

explain to them how on the anniversaries of the loss of their husbands and the anniversaries of their marriage and the birth of their children and at their children's graduation and their weddings, where is BP and Transocean and Halliburton going to be? That's why we need to pass this bill.

Mr. SMITH of Texas. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, in summary, this bill should be opposed for four reasons:

First, the bill repeals the Limitation of Liability Act, which will actually hurt the victims of maritime accidents. Repealing the act eliminates important protections for maritime victims, including the fund for compensating personal injury victims. This bill, incredibly, repeals the personal injury fund;

Second, the bill amends the Bankruptcy Code in a manner that the National Bankruptcy Conference, a very bipartisan organization, believes will create "pernicious, unintended, and counterproductive consequences" that benefit oil spill claimants "at the expense of other innocent and equally deserving creditors";

Third, the bill was rushed through committee without a single legislative hearing and is being rushed through the House on suspension, without giving Members the opportunity to offer amendments; and

Fourth, because this bill is being rushed through the House, Congress has not been fully informed of the unintended consequences this bill creates for the U.S. maritime industry, which is a large part of the economy of the gulf coast region; the American economy, which relies on U.S. shipping to take goods to and from market; and the victims of maritime accidents, who, in many cases, will actually be hurt by this legislation.

□ 1610

Madam Speaker, I urge all my colleagues to vote "no" on this bill, send it back to committee. Let's improve it, let's amend it, and then bring it back to the floor. I hope my colleagues will vote "no."

I yield back the balance of my time.

Mr. CONYERS. Madam Speaker, this is a bipartisan bill. It's uncomplicated. It revises old law that's been discriminatory and left on the books. It ensures that BP and other corporate violators that caused the Deepwater Horizon explosion-resulting oil spill are held accountable under the law.

This is not going to hurt the victims. The victims came before the committee and testified in favor of this kind of relief. So for us now to think that we're inadvertently doing some harm to those who have lost their loved ones is untenable and uncontestable.

I urge that all of us cast as near unanimous vote as possible in support of this legislation and correct the injustices that have been caused by this

incredible, extensive, and terrible accident.

And I include in my closing remarks the support of nine other organizations.

The International Cruise Victims Association

The National Center for Victims of Crime
The National Organization of Parents of Murdered Children

Public Citizen
Alliance for Justice
National Consumers League
Consumer Watchdog
Center for Justice & Democracy
Center for Biological Diversity
Friends of the Earth
U.S. Action

Mr. NADLER of New York. Madam Speaker, I rise in support of H.R. 5503, the Securing Protections for the Injured from Limitations on Liability (SPILL) Act.

Two months ago, the Deepwater Horizon oil platform exploded in the Gulf of Mexico. That tragedy cost the lives of eleven people and injured at least seventeen others, dealing a horrific blow to the lives of their loved ones, family members, and friends. The explosion and subsequent oil spill devastated the entire Gulf area and continues each day to wreak havoc on the way of life and environment of the region. Congress must act to address this disaster and in the coming weeks, we will.

Today, the House is considering H.R. 5503. This legislation, which I worked on in the Judiciary Committee, addresses problems that have come to light as a result of the explosion in the Gulf of Mexico.

The bill would provide long-overdue rights to the survivors of those killed off our shores, including allowing recovery for non-economic damages. It also would repeal an antiquated law which could have shielded Transocean from its true liability in this disaster. The big corporations like Transocean and BP, whose malfeasance caused this disaster, must not be able to elude their true responsibility.

I want to thank Chairman CONYERS for his work on the bankruptcy provisions of this bill as well. The rights of individuals, small businesses, and communities injured by this catastrophic act of corporate wrongdoing must be protected, and this bill reflects that concern. We also must make sure that we protect those rights in a way that does not destroy the rights of other parties, including employees, retirees, and small businesses who are also owed money by the polluter, that preserves going concern value, and that does not shelter entrenched management. The modified language reflects the ongoing effort to address these important concerns, and I look forward to working with the Chairman to perfect these protections.

I do want to say, however, that I am disappointed with a few changes that have been made since the bill passed the Judiciary Committee. A provision to deny the enforceability of "gag orders" that reportedly were being used by BP has been removed. Such secrecy agreements only serve to deny the public access to necessary information. And, a common sense change to the Class Action Fairness Act to ensure states could pursue actions on behalf of their own citizens in state court was stripped as well.

