

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 non-partisan 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 time-frames.

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 co-terminous. 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 for-

eign 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.