

of Export Administration of the Department of Commerce issued on June 19, 2000 (65 Fed. Reg. 38148; relating to export restrictions on North Korea).

(B) **LICENSING REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall require a license to export an item on the list required under subparagraph (A)(i) to a country designated as a Destination of Diversion Concern.

(C) **WAIVER.**—The President may waive the imposition of the licensing requirement under subparagraph (B) with respect to a country designated as a Destination of Diversion Concern if the President—

(i) determines that such a waiver is in the national interest of the United States; and

(ii) submits to the appropriate congressional committees a report describing the reasons for the determination.

(c) **TERMINATION OF DESIGNATION.**—The designation of a country as a Destination of Possible Diversion Concern or a Destination of Diversion Concern shall terminate on the date on which the Secretary of Commerce determines, based on the criteria described in subparagraphs (A) through (D) of subsection (a)(1), and certifies to Congress and the President that the country has adequately strengthened the export control systems of the country to prevent transshipment, reexportation, and diversion of items through the country to end-users whose identities cannot be verified or to entities in Iran.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 304. REPORT ON EXPANDING DIVERSION CONCERN SYSTEM TO COUNTRIES OTHER THAN IRAN.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Commerce, the Secretary of State, and the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that—

(1) identifies any country that the Director determines may be transshipping, reexporting, or diverting items subject to the provisions of the Export Administration Regulations to another country if such other country—

(A) is seeking to obtain nuclear, biological, or chemical weapons, defense technologies, components for improvised explosive devices, or other defense items; or

(B) provides support for acts of international terrorism; and

(2) assesses the feasibility and advisability of expanding the system established under section 303 for designating countries as Destinations of Possible Diversion Concern and Destinations of Diversion Concern to include countries identified under paragraph (1).

TITLE IV—EFFECTIVE DATE; SUNSET

SEC. 401. EFFECTIVE DATE; SUNSET.

(a) **EFFECTIVE DATE.**—Except as provided in sections 104, 202, and 303(b)(2), the provisions of, and amendments made by, this Act shall take effect on the date that is 120 days after the date of the enactment of this Act.

(b) **SUNSET.**—The provisions of this Act shall terminate on the date that is 30 days after the date on which the President certifies to Congress that—

(1) the Government of Iran has ceased providing support for acts of international terrorism and no longer satisfies the requirements for designation as a state sponsor of terrorism under—

(A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);

(B) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(C) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)); and

(2) Iran has ceased the pursuit, acquisition, and development of nuclear, biological, and chemical weapons and ballistic missiles and ballistic missile launch technology.

Mr. REID. Madam President, I move to reconsider the vote by which the bill was passed and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Madam President, I am pleased that the Senate just passed S. 2799, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009 and I thank Senators DODD, KERRY, SHELBY, LIEBERMAN, BAYH, KYL and many others who have worked so hard to get this important legislation passed.

I believe that passing this legislation is critical to send Iran the message that the United States is serious about keeping Iran from acquiring nuclear weapons capability. This legislation would impose new sanctions on Iran's refined petroleum sector and tighten existing U.S. sanctions in an effort to create new pressure on the Iranian regime and help stop Iran from acquiring a nuclear weapon.

We have all watched the Iranian regime oppress its own people on the streets of Iran. And we have watched them continue to defy the international community on nuclear issues.

That is why it is so important that we move this legislation forward quickly. I know that a number of Senators had concerns, or changes they wanted to make to this legislation, including Senator MCCAIN, who has an amendment he wanted to offer on human rights on Iran. I am committed to working with him, and others, as we move forward in conference.

CITIZENS UNITED CASE

Mr. MCCONNELL. Madam President, last night, the President spoke about many things. I would like to focus for a moment on one of them: his comments related to the Supreme Court's recent decision in *Citizens United vs. Federal Election Commission*. This is an issue to which I have devoted a great deal of time over the years, so I think it is important to set the record straight as to what the court did and did not do in this very important, and in my view, correct ruling.

Here's what the President said:

Last week, the Supreme Court reversed a century of law to open the floodgates for special interests—including foreign corporations—to spend without limit in our elections.

That is what the President said last night.

Here is why he is wrong.

According to title 2 of U.S.C. Section 441e:

Foreign nationals, specifically defined to include foreign corporations, are prohibited from “directly or indi-

rectly” making “a contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a Federal, State or local election.”

The statute goes on to prohibit foreign corporations from making any contribution or donation to any committee of any political party. Foreign corporations are also prohibited from making any “expenditure, independent expenditure, or disbursement for an electioneering communication.”

None of these prohibitions were at issue in the *Citizens United* case.

In other words, foreign corporations were prohibited from participating in U.S. elections before the *Citizens United* decision and they still are—unambiguously.

Let me make that perfectly clear: *Citizens United* did not change one thing in current law regarding the prohibition on foreign corporations engaging in U.S. elections. That law remains unchanged.

Further, the Federal Election Commission whom has been very clear in defining this what this prohibition means.