Despite these changes, this bill represents needed reforms to compensate, as much as possible, those injured and the families of

those killed in this disaster and similar events in the future. I want to applaud Chairman CONYERS for his leadership in pushing H.R. 5503 forward. I urge all Members to support it.

Mr. VAN. HOLLEN. Madam Speaker, I rise in strong support of the Securing Protections for the Injured from Limitations on Liability (SPILL) Act (H.R. 5503).

On this, we should surely agree: the lives of those lost at sea are just as precious as the lives of those lost on land—and the law should treat them that way.

Today's legislation modernizes our maritime laws to ensure that the families of those killed or injured in the BP Oilspill have an opportunity to be justly compensated for their losses, and will provide equal justice for all future victims of maritime disasters.

Madam Speaker, as we work to hold the responsible parties accountable for the ongoing tragedy in the Gulf, the Spill Act keeps faith with the families most directly impacted by the disaster. I commend Chairman CONYERS and the Judiciary Committee for bringing this legislation to the floor today. I urge my colleagues' support.

Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. JACKSON LEE of Texas). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 5503, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BARRING POLITICAL SPENDING BY LOBBYISTS WHOSE CLIENTS INCLUDE STATE SPONSORS OF TERRORISM

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5609) to amend the Federal Election Campaign Act of 1971 to prohibit any registered lobbyist whose clients include foreign governments which are found to be sponsors of international terrorism or include other foreign nationals from making contributions and other campaign-related disbursements in elections for public office, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5609

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

SECTION 1. PROHIBITING LOBBYING ACTIVITIES ON BEHALF OF STATE SPONSORS OF TERRORISM.

The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) is amended by adding at the end the following new section:

"SEC. 27. PROHIBITING LOBBYING ACTIVITIES ON BEHALF OF STATE SPONSORS OF TERRORISM.

"No person may perform lobbying activities on behalf of a client which is a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act),

section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

PARLIAMENTARY INQUIRIES

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Will the gentleman please state his inquiry.

Mr. DANIEL E. LUNGREN of California. My parliamentary inquiry is this: I understand that we are dealing with H.R. 5609, and I have, just 20 minutes ago, been given the copy of H.R. 5609, which, in every respect, after the introduction, is different from the 5609 that we were prepared to speak on just 20 minutes ago.

My question is, under the rules of the House, is it appropriate to completely remove the text of the bill that we were prepared to deal with and exchange it for an entirely new language which refers to new sections of the U.S. Code of the Lobbying Disclosure Act of 1995, where the original 5609 referred to another section of the code?

The SPEAKER pro tempore. The gentleman from Michigan has moved to suspend the rules and pass the bill in an amended form.

Mr. DANIEL E. LUNGREN of California. Further parliamentary inquiry.

The SPEAKER pro tempore. State the parliamentary inquiry.

Mr. DANIEL E. LUNGREN of California. According to the copy of the bill that I have, 5609, it says that this bill is referred to the Committee on House Administration. If it is referred to the Committee on House Administration, how is that on this floor it is now being brought forward by the chairman of the Judiciary Committee, who is not a member of the Committee on House Administration?

The SPEAKER pro tempore. The Chair has entertained a motion from the gentleman from Michigan to suspend the rules.

Mr. DANIEL E. LUNGREN of California. Further parliamentary inquiry.

The SPEAKER pro tempore. That motion now before us, if adopted, would discharge any committee of referral.

Mr. DANIEL E. LUNGREN of California. Further parliamentary inquiry.

The SPEAKER pro tempore. State the parliamentary inquiry, please.

Mr. DANIEL E. LUNGREN of California. So, as I understand what the Speaker is telling me, this request for consent to bring this to the floor at this time would have the effect of discharging the committee of jurisdiction, that is, the Committee of House Administration, and bring it directly to the floor to be handled now by another

committee, the Committee on the Judiciary. Is that correct?

The SPEAKER pro tempore. The motion, if adopted, would discharge the committee of referral.

Mr. DANIEL E. LUNGREN of California. Further parliamentary inquiry.

The SPEAKER pro tempore. State the parliamentary inquiry.

Mr. DANIEL E. LUNGREN of California. Is it under the rules, or is it customary interpretation under the rules, that the minority receive a copy of the bill to be brought to the floor at some time before 20 minutes before it's brought to the floor?

Is there no requirement for notice of the actual contents of the bill to be considered, even under a request such as has been made by the gentleman from Michigan?

