURE TO PROVIDE NOTICE OF PLAN FEE INFORMATION TO PLAN ADMINISTRATORS.

''(a) IMPOSITION OF TAX.—

''(1) IN GENERAL.—There is hereby imposed a tax on each failure of a service provider to meet the requirements of paragraph (2) with

respect to any applicable defined contribution plan.

''(2) FAILURES DESCRIBED.—The failures described in this paragraph are—

''(A) any failure to provide an initial statement described in subsection (d),

''(B) any failure to provide an annual statement described in subsection (e), and

''(C) any failure to provide a material change statement described in subsection (f).

''(b) AMOUNT OF TAX.—

''(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure shall be $1,000 for each day in the noncompliance period.

''(2) NONCOMPLIANCE PERIOD.—For purposes of paragraph (1), the noncompliance period with respect to the failure to provide any statement is the period beginning on the date that such statement was required to be provided and ending on the date that such statement is provided or the failure is otherwise corrected.

''(c) LIMITATIONS.—

''(1) AGGREGATE LIMITATION.—The total amount of tax imposed by this section on any service provider with respect to any applicable defined contribution plan for any plan year shall not exceed an amount equal to the lesser of—

''(A) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

''(B) $1,000,000.

''(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

''(A) the service provider subject to liability for the tax under subsection (a) exercised reasonable diligence to meet the requirement with respect to which the failure relates, and

''(B) such service provider provides the information required under subsection (a) during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

''(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

''(d) INITIAL STATEMENT OF SERVICES PROVIDED AND REVENUES RECEIVED.—

''(1) IN GENERAL.—Before entering into any contract or arrangement to provide services to an applicable defined contribution plan, the service provider shall provide to the plan administrator a single written statement which includes, with respect to the first plan year covered under such contract or arrangement, the following:

''(A) A detailed description of the services which will be provided to the plan by the service provider, the amount of total expected annual revenue with respect to such services, the manner in which such revenue will be collected, and the extent to which such revenue varies between specific investment options.

''(B)(i) In the case of a service provider who is providing recordkeeping services with respect to any investment option, such information as is necessary for the plan administrator to satisfy the requirements of paragraphs (1), (2) and (4) of section 4980K(e) with respect to such option, including specifying the method used by the service provider in disclosing or estimating expenses under subparagraphs (A)(iv) and (C) of such paragraph (2).

''(ii) To the extent provided in regulations issued by the Secretary of Labor, clause (i) shall not apply in the case of a service provider described in such clause if the service provider receives a written notification from the plan administrator that the information described in such clause in connection with the investment option is provided by another service provider pursuant to a contract or arrangement to provide services to the plan.

''(C) A statement indicating—

''(i) the identity of any investment options offered under the plan with respect to which the service provider provides substantial investment, trustee, custodial, or administrative services, and

''(ii) in the case of any investment option, whether the service provider expects to receive any component of total expected annual revenue described in paragraph (2)(A)(ii)(II) with respect to such option and the amount of any such component.

''(D) The portion of total expected annual revenue which is properly allocable to each of the following:

''(i) Administration and recordkeeping.

''(ii) Investment management.

''(iii) Other services or amounts not described in clause (i) or (ii).

''(2) DEFINITION OF TOTAL EXPECTED ANNUAL REVENUE.—For purposes of this section—

''(A) IN GENERAL.—The term 'total expected annual revenue' means, with respect to any plan year—

''(i) any amount expected to be received during such plan year from the plan (including amounts paid from participant accounts), any participant or beneficiary, or any plan sponsor in connection with the contract or arrangement referred to in paragraph (1), and

''(ii) any amount not taken into account under clause (i) which is expected to be received during such plan year by the service provider in connection with—

''(I) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by the service provider with respect to the plan, or

''(II) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by any other person with respect to the plan.

''(B) EXPRESSED AS DOLLAR AMOUNT OR PERCENTAGE OF ASSETS.—Total expected annual revenue and any amount indicated under paragraph (1)(C)(ii) may be expressed as a dollar amount or as a percentage of assets (or a combination thereof), as appropriate. To the extent that total expected annual revenue is expressed as a percentage of assets, such percentage shall be properly allocated among clauses (i), (ii), and (iii) of paragraph (1)(D).