Here's what the FEC's regulation states:

A foreign national shall not direct, dictate, control, or directly or indirectly participate in the decision making process of any person, such as a corporation, labor organization, political committee, or political organization with regard to such person's Federal or non-Federal election-related activities, such as decisions concerning the making of contributions, donations, expenditures, or disbursements in connection with elections for any Federal, State, or local office or decisions concerning the administration of a political committee.

So the law on this matter is crystal clear. Contrary to what the President, and some of his surrogates in Congress say, foreign persons, corporations, partnerships, associations, organizations or other combination of persons are strictly prohibited from any participation in U.S. elections, just as they were prohibited before the Supreme Court's *Citizens United* decision.

I have explained what the ruling did not do. Now let me explain what the ruling did do.

The Court ruled unconstitutional sections of Federal law that barred corporations and unions from spending their own money to express their views about issues and candidates.

This was the right decision because democracy depends upon free speech, not just for some but for all. As Justice Kennedy, writing for the majority, concluded:

Under our law and our tradition it seems stranger than fiction for our Government to make political speech a crime.

In *Citizens United* the Court ended the suppression of corporate and union speech.

Another way to look at it is prior to *Citizens United*, if you were a corporation that owned a media company you could say anything you wanted to 365

days a year without government interference. But if you were a corporation or union that did not own a media company, you couldn't. All this decision did was to level the playing field and strike an important blow for the first amendment and for free speech in our country, a decision that should be applauded by all, but at the very least not misinterpreted.

(Mr. BURRIS assumed the Chair.)

BUDGET SCOREKEEPING REPORT

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

The report shows the effects of Congressional action through January 25, 2010, and includes the effects of legislation since I filed my last report for fiscal year 2010 on August 4, 2009. The new legislation includes:

P.L. 111-47, an act making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program;

P.L. 111-68, an act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes;

P.L. 111-69, the Fiscal Year 2010 Federal Aviation Administration Extension Act;

P.L. 111-80, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010;

P.L. 111-83, the Department of Homeland Security Appropriations Act, 2010;

P.L. 111-84, the National Defense Authorization Act for Fiscal Year 2010;

P.L. 111-85, the Energy and Water Development and Related Agencies Appropriations Act, 2010;

P.L. 111-88, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 and Further Continuing Appropriations, 2010;

P.L. 111-92, the Worker, Homeownership, and Business Assistance Act of 2009;

P.L. 111-96, an act to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes;

P.L. 111-115, the No Social Security Benefits for Prisoners Act of 2009;

P.L. 111-117, the Consolidated Appropriations Act, 2010;

P.L. 111-118, the Department of Defense Appropriations Act, 2010;

P.L. 111-124, an act to extend the Generalized System of Preferences and the Andean Trade Preference Act, and for other purposes; and

P.L. 111-126, an act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the 2010 budget resolution.

The estimates show that for fiscal year 2010 current level spending is \$17.9 billion below the level provided for in the budget resolution for budget authority, while it is \$5.6 billion above it for outlays. For revenues, current level shows that \$18.6 billion in room remains relative to the budget resolution level.

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

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 28, 2010.

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

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2010 budget and is current through January 20, 2010. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

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

Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Since my last letter, dated August 4, 2009, the Congress has cleared and President has signed the following acts which affect budget authority, outlays, or revenues for fiscal year 2010:

An act making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program (Public Law 111-47);

An act making appropriations for the Legislative Branch for the fiscal year ending

September 30, 2010, and for other purposes (Public Law 111-68);

Fiscal Year 2010 Federal Aviation Administration Extension Act (Public Law 111-69);

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80);

Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83);

National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84);

Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85);

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 and Further Continuing Appropriations, 2010 (Public Law 111-88);

Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111-92);

An act to allow the funding for interoperable emergency communication grants program . . . and for other purposes (Public Law 111-96);

No Social Security Benefits for Prisoners Act of 2009 (Public Law 111-115);

Consolidated Appropriations Act, 2010 (Public Law 111-117);

Department of Defense Appropriations Act, 2010 (Public Law 111-118);

An act to extend the Generalized System of Preferences and the Andean Trade Preference Act, and for other purposes (Public Law 111-124); and

An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti (Public Law 111-126).

Sincerely,
DOUGLAS W. ELMENDORF,
Director.

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JANUARY 25, 2010

[In billions of dollars]

	Budget resolution ¹	Current level ²	Current level over/under (—) resolution
ON-BUDGET			
Budget Authority	2,887.9	2,869.9	— 17.9
Outlays	3,006.7	3,012.3	5.6
Revenues	1,614.8	1,633.3	18.6
OFF-BUDGET			
Social Security Outlays ³	544.1	544.1	0.0
Social Security Revenues	668.2	668.2	0.0

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

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

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

SOURCE: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JANUARY 25, 2010

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted:¹			
Revenues	n.a.	n.a.	1,665,986
Permanents and other spending legislation	1,637,423	1,621,675	n.a.
Appropriation legislation	0	600,500	n.a.
Offsetting receipts	— 690,251	— 690,251	n.a.
Total, previously enacted	947,172	1,531,924	1,665,986
Enacted this session:			
Authorizing Legislation:			
Helping Families Save Their Homes Act of 2009 (P.L. 111-22)	318	11,346	0