The SPEAKER pro tempore. A motion that the House suspend the rules may convey an amendment, and five copies of the amendment are at the desk.

Mr. DANIEL E. LUNGREN of California. So further parliamentary inquiry.

Under the rules of the House, a motion such as made by the gentleman to suspend the rules in effect suspends all rules, including rules that would govern the language of the bill as introduced and as given to the minority yesterday and up until 20 minutes ago.

The SPEAKER pro tempore. This motion will be adopted if approved by two-thirds of the House.

Mr. ANDREWS. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. State your parliamentary inquiry, please.

Mr. ANDREWS. Madam Speaker, is there anything—I note that the custom of the minority is to give about 3 minutes notice on motions to recommit. Is there anything under the rule requiring the minority to give more notice than that of 3 minutes on a motion to recommit?

The SPEAKER pro tempore. The Chair cannot at this time entertain that inquiry as a parliamentary inquiry.

Mr. CONYERS. Madam Speaker, could I ask for regular order? We have had, I don't know how many—this could go on all night if the gentleman is just opposed to campaign finance reform.

The SPEAKER pro tempore. The gentleman from Michigan may proceed.

□ 1620

Mr. CONYERS. No one disrespects the sincerity and abilities of my friend from California, who has raised these questions.

GENERAL LEAVE

Mr. CONYERS. I ask unanimous consent that all Members have 5 legislative days to revise their remarks and include extraneous materials.

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

There was no objection.

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

Ladies and gentlemen of the House, 1 week ago the House passed historic campaign finance reform that was designed to curb improper corporate and foreign influences on the American electoral system. Everybody in this House is in support of the attempts of this committee and the House Administration Committee to accomplish this aim, to rein in, to eliminate improper corporate and foreign influences on the American electoral system. There is not a Member in this House that is not in support of that. So this bill hones in on the most toxic foreign influences, countries whose governments the Secretary of State has determined sponsor terrorism.

H.R. 5609 amends the Lobbying Disclosure Act to prevent any country specifically designated as a state sponsor of terrorism from hiring a lobbyist in an attempt to influence the laws and policies of the United States of America. By their actions, these states have forfeited many privileges of doing business in the United States. The business of government should be no different. We should not allow states that sponsor terrorism to be able to hire lobbyists to influence our lawmakers and our laws.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I am certainly not going to oppose this bill, because this bill essentially does what I attempted to do in one-third of my motion to recommit last week, when a vast majority of the Members of the majority party voted against it, and we were told to restrict those individuals who were subject to this prohibition to a lesser prohibition was blatantly unconstitutional. And now we are told to go even further—and I don't oppose going further—but now we are told to go even further is not only the proper thing to do, but it's so noncontroversial that it ought to be here on the suspension calendar.

It is extraordinary, I suppose, to see the transformation that takes place that the subject matter on this floor 1 week ago is blatantly unconstitutional and today is noncontroversial. I don't know how you change your tune that way. I don't know how you make such a difference when in effect we are talking about the same thing, except that now it is being sponsored by the majority side rather than the minority side.

It also is passing strange at least that the underlying bill referred to by my friend from Michigan, the Chairman of the Judiciary Committee, the DISCLOSE Act, was in fact sequentially referred to the Committee of Judiciary after we had completed consideration of it in the House Administration Committee. And yet, rather than spending a single minute on it, it was

immediately discharged by the Judiciary Committee and allowed to come to the floor.

Now, why do I find that extraordinary? Because it dealt with how we protect the First Amendment to the Constitution, that part of the First Amendment that specifically talks about the fact that Congress shall pass no law abridging free speech. And yet we did just last week.

Perhaps if we had had hearings on it in the Judiciary Committee to review the underlying constitutional law concerns, we might have had an opportunity to reform that bill. But of course we did not. Perhaps if we were truly concerned about how the First Amendment rights are rights recognized by the Constitution, not granted by the Constitution, and therefore should be protected by this branch of government as well as the judicial branch and as well as the executive branch, rather than parceled out and auctioned off, perhaps if it had seen the light of day in the Judiciary Committee we might have been able to convince more Members on the majority side that we ought not to trifle with the Constitution and trivialize the First Amendment.

But no, we didn't do that. We rushed to judgment. That is, we discharged that bill without a single moment of consideration by the Judiciary Committee. And here we have cleanup legislation. A number of Members on the other side of the aisle evidently found out after they voted against the motion to recommit, because it was a Republican motion, that it had parts, all three parts that they supported, and this is a part of it. Although the language is different, the substance is the same.