''(C) PROVISION OF FEE SCHEDULE FOR CERTAIN PARTICIPANT INITIATED TRANSACTIONS.—In the case of amounts expected to be received from participants or beneficiaries under the plan (or from the account of a participant or beneficiary) as a fee or charge in connection with a transaction initiated by the participant (other than loads, commissions, brokerage fees, and other investment related transactions)—

''(i) such amounts shall not be taken into account in determining total expected annual revenue, and

''(ii) the service provider shall provide to the plan administrator, as part of the statement referred to in paragraph (1), a fee schedule which describes each such fee or charge, the amount thereof, and the manner in which such amount is collected.

''(3) ESTIMATIONS.—In determining under this section any amount which is to be disclosed by the service provider, the service provider may provide a reasonable estimate of such amount but only if the service provider indicates that such amount disclosed is an estimate. Any such estimate shall be based on reasonable assumptions specified in writing to the plan administrator.

''(4) DISCLOSURE OF DIFFERENT PRICING OF INVESTMENT OPTIONS.—In the case of investment options with more than one share class or price level, the Secretary of Labor shall prescribe regulations for the disclosure of the different share classes or price levels available as part of the statement in paragraph (1). Such regulations shall provide guidance with respect to the disclosure of the basis for qualifying for such share classes or price levels, which may include amounts invested, number of participants, or other factors.

''(5) DISCLOSURE OF INVESTMENT TRANSACTION COSTS.—To the extent provided in regulations issued by the Secretary of Labor, a service provider shall separately disclose the transaction costs (including sales commissions) for each investment option for the preceding year or the plan's allocable share of such costs for the preceding year. The Secretary of Labor shall, before making a determination to issue any final rule under this subsection, conduct, and report to the Congress on the results of, a study regarding the feasibility and benefits of requiring the disclosure of transaction costs to plan sponsors.

''(e) ANNUAL STATEMENTS.—With respect to each plan year after the plan year covered by the statement described in subsection (d), the service provider shall provide the plan administrator a single written statement which includes the information described in subsection (d) with respect to such subsequent plan year.

''(f) MATERIAL CHANGE STATEMENTS.—In the case of any event or other change during a plan year which causes the information included in any statement described in subsection (d) or (e) with respect to such plan year to become materially incorrect, the service provider shall provide the plan administrator a written statement providing the corrected information not later than 30 days after the service provider knows, or exercising reasonable diligence would have known, of such event or other change.

''(g) TIME AND MANNER OF PROVIDING STATEMENT AND OTHER MATERIALS.—The statement referred to in subsections (d)(1) and (e) shall be made at such time and in such manner as the Secretary of Labor may provide. Other materials required to be provided under this section shall be provided in such manner as such Secretary may provide. All information included in such statements and other materials shall be presented in a manner which is easily understood by the typical plan administrator.

''(h) EXCEPTION FOR SMALL SERVICE PROVIDERS.—The requirements of this section shall not apply with respect to any contract or arrangement for services provided with respect to an individual account plan for any plan year if—

''(1) the total annual revenue expected by the service provider to be received with respect to the plan for such plan year is less than $5,000, and

''(2) the service provider provides a written statement to the plan administrator that the total annual revenue expected by the service provider to be received with respect to the plan is less than $5,000.

Service providers who expect to receive de minimis annual revenue from the plan need not provide the written statement described in paragraph (2). The Secretary of Labor may by regulation or other guidance adjust the dollar amount specified in this subsection.

''(i) DEFINITIONS.—For purposes of this section—

''(1) SERVICE PROVIDER.—

''(A) IN GENERAL.—The term 'service provider' includes any person providing administration, recordkeeping, consulting, investment management services, or investment

advice to an applicable defined contribution plan under a contract or arrangement.

''(B) CONTROLLED GROUPS TREATED AS ONE SERVICE PROVIDER.—All persons which would be treated as a single employer under subsection (b) or (c) of section 414 if section 1563(a)(1) were applied—

''(i) except as provided by subparagraph (B), by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears therein, or

''(ii) for purposes of subsection (d)(1)(C)(i), by substituting 'at least 20 percent' for 'at least 80 percent' each place it appears therein,

shall be treated as one person for purposes of this section.

''(2) APPLICABLE DEFINED CONTRIBUTION PLAN.—The term 'applicable defined contribution plan' means any defined contribution plan described in clauses (iii) through (vi) of section 402(c)(8)(B).

''(3) PLAN ADMINISTRATOR.—The term 'plan administrator' has the meaning given such term by section 414(g).

