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# Senate

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

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, whose mercies never fail, we come into Your presence with thanksgiving and praise. We are thankful that Your mercy is everlasting and Your truth endures to all generations. We praise You that we are Your people and the sheep of Your pasture.

Today, enable the Members of this body to experience Your presence and to receive Your wisdom. May they receive these blessings, aware of Your counsel that, ''to whom much is given, much is required.'' Bless us and all the people of the world today and every day.

We pray in Your great Name. Amen.

## PLEDGE OF ALLEGIANCE

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

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, September 21, 2011.*

*To the Senate:*

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

DANIEL K. INOUYE,
*President pro tempore.*

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

## RECOGNITION OF THE ACTING MAJORITY LEADER

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

## SCHEDULE

Mr. DURBIN. Madam President, following any leader remarks, the Senate will be in morning business for 1 hour with the majority controlling the first half and the Republicans controlling the final half. Following morning business, the Senate will resume consideration of H.R. 2832, the GSP bill and the vehicle for trade adjustment assistance.

At approximately 12:30 p.m. there will be two rollcall votes in relation to the Hatch amendment regarding the effective date of trade adjustment assistance and the McCain amendment regarding a 2-year extension of that program.

Additional rollcall votes are expected during today's session.

## RESERVATION OF LEADER TIME

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

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, the time equally divided, with Senators permitted to speak therein for up to 10 minutes each. The majority will control the first half and the Republicans will control the second half.

The Senator from Illinois.

## THE ECONOMY

Mr. DURBIN. Madam President, this morning we learned that the Republican leaders of the House of Representatives and the Senate have done something which may be unprecedented. We are searching for some example in the past when this has occurred, but we have learned today that the Republican leaders of both the House and the Senate have sent a letter to Federal Reserve Chairman Ben Bernanke ahead of the central bank's 2-day meeting that begins today. That letter to Chairman Bernanke from the Republican congressional leaders instructs him as to what they should try to achieve during their 2-day meeting.

A former Commissioner of the Federal Reserve said this is outrageous; that an independent agency such as the Federal Reserve, which is operated with independence of political impact and political pressure over the years, would now be receiving direct political communications from the Republican leaders.

What is the message from the Republican leaders to the Federal Reserve? The message is, don't lower interest rates. I don't know if Senator MCCONNELL, Senator KYL, Speaker BOEHNER, or Congressman CANTOR have been home lately. But if they have been home and met with local businesses, small businesses, they will have learned very quickly that it is very difficult for them to borrow money to sustain and expand their businesses and to hire more people.

As we have a monetary policy which allows expansion of these businesses and expansion of jobs across America, we have an opportunity to try to put this recession behind us. So what is the message of the Republican leaders to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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the Federal Reserve Board? The message is clear and simple: Do nothing. Stand by the sidelines and watch this economy languish.

It is the same message the Republican leaders are sending the President of the United States. He came to us almost 2 weeks ago and said: We have to move together to make this economy stronger. We have to find a way, working together, to create jobs. The President said: Let's give to working families across America a tax cut, a payroll tax cut. The average family in my State of Illinois will receive about $1,500 a year. This will help those families who are working but struggling from paycheck to paycheck.

The Republican response to them: No. They have said to the President they will not accept a payroll tax cut for the working families and middle-income families across America.

The President said: Let's give to businesses across America some help. Let's reduce the payroll tax. In fact, let's create a tax incentive for these businesses to hire unemployed workers.

We know there are plenty of people out there who need work. Some businesses, with an enticement through the Tax Code, may be able to finally hire that extra worker and reduce the unemployment rolls.

The Republican answer, again, is no. Time and again, when either the Federal Reserve Board or the President or, in fact, any economist suggests that we need to move forward as a nation to deal with the recession, the answer from the Republican side of the aisle is no.

Now, with this letter to the Federal Reserve, the Republican congressional leaders are telling the Federal Reserve, we believe for the first time in history, that they should not provide a vehicle for expansion by lowering interest rates in this economy.

That, to me, is wrongheaded. When I think of the businesses looking to borrow money, when I think of those homeowners who need to refinance their homes, interest rates are critical to the expansion of this economy. Time and again, the Republican approach to this economy has been simply stated in just a few words: Do nothing and protect the millionaires.

When the President steps forward and asks the wealthiest among us to pay something more in terms of their own taxes, which is only fair, the Republicans cry foul, class warfare, and all the words they have used to defend their position defending millionaires across America. Most people across American understand we are going to need to have shared sacrifice to emerge from this recession. A lot of families are making that sacrifice today. Working families and middle-income families have been falling behind for a long time. We want to help them with a payroll tax cut and by creating some life in this economy that creates new jobs.