Now, contrast that with the fact that up until 20 minutes ago the language of this bill was different. Up until 20 minutes ago, the language of the bill had this bill within the jurisdiction of House Administration, not within the jurisdiction of the Judiciary Committee. And yet without a moment's notice, the bill is changed in everything but its title. Every word changed.

And I suspect that some Members listening in their offices aren't aware of the rules of the House that allow for a suspension of the rules, meaning that we suspend every rule in the House, meaning that in fact you can have every word changed other than the title, you can have it deal with a different section of the United States Code, and you can have it transferred from one committee to the next in the flash of a moment here. Now, maybe that sounds just like process, but it is of course more than process. It goes to the question of substance.

They say imitation is the highest form of flattery. I guess I should be thankful that they have taken a portion of my motion to recommit that they defeated so soundly last week, to

present it on the floor as a clean bill, without any hearings, without any consideration, transferring committees, changing the language up until the time they actually presented it on the floor. Which suggests that we have plenty of time to do things around here. We have plenty of time to look at changes in bills. Which would suggest that we ought to have more open rules in this House, because evidently we can change things up to the moment they hit the floor, and everyone is supposed to then I guess salute sharply and march to this new drummer.

This is a heck of a way to run a House, a heck of a way to run a House. You don't know from the moment you leave your office to the time you get here what bill you are going to have. It may have the same number, it may have the same name, but every word can be changed. And of course if it is presented by the minority as a part of an amendment, it's disallowed. But if we are going to present it on the floor with the majority, we do that and we try and make up for the vote that took place last week.

I just hope everybody understands when you vote for this, and I would suggest you vote for this, you are essentially voting for the first third of the motion to recommit that was presented last week, which was declared on the floor by the major author of the DISCLOSE Act from Maryland, Mr. VAN HOLLEN, as blatantly unconstitutional. So one week we auction off pieces of the First Amendment, the next week we turn something that's blatantly unconstitutional into something that not only is imperative, but is noncontroversial. It is magic being done on this floor before your very eyes. The only problem is most people don't realize what's occurring.

At the very least we ought to take the time in our rules to shed some light on the legislative process, which I thought was supposed to be the purpose of the DISCLOSE Act, to shed some light on the political process. Perhaps we should practice what we preach here on the floor of the House.

I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself 1 minute.

First of all, I want to applaud the parliamentary wisdom of the distinguished gentleman from California, who supports the matter that is before the House, but he has very pointedly pointed out that the process, the procedure has not been appropriate from his point of view.

□ 1630

As he knows, we had a hearing on the constitutionality of Citizens United on February 3, 2010. But I concede to him and apologize that there was no markup, and I hope that that will assuage the gentleman's very particular objection to the process here.

Now, of course, some of the excellent points that he has raised really go to the rules of the House.

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

Mr. CONYERS: I yield myself an additional 30 seconds.

If we are going to go into this detail and the gentleman has presented an able case here during this debate, I think that we ought to—and I would like to join with him in examining the rules of the House of Representatives which would have to obviously go through some revision to satisfy the many points that my friend from California has raised.

With that, I am now pleased to yield 2 minutes to the author of this measure, and it is Mr. JOHN HALL of New York, the original sponsor of the bill, whom I commend very much.

Mr. HALL of New York. I thank the chairman.

I rise today to urge strong support for H.R. 5609, which will ban lobbying for countries that are state sponsors of terrorism.

Last week, the House passed the DISCLOSE Act, a bill I cosponsored. This bill is a big step forward in undoing the damage done by the Supreme Court in their recent ruling in Citizens United v. FEC. It will shine some light on corporate campaign spending by requiring the sponsors of political ads to disclose their identity, much as we candidates for Congress have to stand by the ads that we fund.

Importantly, the DISCLOSE Act includes provisions I fought for to keep corporate money from overseas out of U.S. elections. After all, Madam Speaker and Mr. Chairman, do we want companies like BP choosing our candidates for Congress or companies from Saudi Arabia deciding U.S. foreign policy? I don't think so.

The bill we are considering today is a natural extension of the DISCLOSE Act. H.R. 5609 guards against a potential loophole that hostile foreign governments may use to try to influence our government. By hiring a lobbyist in the United States, a government like Iran could potentially influence U.S. foreign policy, a danger with potentially disastrous consequences. And this, Madam Speaker, is a risk we cannot afford to take.