''SEC. 4980K. FAILURE TO PROVIDE NOTICE TO PARTICIPANTS OF PLAN FEE INFORMATION.

''(a) IMPOSITION OF TAX.—

''(1) IN GENERAL.—There is hereby imposed a tax on each failure of a plan administrator of an applicable defined contribution plan to meet the requirements of paragraph (2) with respect to any participant or beneficiary.

''(2) FAILURES DESCRIBED.—The failures described in this paragraph are—

''(A) any failure to provide an advance notice of available investment options described in subsection (e)(1),

''(B) any failure to provide an account explanation described in subsection (e)(2),

''(C) any failure to provide a service provider statement referred to in subsection (e)(3), and

''(D) any failure to provide a notice of material change described in subsection (e)(4).

''(b) AMOUNT OF TAX.—

''(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to any participant or beneficiary shall be $100 for each day in the noncompliance period.

''(2) NONCOMPLIANCE PERIOD.—For purposes of paragraph (1), the noncompliance period with respect to the failure to provide any notice, explanation, or statement referred to in subsection (a)(2) with respect to any participant or beneficiary is the period beginning on the date that such notice, explanation, or statement was required to be provided and ending on the date that such notice, explanation, or statement is provided or the failure is otherwise corrected.

''(c) LIMITATIONS ON AMOUNT OF TAX.—

''(1) AGGREGATE LIMITATION.—The total amount of tax imposed by this section with respect to any plan for any plan year shall not exceed an amount equal to the lesser of—

''(A) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

''(B) $500,000.

''(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

''(A) any person subject to liability for the tax under subsection (a) exercised reasonable diligence to meet the requirements of subsection (e), and

''(B) such person provides the notice, explanation, or statement to which the failure relates during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

''(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary shall waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

''(d) LIABILITY FOR TAX.—The plan administrator shall be liable for the tax imposed by subsection (a).

''(e) DISCLOSURES TO PARTICIPANTS AND BENEFICIARIES.—

''(1) ADVANCE NOTICE OF AVAILABLE INVESTMENT OPTIONS.—

''(A) IN GENERAL.—The plan administrator of an applicable defined contribution plan shall provide to the participant or beneficiary notice of the investment options available under the plan before—

''(i) the earliest date provided for under the plan for the participant's initial investment of any contribution made on behalf of such participant, and

''(ii) the effective date of any change in the list of investment options available under the plan, unless such advance notice is impracticable, and in such case, as soon as is practicable.

''(B) INFORMATION INCLUDED IN NOTICE.—The notice required under subparagraph (A) shall—

''(i) set forth, with respect to each available investment option—

''(I) the name of the option,

''(II) a general description of the option's investment objectives and principal investment strategies, principal risk and return characteristics, and the name of the option's investment manager,

''(III) whether the investment option is designed to be a comprehensive, stand-alone investment for retirement that provides varying degrees of long-term appreciation and capital preservation through a mix of equity and fixed income exposures,

''(IV) the extent to which the investment option is actively managed or passively managed in relation to an index and the difference between active management and passive management,

''(V) where, and the manner in which, additional plan-specific, option-specific, and generally available investment information may be obtained, and

''(VI) a statement explaining that investment options should not be evaluated solely on the basis of the charges for each option but should also be based on consideration of other key factors, including the risk level of the option, the investment objectives of the option, historical returns of the option, and the participant's personal investment objectives,

''(ii) include a statement of the right under paragraph (3) of participants and beneficiaries to request, and a description of how participant or beneficiary may request, a copy of the statements received by the plan administrator under section 4980J with respect to the plan, and

''(iii) include the plan fee comparison chart described in subparagraph (C).

''(C) PLAN FEE COMPARISON CHART.—

''(i) IN GENERAL.—

''(I) IN GENERAL.—The notice provided under this paragraph shall include a plan fee comparison chart consisting of a comparison of the service and investment charges that will or could be assessed against the account of the participant or beneficiary with respect to the plan year.

''(II) EXPRESSED AS DOLLAR AMOUNT OR FORMULA.—For purposes of this subparagraph, such charges shall be provided in the form of a dollar amount or as a formula (such as a percentage of assets), as appropriate.