Unfortunately, we have no help coming from the Republican side of the aisle. The President believes, as we do, that putting workers back on the job while rebuilding and modernizing America is the best way to see us through this recession. He believes there are pathways back to work for Americans looking for jobs. He wants to restructure the unemployment compensation program using some innovative techniques that have been popular in the past with Republicans but now are being rejected because the President offers them—an idea that has been suggested of allowing some unemployed workers to come back to work and still draw unemployment so they can have valuable work experience and perhaps find a long-term permanent position.

Tax relief for workers and families across America—cutting payroll taxes in half for 160 million workers—is going to be a break they need. Many of these workers and working families are struggling with high gasoline prices. Does $125 a month mean that much to a Senator or Congressman? Maybe not. But if you are living paycheck to paycheck and you just saw gasoline go over $4 a gallon, $125 is absolutely essential so you can make it back and forth to work and do what is necessary for your family. The President's payroll tax cut will help these working families, and Republicans oppose it.

This plan also has deficit reduction. The President understands, as we all do, that the deficit America now faces in our long-term debt needs to be faced squarely. He believes—and I share that belief—we should spend the next year building the economy but make it clear that over the long term we are going to take the actions necessary to reduce our deficit substantially over a 10-year period of time by more than $4 trillion. That is what the President announced when he made his statement on Monday.

He also realizes that while cutting the deficit and reducing America's debt, we have to keep our promise, the promise to Americans who receive Social Security. Twenty-six percent of Social Security recipients have no other source of income. If we talk about cutting those benefits or privatizing Social Security, as many Republicans do, we are putting at risk, literally, the lifeblood of 26 percent of Social Security recipients.

For 70 percent of Social Security recipients, Social Security represents more than half of their income. So they listen carefully as the President says we are going to protect the basic benefits under Social Security. The same holds true for Medicare. Medicare is a program that has been dramatically successful. Don't take my word for it, don't take any politicians' word for it, look at the life expectancy for senior citizens since we passed Medicare in the 1960s. Senior citizens can live independently, with more confidence, and live longer because of Medicare.

We know we have to make changes in this program, but let's do it in the spirit of preserving the basic benefit structure of Medicare. That is essential, and the President has made that clear too. Those on the Republican side who support the Congressman PAUL RYAN budget, which would basically hand out vouchers to seniors and say good luck in the insurance marketplace, ignore the reality that as people age they sometimes face medical challenges that others don't have, and they need the benefit and protection of Medicare in years to come.

The President is committed to that. The Democrats are committed to that. It should be a bipartisan commitment.

The same is true when it comes to Medicaid. This is a program across America that is essential in New York and Illinois. Thirty-six percent of all the children in the State of Illinois rely on Medicaid for health insurance. More than half of the babies born in my State are paid for by the Medicaid Program, and 20 percent of Medicaid recipients in Illinois consume 60 percent of the money spent. Most of them are elderly people who are very poor, living on Medicare, relying on Medicaid to stay in a convalescent setting or a nursing home setting.

So Medicaid has to be protected as well. That is a challenge the President and those of us on the Democratic side accept.

The bottom line is, we can move this economy forward in a coordinated, bipartisan effort; use the President's payroll tax cuts, the business tax cuts that are fully paid for; make certain we are dedicated to rebuilding America's basic infrastructure; and make certain, as well, that we take care of our own: the veterans returning from war, 10 percent of whom are out of work today. That is an embarrassment, and it is one that should come to an end immediately. We should work on a bipartisan basis to encourage their being hired.

There is something else that worries me as we come to the end of this week and face a recess for both the House and Senate. The Republican leader, Congressman ERIC CANTOR of Virginia, has suggested we may be facing another government shutdown threat. It is just incredible that the Republican leader would bring that up as one of the options as we go into this week before recess.

We don't need this. We have faced two previous threats this year from the tea party-dominated Republican House of Representatives. They threatened to close down the government when we passed the continuing resolution. They threatened again to close down the economy when we faced the debt ceiling.

At this moment, this perilous moment in America's economic history, we should not face a government shutdown again, and the Republican leaders in the House should not be suggesting that as an alternative. We need to work together.

The bottom line issue is disaster aid. I think the Senator from New York

knows, as I do—in Illinois we have faced these natural disasters; 48 States have this year. Hurricane Irene, I know, did tremendous damage in the State of New York. Earlier this year in the spring the flooding on the Mississippi and Ohio Rivers did tremendous damage in my State of Illinois. We cannot predict when these natural disasters will come, and we certainly cannot predict how much they will cost. Now the Republicans in the House are insisting that we have to pay for every dollar of disaster aid.

What are their pay-fors? Take a look at it. It is a program we created to encourage the creation of manufacturing jobs in the United States, making fuel-efficient vehicles. The Republicans say eliminate it, eliminate a program focused on putting Americans back to work in good-paying jobs, building the vehicles of the future so we can be competitive not only at home but overseas? The Republicans say that is something government should not do.

It is a consistent pattern, whether it is their message to the Federal Reserve to do nothing when it comes to lowering interest rates, whether it is their message to the President to do nothing when it comes to payroll taxes to help middle-income families and business tax credits to put people back to work or when it comes to paying for disasters when they suggest eliminating a program that will create manufacturing jobs in the United States. Time and again, the philosophy of the Republicans comes through: Stand by; do nothing.

We saw it as well when it came to making certain that General Motors and Chrysler survived the crises of the last several years. The Republican position was: Do nothing.

There are many employees whose jobs are at stake when we talk about the automobile industry—all across America. We often think of some of the big names now that we see every day in the news. There are about 3,000 employees of an operation known as Facebook. There are around 30,000 employees of a company known as Google. There are 200,000 direct employees of General Motors, not to mention the millions who are suppliers and vendors of their products. To me, that is an indication of the shortsightedness of the Republican approach. Ignoring the reality of an automobile industry that needed a helping hand meant, if the Republicans had their way, GM and Chrysler may not exist today. Thank goodness they did not have their way. The President stepped in, made the changes necessary, encouraged the management of these companies to restructure in light of the new economic realities, and the companies survived.

In my home State of Illinois, in Belvidere, we are proud to have a Chrysler facility. I talked to the CEO of Chrysler. He believes—and I certainly concur—this facility has a bright future because the government helped Chrysler through an economic crisis, and now they are restructuring to build for the future. That is the kind of forward-looking view of the economy that we need.

When the Republicans instruct the Federal Reserve Board to do nothing to help the economy, say to the President: Do nothing to help the economy, and then threaten a government shutdown over paying for disaster relief across America, that is shortsighted. It is not consistent with the economic growth we need in this country to make certain we are moving forward.

I yield the floor and 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.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded.

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

## SUPPORTING ISRAEL

Mr. BROWN of Ohio. Earlier this week, I met with leaders in the Ohio Jewish community about events that could happen as the United Nations General Assembly convenes in the Presiding Officer's city, New York. One of the leaders and a dear friend of mine and a dear friend of Israel's told me these are tough times for Israel, some of the toughest ever. She took a deep breath, gathered her thoughts, and said, ''Until your neighbors accept you, it will always be a tough time.''

Israel is accustomed to living in a tough neighborhood, but in recent months that has grown tougher. Confrontation with Israel is a new centerpiece of Turkish foreign policy. Leaders in Egypt question Egypt's commitment to its peace treaty with Israel. Hezbollah has consolidated its political hold on the Lebanese Government. Iran is probably consistently the largest threat to peace in the Middle East as they defiantly continue their unmistakable march to nuclear capability.

In the coming days, the next step in an escalation against Israel will take place should the Palestinians seek recognition as a state from the United Nations. Instead of negotiating directly with Israel, as the Palestinians have often committed to do as far back as the Oslo agreement, they are about to seek to exclude Israel from any role in deciding issues that are critical to achieving a permanent peace. That must not occur. This action could set back the peace process for decades to come. The Obama administration is assiduously attempting to stop this dangerous move.

Today, as it has done in the past, Congress must stand firm with Israel. It must oppose any Palestinian action at the U.N. which would circumvent its commitment to negotiate. Our support for Israel must be united. We must speak with one voice—Democrat and Republican, House and Senate, Congress and the administration. The administration has said it will veto a Security Council resolution that would recognize a Palestinian state, and it must do that.

The U.N. rules for admission require that any applicant before the U.N. be ''peace loving'' and ''willing and able to carry out the obligations of the U.N. charter.'' The U.N. charter calls for ''faith in fundamental human rights, in the dignity and worth of the human person.'' It calls on members to ''practice tolerance and live together in peace with one another as good neighbors.'' The PA is not there yet.

U.N. membership and statehood itself is not a gift. It is not a right. It is earned. There is a responsible path for the Palestinians. Direct negotiations with Israel are the only way to produce a Palestinian state and the only way to achieve a lasting peace, just as direct negotiations produced peace between Israel and Egypt and Israel and Jordan.

Israeli Prime Minister Netanyahu has called for direct talks to begin immediately, as have President Obama and so many of our colleagues. Why should the Palestinians be rewarded by the U.N. for refusing to negotiate with Israel?

If the Palestinians have elected to pursue confrontation over negotiation with Israel, we must rethink our efforts to support the Palestinians and the Palestinian Authority. Today, the Senate foreign operations subcommittee, of which I am a member, will be marking up the international affairs appropriations bill, which happens to be the same day the PA is considering making its plea at the United Nations. The bill is strong on holding the PA accountable should it attempt such a misguided maneuver. We cannot reward unilateral acts. We cannot reward bad behavior borne of a clear rejection of the only proven path to peace.

Many of my colleagues and I understand that a great number of Palestinians want what we all want in this country—in New York and Ohio and across our country—and what people want in Israel: a better life for their children, a life of peace and prosperity between and among peoples.

I am confident the administration will veto any Security Council recognition of a Palestinian state, but there are other options and possibilities before the U.N., such as seeking recognition from the General Assembly as a nonmember state. While it is a different name and comes by different procedures, it doesn't solve the Palestinians' fundamental problems of avoiding the tough negotiations and the internal consensus-building that are essential for peacemaking to succeed. That is why U.S. leadership is so important at this critical time. That is why we must all speak with one voice and stand firm in an unbreakable bond

with our ally Israel. Until we hold those who seek to destroy Israel accountable, it will always be a tough time for our closest ally.

I yield the floor and 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. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Republican leader is recognized.

## CHANGING COURSE

Mr. MCCONNELL. Mr. President, there has been a lot of debate in the past week about the latest proposals coming out of the White House, about whether the President's latest stimulus bill or the tax hikes he is proposing will help or hurt the economy. But based on what we are hearing from the White House this week, it is hard to see the point in having any debate at all.

I am referring, of course, to a comment by the White House Communications Director who told the New York Times on Monday that the President had entered what he referred to as a new phase—a new phase. He said the President may have worked with Republicans to avert a government shutdown last spring and to raise the debt ceiling this summer, but ''that phase is behind us.'' In other words, the White House isn't interested in actually accomplishing anything anymore. It is more interested in making a point than making a difference.

So here is my question: How do you explain to the 14 million Americans looking for a job right now that you are more interested in motivating campaign supporters than in motivating businesses to hire?

For the past week, the President has been running around the country trying to set a record for the number of times he can say pass this bill ''right away'' in a 5-minute stump speech. Meanwhile, his communications director is telling people the President doesn't expect the bill to pass. And the Democratic majority leader in the Senate is treating it like a legislative afterthought. My friend the majority leader said yesterday he might take up this supposedly ''urgent'' bill next month after he has had a chance to deal with a Chinese currency bill and a few others. As for the other Democrats in Congress, well, they are not exactly rushing to get it in the queue either.

This so-called jobs bill seems to be about as popular as Solyndra, and I am just talking about among Democrats. Yet the President is out there acting as though somebody is actually putting up a fight. So this whole thing is a charade, and I think the American people deserve better. I think they deserve a President who realizes that governing involves working with a situation as it is, not as you would like it to be. President Obama may think the best way to distract people from the challenges we face is to stand near a bridge in a swing State and pit one group of Americans against another and hope his critics look bad if they don't go along with him, but I don't think he is fooling anybody. I don't think all the campaign stops in the world are going to convince most Americans that the real cause of our problems lies anywhere other than with the policies that are coming out of Washington these days or that the single greatest obstacle to job creation in America today is policies that punish the risk takers and the entrepreneurs and that stifle investment and private enterprise, rather than rewarding it.

When it comes right down to it, I think most Americans care more about results than about rhetoric. Let's be honest. The results of this President's economic policies speak for themselves. After 2½ years of government spending, here is what we have: record deficits, chronic unemployment, median incomes going down, poverty rates going up, and the first ever credit downgrade. This isn't exactly a record to be proud of. So I can understand the President wanting to change the topic. It might make him feel better. It might energize his strongest supporters. But here is something it won't do: It won't create jobs.

Look, if we can solve our jobs crisis and revive the economy by passing the hat at Warren Buffett's annual shareholders meeting, we would have done it by now, but we can't. Why? Because that is not a real solution. It is a campaign slogan.

The President said the other day the tax hikes he is proposing aren't class warfare. He said they are math. Well, we can do math too, so let's do the math. According to the IRS, if you doubled—doubled—the tax burden on everybody in America who earned more than $1 million in 2009, you would cover the cost of about 3 months of deficit spending around here. If you doubled the tax burden on everybody in America who earned more than $1 million in 2009, you would cover the cost of about 3 months of the deficit we are running around here. If you confiscated every dime of taxable income from those the President refers to as millionaires and billionaires—take it all—you wouldn't even cover a single year of deficit spending in Washington right now. Spending more money in Washington won't solve our spending problem, it will enable it.

How about the stimulus? One of the programs is the stimulus was supposed to create 65,000 jobs. So far, it has created 3,500 at nearly $11 million per job—$11 million per job. Solyndra was supposed to create thousands of permanent jobs. Two years later, more than 1,000 Solyndra employees are out of work altogether, and the American taxpayer is on the hook for more than $½ billion in loans to the company.

But here is the most important calculation: Not a single new job will come about as a result of the tax hikes the President proposed this week—not one new job. As the National Federation of Independent Business puts it:

> New tax increases on America's biggest job creators are the last thing this economy needs to get back on track.

What else do we need to know?

Republicans are ready to work with the President on turning this economy around. We know what would work, and after the past 2½ years, we have certainly seen what won't work. So my suggestion to the President is the same now as it has been for months. Put aside the political playbook and work with us on policies that will actually solve the problems Americans care about the most. Let's work together on policies that are aimed at motivating job creators, not your political base. It is time to change course.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Arizona.

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

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

Mr. MCCAIN. I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

## THE AUTHORIZATION PROCESS

Mr. MCCAIN. Mr. President, I rise today to discuss a fundamental problem of this body: the fact that Congress as an institution—and the Senate in particular—rarely engages in the process of authorizing prior to appropriating money for our government. As a result, a handful of senior appropriators and their unelected staffs dictate the spending of hundreds of billions of dollars, often in a manner that directly contravenes the will of those committees that still authorize spending. It is time this process be stopped.

The solution is simple. We should not authorize on appropriations bills, and any funding proposed for unauthorized projects should be subject to the scrutiny and approval of the authorizing committees and reflect the will of their members.

We are all to blame for this problem. The fact is that routine passage of authorizing legislation simply doesn't occur as it should. Far too often, even routine passage of appropriations legislation has devolved into passage of a

single omnibus bill. This also must stop.

A case in point is the appropriations bill to fund the Department of Defense that was reported out of the Appropriations Committee last week. That legislation should reflect the will of the Defense authorization bill but runs directly contrary to it in many areas. At a time when we face a $14.7 trillion national debt that is mortgaging the future of our children and grandchildren, the Senate Appropriations Committee is proposing a Defense spending bill that uses a budget gimmick totaling over $10 billion to mislead the American people about the savings the committee claims to achieve.

While the Department of Defense is struggling to find more than $400 billion in cuts directed by the President, the Appropriations Committee is still conducting business as usual by rewarding special interests and funding pet projects that have little or nothing to do with our national defense. In the bill reported out last week that purports to cut over $26 billion from the President's request by changes to 580 different programs, somehow the Appropriations Committee still found money for over $2.3 billion in additional spending not requested by the Department of Defense and for items that are far from real defense requirements.

I have here a list of the roughly 580 items changed by the Appropriations Committee which are differences from the bill adopted unanimously by the Senate Armed Services Committee in June in the Department of Defense authorization bill. This list is 45 pages long and represents $20 billion in changes.

For example, it is incredible to me the Appropriations Committee put a priority on spending $33 million in operation and maintenance funds. That money is used to maintain the readiness and combat capability of our troops. The $33 million is going to purchase schoolbuses, to build a mental health substance abuse facility on Guam, and a repository for cultural artifacts. I am not making that up: $33 million for a repository—oh, phase one of a repository for cultural artifacts, funding for a mental health substance abuse facility, and the purchase of schoolbuses. All of this money, and $40 million more next year to complete these facilities, is, at least in theory, supposedly, to help promote Guam's cooperation as part of the plan to move 8,700 marines and 9,000 family members from their current bases on Okinawa to Guam.

I know the marines will enjoy being on Guam. I am not sure it is absolutely necessary for them to have a repository for cultural artifacts. But the plan to move the marines, which will require spending between $18 billion and $23 billion on Guam to build up its capabilities as a permanent base, is so much in doubt that both the Armed Services Committee and the Military Construction and Veterans' