

know. At a time when the Senate is working to recognize the importance of protecting Americans' first amendment rights, I am proud to recognize a Burlington lawyer who was recently recognized by the Vermont Press Association for his lifetime commitment to the first amendment and the public's right to know.

On December 3, 2009, Robert B. Hemley was awarded the Matthew Lyon Award during the Association's annual awards banquet in Montpelier, Vermont. As a fellow Matthew Lyon Award recipient, I share with Robert a passion about the need for each generation to defend the first amendment rights that are so crucial to all Vermonters and to every American. Robert has worked to bring greater transparency and accountability to our government by representing journalists and newspapers in instances in which they were improperly forced to testify in violation of the first amendment, and by helping to create the Vermont Coalition for Open Government.

In each era there will always be much to do to bring greater openness and accountability to government of, by, and for the people. I am pleased to know Robert Hemley will continue to bring his expertise and dedication to this fight.

I ask unanimous consent to have printed in the RECORD an article from the St. Albans Messenger.

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

[From the St. Albans Messenger, Dec. 1, 2009]
BURLINGTON LAWYER WINS RECOGNITION FOR
COMMITMENT TO FIRST AMENDMENT

MONTPELIER.—Burlington lawyer Robert B. Hemley has been selected to receive the Matthew Lyon Award for his lifetime commitment to the First Amendment and public's right to know the truth in Vermont.

The Vermont Press Association is scheduled to present the award to Hemley during its annual awards banquet at noon Thursday (Dec. 3) at the Capitol Plaza in Montpelier.

VPA President Bethany Dunbar, editor of the Chronicle in Barton, said Hemley has been a First Amendment leader in the fight against sealed public records, closed courtrooms and improper attempts to force reporters to testify in violation of the First Amendment. Hemley also has successfully defended the media against defamation and invasion-of-privacy lawsuits and other false claims.

The VPA created the award to honor people who have an unwavering devotion to the five freedoms within the First Amendment and to the belief that the public's right to know the truth is essential in a self-governed democracy.

The First Amendment award is named for the former Vermont congressman, who was jailed in 1798 under the Alien and Sedition Act for sending a letter to the editor criticizing President John Adams.

While Lyon was serving his federal sentence in a Vergennes jail, Vermonters elected him to the U.S. House of Representatives. Hemley, who is a shareholder in the Gravel and Shea law firm, has been recruited to the write the Vermont section of the national guides on libel, privacy, and access for both the media Libel Resource Center and the Reporters' Committee for Freedom of the Press for more than 20 years.

He has shared his expertise and participated in various training sessions for judges, lawyers, the media and the public. He helped create the Vermont Coalition for Open Government and has been invited through the years by the Vermont Legislature to offer testimony on several First Amendment issues.

Hemley has represented: St. Albans Messenger, Burlington Free Press, Rutland Herald, Times Argus, Valley News, Bennington Banner, the Associated Press, United Press International, USA Today, New York Times, New York Daily News, along with WCAX-TV, Vermont Public Radio and several weekly newspapers, including in Randolph, Stowe, Waitsfield and Burlington.

Before arriving in Vermont in 1976, Hemley was an assistant U.S. Attorney for the Southern District of New York and also worked for a Wall Street law firm. He earned degrees from Amherst College and New York University Law School and is listed in the Best Lawyers in America. Hemley has chaired the District Court Advisory Committee for Vermont since 1993.

He lives in Burlington with his wife, Marcia, and they have three children: Amanda, an assistant state's attorney for Dade County, Fla.; Mark, who lives in Boston, and Ian, who attends school in Atlanta.

Previous Matthew Lyon winners include Patrick J. Leahy for his work as a state prosecutor and as a U.S. senator; and Edward J. Cashman for his efforts as Chittenden Superior Court clerk, a state prosecutor and state judge.

IRAN

Mr. LEVIN. Mr. President, I want to take a few moments today to comment on recent events in Iran, the continuing protests against that nation's ruling regime, the brutal response of that regime to the legitimate protests of Iran's people, and one small step the United States can and should take to aid the people of Iran in exercising the basic human right to protest and hold their own government accountable.

As my colleagues know well, student protests in Tehran and other cities took place on Dec. 7, Student Day, the anniversary of the 1953 attacks by the shah's security services that left three student protesters dead. Just as those students sought to protest against an unjust and repressive government, so did today's students. And again, Iran's government responded with intimidation, violence and repression.

Iranian security forces, and paramilitary militias allied with government hard-liners, used teargas, batons and beatings to attack nonviolent protesters on the campus of Tehran University and at other universities. The government's chief prosecutor told the state-controlled news agency—apparently without irony—"So far we have shown restraint," and threatened even harsher methods to end the protests.