''(ii) CATEGORIZATION OF CHARGES.—The plan fee comparison chart shall provide information in relation to the following categories of charges that will or could be assessed against the account of the participant or beneficiary:

''(I) ASSET-BASED CHARGES SPECIFIC TO INVESTMENT.—Charges that vary depending on the investment options selected by the participant or beneficiary, including the annual operating expenses of the investment option and investment-specific asset-based charges (such as loads, commissions, brokerage fees, exchange fees, redemption fees, and surrender charges). Except as provided by the Secretary of Labor in regulations under this section, the information relating to such charges shall include a statement noting any charges for 1 or more investment options which pay for services other than investment management.

''(II) RECURRING ASSET-BASED CHARGES NOT SPECIFIC TO INVESTMENT.—Charges that are assessed as a percentage of the total assets in the account of the participant or beneficiary, regardless of the investment option selected.

''(III) ADMINISTRATIVE AND TRANSACTION-BASED CHARGES.—Administration and transaction-based charges, including fees charged to participants to cover plan administration, compliance, and recordkeeping costs, plan loan origination fees, possible redemption fees, and possible surrender charges, that are not assessed as a percentage of the total assets in the account and are either automatically deducted each year or result from certain transactions engaged in by the participant or beneficiary.

''(IV) OTHER CHARGES.—Any other charges which may be deducted from participants' or beneficiaries' accounts and which are not described in subclauses (I), (II), and (III).

''(iii) FEES AND HISTORICAL RETURNS.—The plan fee comparison chart shall include—

''(I) the historical returns, net of fees and expenses, for the previous year, 5 years, and 10 years (or for the period since inception, if shorter) with respect to such investment option, and

''(II) the historical returns of an appropriate benchmark, index, or other point of comparison for each such period.

''(D) MODEL NOTICES.—The Secretary of Labor shall prescribe one or more model notices that may be used for purposes of satisfying the requirements of this paragraph, including model plan fee comparison charts.

''(E) ESTIMATIONS.—For purposes of providing the notice required under this paragraph, the plan administrator may provide a reasonable and representative estimate for any charges or percentages disclosed under subparagraph (B) or (C) and shall indicate whether the amount of any such charges or percentages disclosed is an estimate.

''(2) QUARTERLY BENEFIT STATEMENT.—

''(A) REQUIREMENTS.—The plan administrator shall provide to each participant and beneficiary, at least once each calendar quarter, an explanation describing the investment options in which the participant's or beneficiary's account is invested as of the last day of the preceding quarter. Such explanation shall provide, to the extent applicable, the following for the preceding quarter:

''(i) As of the last day of the quarter, a statement of the different asset classes that the participant's or beneficiary's account is invested in and the percentage of the account allocated to each asset class.

''(ii) A statement of the starting and ending balance of the participant's or beneficiary's account for such quarter.

''(iii) A statement of the total contributions made to the participant's or beneficiary's account during the quarter and a separate statement of—

''(I) the amount of such contributions, and the total amount of any restorative payments, which were made by the employer during the quarter, and

''(II) the amount of such contributions which were made by the employee.

''(iv) A statement of the total fees and expenses which were directly deducted from the participant's or beneficiary's account during the quarter and an itemization of such fees and expenses.

''(v) A statement of the net returns for the year to date, expressed as a percentage, and a statement as to whether the net returns include amounts described in clause (iv).

''(vi) With respect to each investment option in which the participant or beneficiary was invested as of the last day of the quarter, the following:

''(I) A statement of the percentage of the participant's or beneficiary's account that is invested in such option as of the last day of such quarter.

''(II) A statement of the starting and ending balance of the participant's or beneficiary's account that is invested in such option for such quarter.

''(III) A statement of the annual operating expenses of the investment option.

''(IV) A statement of whether the disclosure described in clause (iv) includes the annual operating expenses of the investment options of the participant or beneficiary.

''(vii) The statement described in paragraph (1)(B)(i)(VI).

''(viii) A statement regarding how a participant or beneficiary may access the information required to be disclosed under paragraph (1).

''(B) MODEL EXPLANATIONS.—The Secretary of Labor shall prescribe one or more model explanations that may be used for purposes of satisfying the requirements of this paragraph.

''(C) DETERMINATION OF EXPENSES.—For purposes of subparagraph (A)(vi)(III)—

''(i) Expenses may be expressed as a dollar amount or as a percentage of assets (or a combination thereof).

''(ii) The plan administrator may provide disclosure of the expenses for the quarter or may provide a reasonable and representative estimate of such expenses and shall indicate any such estimate as being an estimate. Any such estimate shall be based on reasonable assumptions stated together with such estimate.

''(iii) To the extent that estimated expenses are expressed as a percentage of assets, the disclosure shall also include one of the following, stated in dollar amounts:

''(I) an estimate of the expenses for the quarter based on the amount invested in the option; or

''(II) an example describing the expenses that would apply during the quarter with respect to a hypothetical $10,000 investment in the option.

''(3) DISCLOSURE OF SERVICE PROVIDER STATEMENTS.—The plan administrator shall provide to any participant or beneficiary a copy of any statement received pursuant to section 4980J within 30 days after receipt of a request for such a statement.

''(4) NOTICE OF MATERIAL CHANGES.—In the case of any event or other change which causes the information included in any notice described in paragraph (1) to become materially incorrect, the plan administrator shall provide participants and beneficiaries a written statement providing the corrected information not later than 30 days after the plan administrator knows, or exercising reasonable diligence would have known, of such event or other change.

''(5) TIME AND MANNER OF PROVIDING NOTICES AND DISCLOSURES.—

''(A) IN GENERAL.—The notices described in paragraph (1) shall be provided at such times and in such manner as the Secretary of Labor may provide. Other notices and materials required to be provided under this subsection shall be provided in such manner as such Secretary may provide.

''(B) MANNER OF PRESENTATION.—

''(i) IN GENERAL.—All information included in such notices or explanations shall be presented in a manner which is easily understood by the typical participant.

''(ii) GENERIC EXAMPLE OF OPERATING EXPENSES OF INVESTMENT OPTIONS.—The information described in paragraphs (1)(C)(ii)(I) shall include a generic example describing the charges that would apply during an annual period with respect to a $10,000 investment in the investment option.

''(C) ANNUAL COMPLIANCE FOR SMALL PLANS.—A plan that has fewer than 100 participants and beneficiaries as of the first day of the plan year may provide the explanation described in paragraph (2) on an annual rather than a quarterly basis.

''(f) DEFINITIONS.—

''(1) APPLICABLE DEFINED CONTRIBUTION PLAN.—The term 'applicable defined contribution plan' means the portion of any defined contribution plan which—

''(A) permits a participant or beneficiary to exercise control over assets in his or her account, and

''(B) is described in clauses (iii) through (vi) of section 402(c)(8)(B).

''(2) PLAN ADMINISTRATOR.—The term 'plan administrator' has the meaning given such term by section 414(g).

''(g) REGULATIONS.—The Secretary of Labor shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which—

''(1) provide a later deadline for providing the notice of investment menu changes described in subsection (e)(4) in appropriate circumstances, and

''(2) provide guidelines, and a safe harbor, for the selection of an appropriate benchmark, index, or other point of comparison for an investment option under subsection (e)(1)(C)(iii)(II).''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code is amended by adding at the end the following new items:

''Sec. 4980J. Failure to provide notice of plan fee information to plan administrators.

''Sec. 4980K. Failure to provide notice to participants of plan fee information.''.

SEC. 324. REGULATORY AUTHORITY AND COORDINATION.

(a) REGULATORY AUTHORITY.—The Secretary of Labor shall prescribe regulations or other guidance to the extent the Secretary determines necessary or appropriate to carry out the purposes of sections 105, 111, and 112 of the Employee Retirement Income Security Act of 1974 and sections 4980J and 4980K of the Internal Revenue Code of 1986, including regulations or other guidance which—

(1) provide safe harbor and simplified methods for making the allocations described in subsection (a)(1)(D) of such section 111 and subsection (d)(1)(D) of such section 4980J; and

(2) provide special rules for the application of such sections to—

(A) investments with a guaranteed rate of return;

(B) investments with an insurance component; and

(C) employer sponsored retirement plans funded through an individual retirement account.

(3) address notices with respect to investments provided through participant directed brokerage trading;

(4) address the disclosure of information that is not proprietary to the service provider; and

(5) provide rules to allow service providers to consolidate information to satisfy the requirements of such sections with respect to all such service providers.

(b) CERTAIN ELECTRONIC DISCLOSURES PERMITTED.—Any disclosure required under section 112 of the Employee Retirement Income Security Act of 1974 or section 4980K of the Internal Revenue Code of 1986 may be provided through an electronic medium under such rules as shall be prescribed under such section by the Secretary of Labor not later than 1 year after the date of the enactment of this Act. Such rules shall be similar to those applicable under the Internal Revenue Code of 1986 with respect to notices to participants in pension plans. Such Secretary shall regularly modify such rules as appropriate to take into account new developments, including new forms of electronic media, and to fairly take into consideration the interests of plan sponsors, service providers, and participants. The rules prescribed by such Secretary pursuant to this subsection shall provide for a method for the typical participant or beneficiary to obtain without undue burden any such disclosure in writing on paper in lieu of receipt through an electronic medium.

SEC. 325. EFFECTIVE DATE OF SUBTITLE.

(a) IN GENERAL.—The amendments made by this subtitle shall apply to plan years beginning after December 31, 2011.

(b) APPLICATION OF SERVICE PROVIDER DISCLOSURES TO EXISTING CONTRACTS AND ARRANGEMENTS.—For purposes of section 111 of the Employee Retirement Income Security Act of 1974 and section 4980J of the Internal Revenue Code of 1986, any contract or arrangement to provide services to a plan which is in effect on January 1, 2012, shall be treated as a new contract or arrangement entered into on such date.

(c) SPECIAL RULE FOR COMPLIANCE WITH SUBTITLE.—Until 12 months after final regulations are issued by the Secretary of Labor pursuant to the amendments made by this subtitle, a service provider or plan administrator shall be treated as having complied with such amendments if such service provider or plan administrator complies with a reasonable good faith interpretation of such amendments.

SA 4396. Mr. CORNYN (for Mr. KERRY) proposed an amendment to the resolution S. Res. 548, to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship *Mavi Marmara;* as follows:

On page 7, strike lines 22–24.

SA 4397. Mr. CORNYN (for Mr. KERRY) proposed an amendment to the resolution S. Res. 548, to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship *Mavi Marmara;* as follows:

Strike the 14th clause in the preamble.

NOTICE OF HEARING

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public

that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Thursday, July 1, 2010, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to examine the Federal response to the discovery of the aquatic invasive species Asian carp in Lake Calumet, Illinois.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Gina_Weinstock@energy.senate.gov.

For further information, please contact Tanya Trujillo at (202) 224–5479 or Gina Weinstock at (202) 224–5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 24, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 24, 2010, at 10 a.m., in Room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 24, 2010, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 24, 2010, at 10 a.m., to conduct a hearing entitled ''The New START Treaty (Treaty Doc. 111–5): Implementation—Inspections and Assistance.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 24, 2010, at 2:30 p.m., to conduct a hearing entitled ''The New START Treaty (Treaty Doc. 111–5): Benefits and Risks.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Emerging Risk? An Overview of the Federal Investment in For-Profit Education'' on June 24, 2010. The hearing will commence at 10 a.m. in room 124 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 24, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 24, 2010, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 24, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. MENENDEZ. Mr. President, I ask unanimous consent the privilege of the floor be granted to a member of my staff, Heide Bronke Fulton, during the pendency of the Conference Report to accompany H.R. 2194, Iran Refined Petroleum Sanctions Act, for each day that the measure is pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES READ THE FIRST TIME—H.R. 5481 AND H.R. 5551

Ms. STABENOW. Mr. President, I understand there are two bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5481) to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

A bill (H.R. 5551) to require the Secretary of the Treasury to make certification when making purchases under the Small Business Lending Fund Program.

Ms. STABENOW. I now ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Ms. STABENOW. I ask the Chair to lay before the Senate a message from the House with respect to H.R. 5136.

The PRESIDING OFFICER. The clerk will state the message.

The assistant legislative clerk read as follows:

Ordered, That the Clerk be directed to request the Senate to return to the House of Representatives the bill (H.R. 5136) entitled ''An Act to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.''.

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate agree to the request that the Senate return to the House H.R. 5136, the Department of Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, JUNE 25, 2010

Ms. STABENOW. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, June 25; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate resume consideration of the motion to proceed to H.R. 5297, the small business jobs bill. Finally, I ask that the quorum with respect to the cloture motion be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. STABENOW. Mr. President, there will be no rollcall votes during Friday's session of the Senate. Senators should expect the next votes to begin at 5:30 p.m. on Monday, June 28.

ADJOURNMENT UNTIL 9:30 TOMORROW

Ms. STABENOW. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:02 p.m., adjourned until Friday, June 25, 2010, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. DAVID H. PETRAEUS