I think we can all agree, regardless of political party, that American elections must be decided by American voters and U.S. policy must be decided by the U.S. Government.

I would also add that this provision is much tougher than the minority's motion to recommit. That motion would have only banned certain activities by lobbyists for states that sponsor terrorism. This bill bars such lobbying altogether.

And secondly, the motion to recommit was clearly unconstitutional and destined to be struck down. The minority's proposal would have allowed the government to prohibit an American citizen from making campaign contributions or independent expenditures on his or her own behalf on the basis of a business contract. This would

have clearly violated the First Amendment.

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

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

Mr. HALL of New York. In contrast, H.R. 5609 is constitutional. These foreign countries have no First Amendment rights.

I urge my colleagues to support H.R. 5609.

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

Once again, Madam Speaker, I rise in support of this bill.

Mr. HALL just suggested that his bill is stronger than the motion to recommit that I had last week with respect to actions of those who represent state sponsors of terrorism, that is, those who lobby on behalf of those states. At that time, the majority position was that even that limitation was blatantly unconstitutional. Those were the words of Mr. VAN HOLLEN on the floor specifically referring to what, now, Mr. HALL says is a lesser prohibition than what he brings forward. I presume that, therefore, their review of the constitutionality of this now reveals to them that it is constitutional for us to do this and the statements that were made last week on the floor against my motion to recommit are, in fact, inoperative.

Here's what Mr. VAN HOLLEN said: You're denying American citizens and voters the right to contribute to campaigns, to participate freely in campaigns.

He's referring specifically to that section that I had in the bill talking about lobbyists. Now you're saying that they may not perform any lobbying activities whatsoever.

I mean, I agree with the intent. I hope it is, in fact, constitutional. But it is just remarkable that you can come on the floor and condemn something as being blatantly unconstitutional, get a majority vested, 216 members of the Democratic Party voting against it, and then a week later come back and say, Look at us. We are now presenting a real tough restriction that's even tougher than what you offered last week, which was unconstitutional. But ours, which is more restrictive, is, in fact, constitutional. You know, we ought to do better than that.

We also ought to do better than changing our handiwork just before we hit the floor. It is interesting to see the text of the bill, which still calls it a bill to amend the Federal Election Campaign Act of 1971, when, in fact, the substance of it deals with amending the Lobbying Disclosure Act of 1995. But obviously someone, just before they got to the floor, understood that, and you can see some cut and paste at the bottom—it doesn't even have lines for the bill—which amends the title so that the title now reads, "A bill to amend the Lobbying Disclosure Act of 1995."

When I was in high school, I guess and even grade school, eighth grade, when we used to put things together, we would call it cut and paste, but I would hope that we could do better than that here in the House of Representatives on the floor of the House.

With that, I reserve the balance of my time.

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

This is the most interesting debate in which we are all going to support the amendment but the process has been corrupted, and I think it's been implied more than once that this bill of Mr. HALL's has been borrowed from our distinguished colleagues on the other side of the aisle. And the fine detail in which we have scrutinized the parliamentary improprieties is absolutely amazing.

It is not reckless to suggest that all of the Members of the House on both sides of the aisle are going to obviously support this measure. It's just that the proper credit has not been allocated to all the parties that have participated so ably in bringing this matter to the floor.

I only wish there was some way I could correct that because I believe in fairness, and I want my colleagues to know that we're not trying to steal their thunder. I think that we all agree ultimately upon the objective. But constitutionally—and no one knows this better than the former attorney general of California—constitutionally you cannot preclude an American citizen from making a contribution, and that bill that was previously considered and discussed did that.

□ 1640

You can, however, prohibit a foreign country from hiring lobbyists, and this is what we did and do. I am sure that it can withstand constitutional scrutiny and that we can go forward into the holiday, recognizing that we have done exactly what we set out to do.

I yield to the gentleman from New York if he would like to make a further comment.

Mr. HALL of New York. Thank you, Mr. Chairman, for yielding.

Madam Speaker, I would just comment that I certainly don't have the experience or the legal knowledge of my colleague, the gentleman from California, so far be it for me to get into the fine points of constitutionality or rules of the House; but I suspect that when the other side of the aisle was in the majority, they may have made some last-minute changes in bills like this.