Sadly, this is a recurring theme in Iran. Outraged by overwhelming evidence of fraud designed to keep President Ahmadinejad in power last June, students and other Iranians took to the streets. These nonviolent protests were met by the regime with escalating levels of brutality. According to a recent report from the human rights group

Amnesty International, government-sponsored violence and repression in Iran since the election has reached the highest level in 20 years. Hundreds of people have been rounded up and imprisoned, often under appalling conditions, without access to legal representation or indeed any contact with the outside world. Iranian citizens, according to the report, were charged with vague offenses unconnected to any recognizable criminal charge under Iranian law.

More than 100 were paraded before cameras in show trials, with visible signs of abuse. The Amnesty International report includes evidence that the pace of executions by the Iranian government has increased, a clear and chilling message to the regime's critics. And citizens released from detention made credible and horrific charges of abuse while in custody, including allegations of the widespread use of rape.

This deplorable record is why I and six colleagues introduced a resolution last month, approved by this body, expressing the sense of the Senate that the government of Iran has routinely violated the human rights of its citizens, and calling on the Iranian government to fulfill its obligations under international law and its own constitution to honor and protect the fundamental rights to which its citizens, and all human beings, are entitled. We recognized the need for a strong statement of condemnation of the regime's behavior, and of solidarity with those Iranians seeking to exercise their right to protest. The Iranian government must know that the world is watching.

Mr. President, there is more the United States can do. I draw my colleagues' attention to a notice from the State Department that the administration will waive certain provisions of the Iran-Iraq Arms Nonproliferation Act of 1992 with respect to the export of personal, Internet-based communications tools to Iran. This is an important response to the Iranian government's crackdown on its people. The regime has sharply curtailed the actions of foreign media representatives in Iran, making independent observations of the situation there difficult or impossible to report. Much of what we know about the regime's repression has come from first-hand accounts by Iranian citizens, distributed via Internet tools such as YouTube and Twitter. These media outlets have become vital, not only to those of us outside Iran seeking information about events within the country, but to Iranian citizens seeking to communicate with one another. And they are especially important given the near total absence of independent news media in Iran. The regime has undertaken, even before the June election, a systematic effort to eliminate newspapers or broadcasters that report critically on the government's activities. And Iran's Revolutionary Guards, closely connected to government hardliners, have sought to add media and communication companies to its growing commercial empire,

tightening the regime's grip on communications within Iran.

The State Department recently notified Congress that it intends to waive provisions of our sanctions against Iran to allow Iranians to download free, mass-market software used in activities such as e-mail, instant messaging and social networking. According to the State Department, "U.S. sanctions on Iran are having an unintended chilling effect on the ability of companies such as Microsoft and Google to continue providing essential communications tools to ordinary Iranians. This waiver will authorize free downloads to Iran of certain nominally dual-use software (because of low-level encryption elements) classified as mass market software by the Department of Commerce and essential for the exchange of personal communications and/or sharing of information over the internet."

Granting of this waiver is an important step in ensuring that our actions here do not impede the attempts by Iranians to exercise their human rights. I applaud the administration for its decision, and hope the people of Iran will view this as one more sign of the solidarity between them and the people of the United States. I ask that a letter to me from Richard R. Verma, assistant secretary of state for legislative affairs, informing the Senate Armed Services Committee of this waiver decision, be printed in the RECORD.

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

U.S. DEPARTMENT OF STATE,
Washington, DC, December 15, 2009.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report is being provided consistent with Section 1606 of the Iran-Iraq Arms Non-Proliferation Act of 1992 (P.L. 102-484) (the "Act"). The Under Secretary of State has determined that the issuance of a license for a proposed export to Iran is "essential to the national interest of the United States." The attached report provides a specific and detailed rationale for this determination. The waiver authority under Section 1606 of the Act will not be exercised until at least 15 days after this report is transmitted to the Congress.

The Department of State is recommending that the Department of Treasury's Office of Foreign Assets Control (OFAC) issue a general license that would authorize downloads of free mass market software by companies such as Microsoft and Google to Iran necessary for the exchange of personal communications and/or sharing of information over the Internet such as instant messaging, chat and email, and social networking. This software is necessary to foster and support the free flow of information to individual Iranian citizens and is therefore essential to the national interest of the United States.

Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

RICHARD R. VERMA,
Assistant Secretary, Legislative Affairs.

REPORT UNDER THE IRAN-IRAQ ARMS NON-
PROLIFERATION ACT OF 1992

This report is being provided consistent with Section 1606 of the Iran-Iraq Arms Non-

Proliferation Act of 1992 (P.L. 102-484) (the "Act"). Section 1603 of the Act applies with respect to Iran certain sanctions specified in paragraphs (1) through (4) of Section 586G(a) of the Iraq Sanctions Act of 1990 (P.L. 101-513) (the "ISA"). This includes the requirement under Section 586G(a)(3) of the ISA to use the authorities of Section 6 of the Export Administration Act of 1979 ("EAA") to prohibit the export to Iran of any goods or technology listed pursuant to Section 6 of the EAA or Section 5(c)(1) of the EAA on the control list provided for in Section 4(b) of the EAA, unless such export is pursuant to a contract in effect before the effective date of the Act (October 23, 1992).

Pursuant to Section 1606 of the Act, the President may waive the requirement to impose a sanction described in Section 1603 of the Act by determining that it is essential to the national interest of the United States to exercise such waiver authority. On September 27, 1994, the President delegated his authorities under the Act to the Secretary of State. Subsequently, on January 12, 2007, the Secretary of State delegated these authorities to the Under Secretary for Arms Control and International Security (DA 293-1).

Personal Internet-based communications are a vital tool for change in Iran as recent events have demonstrated. However, U.S. sanctions on Iran are having an unintended chilling effect on the ability of companies such as Microsoft and Google to continue providing essential communications tools to ordinary Iranians. This waiver will authorize free downloads to Iran of certain nominally dual-use software (because of low-level encryption elements) classified as mass market software by the Department of Commerce and essential for the exchange of personal communications and/or sharing of information over the Internet. The waiver will enable Treasury's Office of Foreign Assets Control to issue a broader general license covering these downloads and related services. This general license will be comparable to exemptions which already exist for the exchange of direct mail and phone calls. The new general license will specifically exclude from its authorization the direct or indirect exportation of services or software with knowledge or reason to know that such services or software are intended for the Government of Iran.

The Under Secretary has determined that it is essential to the national interest of the United States to exercise the authority of Section 1606 of the Act not to impose the sanction described in Section 1603 of the Act and Section 586(a)(3) of the ISA and to permit the issuance of a general license for this kind of software.

SLOVAKIA AND HUNGARY RELATIONS

Mr. CARDIN. Mr. President, in 1991, then-Czechoslovak President Vaclav Havel brought together his counterparts from Poland and Hungary. Taking inspiration from a 14th century meeting of Central European kings, these 20th century leaders returned to the same Danube town of Visegrad with a view to eliminating the remnants of the communist bloc in Central Europe; overcoming historic animosities between Central European countries; and promoting European integration.

Today, the Czech Republic, Hungary, Poland and Slovakia are together known as the Visegrad Group, and all four have successfully joined NATO

and the European Union. They are anchors in the Trans-Atlantic alliance, and I am pleased to have had the opportunity to travel to all four of these countries where I have met with public officials, non-governmental representatives and ethnic and religious community leaders.

Unfortunately, it appears that some additional work is necessary to address one of the principal goals of the Visegrad Group; namely, overcoming historic animosities. In recent months, relations between Hungary and Slovakia have been strained. Having traveled in the region and having met with leaders from both countries during their recent visits to Washington, I would like to share a few observations.

First, an amendment to the Slovak language law, which was adopted in June and will enter into force in January, has caused a great deal of concern that the use of the Hungarian language by the Hungarian minority in Slovakia will be unduly or unfairly restricted. Unfortunately, that anxiety has been whipped up, in part, by a number of inaccurate and exaggerated statements about the law.

The amendment to the state language law only governs the use of the state language by official public bodies. These state entities may be fined if they fail to ensure that Slovak—the state language—is used in addition to the minority languages permitted by law. The amendment does not allow fines to be imposed on individuals, and certainly not for speaking Hungarian or any other minority language in private, contrary to what is sometimes implied.

The OSCE High Commissioner on National Minorities has been meeting with officials from both countries and summarized the Slovak law in his most recent report to the OSCE Permanent Council:

The adopted amendments to the State Language Law pursue a legitimate aim, namely, to strengthen the position of the State language, and, overall, are in line with international standards. Some parts of the law, however, are ambiguous and may be misinterpreted, leading to a negative impact on the rights of persons belonging to national minorities.

Since the law has not yet come into effect, there is particular concern that even if the law itself is consistent with international norms, the implementation of the law may not be.

I am heartened that Slovakia and Hungary have continued to engage with one of the OSCE's most respected institutions—the High Commissioner on National Minorities—on this sensitive issue, and I am confident that their continued discussions will be constructive.

At the same time, I would flag a number of factors or developments that have created the impression that the Slovak Government has some hostility toward the Hungarian minority.

Those factors include but are not limited to the participation of the extremist Slovak National Party, SNS,