Be that as it may, the minority side's motion to recommit last week included partisan provisions, which seemed to make it a "gotcha" vote to try to ensnare Members of the majority, including the provision that the chairman mentioned of prohibiting individual American citizens from making contributions. This is more narrowly tai-

lored, more constitutionally sound, and ultimately stronger than that motion to recommit. It simply prevents terrorist nations from having roles in U.S. policy. It should be an easy "yes" vote for both sides.

If there is a problem in saying that we have moved it too quickly, I would apologize. I would thank the gentleman from California for the ideas that he had, some of which are in this piece of legislation, and I would say that we should all agree that moving quickly on this cause is a good thing. The faster we can stop foreign terrorist nations from buying their way into our political system, the better.

In closing, I would just urge strong support for this bill, saying that we can't afford to let a hostile government have any control over U.S. policy, directly or indirectly. So I urge my colleagues to vote for this critical bill.

Mr. CONYERS. Madam Speaker, I yield such time as he may consume to my friend, the gentleman from New York (Mr. MCMAHON).

Mr. MCMAHON. Madam Speaker, I rise in support of H.R. 5609, which I am proud to offer together with and to follow the lead of my colleague from the great Hudson River Valley of New York, Mr. JOHN HALL, to amend the Federal Election Campaign Act of 1971 in order to prohibit lobbying by foreign governments that are on the United States Department of State's "State Sponsors of Terrorism" list.

I thank the gentleman from Michigan, the chairman of the Judiciary Committee, for his eloquent explanation in defense of this bill as we have gotten it here on the floor this afternoon.

As I have listened to the equally eloquent and feisty arguments from the gentleman from California, who is in apparent opposition, I cannot make the legal argument, but certainly, Shakespeare would have said, "He doest protest too much."

That being said, currently four countries are on the State Department's "State Sponsors of Terrorism" list—Cuba, Iran, Sudan, and Syria.

In Cuba, close to 12 million people live in one of the few remaining purely Communist countries in the world, the only one in our hemisphere—one without human rights and without democracy. They are limited by the Castro government in their jobs, education, even in what appliances they can buy, and where they can live.

Iran is a theocracy which continues on a disastrous path to enrich uranium in order to create a nuclear weapon. Their intransigence against international inspectors threatens Israel, Europe and the United States. Dis-senters of the government are routinely killed, minorities are jailed, and people are afraid to speak out. Iran threatens United States' interests and any progress to make Iran or Iraq a stable and civil society.

Sudan is a country that has been in a protracted civil war between the

Animist and Christian south and the Muslim north. The Darfur region of Sudan has seen a humanitarian disaster—killing millions and placing Muslims against Muslims as the world has stood helpless. Sudan is a state sponsor of terrorism against its own people.

Finally, Syria, a country which continues to threaten our strongest and most reliable ally in the Middle East—Israel. Syria has fueled civil war in Lebanon through their support of Hezbollah, has had a direct implication in the assassination of Lebanese Prime Minister Rafiq Hariri, and they continue to support Hamas in Gaza. I represent over 50,000 Syrian Jewish refugees who have fled the anti-democratic country of Syria to build better lives in the United States.

This bill only affects people registered to represent one of these foreign governments on the “State Sponsors of Terrorism” list, not companies which are doing business in those countries.

I urge my colleagues, irrespective of the course that this bill took to get on the floor, to support this legislation and to stop the ability of any country on the “State Sponsors of Terrorism” list from directly or indirectly influencing our Congress.

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

Once again, Madam Speaker, I rise in support of this bill. I think, though, it is instructive to note the rather strange circumstances surrounding the process involved here. Usually process is not important, but I do think that we ought to use our rules to try and make it easier for Members to understand what they are voting on, that we try to make it as clear as possible as to the subject matter, that we give Members sufficient time so they can consider the actual language of the bill, and that we actually allow further and more robust debate on this floor.

One of the laments I have, having returned to this Congress in 2005, is a lessening of the importance of the dynamic of the floor of the House of Representatives. When my party was in charge and now when the other party has been in charge, rules, in my judgment, have been far too restrictive. There have been far fewer amendments allowed on this floor for full debate. There have been far fewer Members recognized for the possibility of offering their particular perspectives. I do not think that is a good thing. I think that is a bad thing.

Members should understand the consequence of the Suspension Calendar or of having something that is subject to a consent request for a suspension of the rules, because it is important for Members to understand that every single word of substance in a bill brought forward to this floor, other than the title, can be changed when you suspend the rules. I think that’s important for people to know.

Secondly, it is also disappointing that one week we will have an idea roundly criticized and even suggested to be blatantly unconstitutional. Then the next week, without, really, any further debate, without any hearings and without any new knowledge that has changed a review of the subject matter, it suddenly is no longer that. I never thought it was unconstitutional in the first instance, but sometimes our rhetoric gets away with us on this floor. I think you can have a vigorous and robust debate without exaggeration to such an extent that you dismiss things lightly as being unconstitutional.

I am reminded of what Justice Scalia said in a speech a few years ago. He said, when he was a kid, growing up, and when you saw something you didn’t like or that you thought was wrong, you’d say, There ought to be a law. As a matter of fact, there was a cartoon series on that: “There ought to be a law.” He said now the tendency is when you see something you don’t like or when you see something you would change, you say, It’s unconstitutional.

While that may not sound that important, it is extremely important because, if you say, There ought to be a law, you are accepting the burden of persuading your fellow citizens to pass a law. If you say, It’s unconstitutional, you are suggesting that that subject matter has been removed from the arena of public debate and democratic processes, that is, removed from the legislative and executive branches and given exclusively to the judiciary, wherein they make the decision, and their decision ultimately is not appealable to the other branches of government. That is a tremendous distinction.

In my judgment, we have seen the courts, over the last decades, trespass upon the appropriate democratic rights of the American public, that is, telling them they no longer have the ability to make the decision through their democratic branches of government. It is, rather, going to be in that nondemocratic—and I mean that intentionally. They are not supposed to be responsive as we are to the public.

□ 1650

But because of that, where they rule on the basis of the Constitution ought to be in a very limited, relatively limited area. So I think we ought to be more careful when, instead of engaging in the debate on the subject matter at hand, we lightly suggest that our disagreement with it is that it is unnecessarily unconstitutional.

Now, I realize I made the argument last week on the bill before us, the DISCLOSE Act, on the unconstitutionality, but I believe I did back that up with legal analysis and had extended debate on the floor on that, as opposed to just throwing it out as an argument against a single amendment or single section of the bill.

With that, I would urge my colleagues to overlook the manner in

which this was brought to the floor, accept the explanations and heartfelt concerns expressed by my friend from Michigan about the manner in which it came to the floor, and with all that, support this bill.

I yield back the balance of my time.
Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 5609, as amended.

The question was taken.

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

Mr. CONYERS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

CALL OF THE HOUSE

Mr. CONYERS. Madam Speaker, I move a call of the House.

The SPEAKER pro tempore. Under clause 7(b) of rule XX, the Chair confers recognition for that purpose.

A call of the House was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute call of the House will be followed by 5-minute votes on suspending the rules with regard to H.R. 5609 and House Concurrent Resolution 290, if ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 424]

Ackerman	Boustany	Coble
Aderholt	Boyd	Coffman (CO)
Adler (NJ)	Brady (PA)	Cohen
Akin	Braley (IA)	Cole
Alexander	Bright	Conaway
Altmire	Broun (GA)	Connolly (VA)
Andrews	Brown (SC)	Conyers
Arcuri	Brown, Corrine	Cooper
Austria	Brown-Waite,	Costa
Baca	Ginny	Costello
Bachmann	Buchanan	Courtney
Bachus	Burgess	Crenshaw
Baldwin	Burton (IN)	Critz
Barrett (SC)	Butterfield	Crowley
Barrow	Buyer	Cuellar
Bartlett	Calvert	Culberson
Barton (TX)	Camp	Cummings
Bean	Campbell	Dahlkemper
Becerra	Cantor	Davis (AL)
Berkley	Cao	Davis (CA)
Berman	Capps	Davis (IL)
Berry	Capuano	Davis (KY)
Biggart	Cardoza	Davis (TN)
Bilbray	Carnahan	DeFazio
Bilirakis	Carney	DeGette
Bishop (GA)	Carson (IN)	Delahunt
Bishop (NY)	Carter	DeLauro
Bishop (UT)	Cassidy	Dent
Blackburn	Castle	Deutch
Blumenauer	Castor (FL)	Diaz-Balart, L.
Blunt	Chaffetz	Diaz-Balart, M.
Boccheri	Chandler	Dicks
Boehner	Childers	Dingell
Bono Mack	Chu	Djou
Boozman	Clarke	Doggett
Boren	Clay	Donnelly (IN)
Boswell	Cleaver	Doyle
Boucher	Clyburn	Dreier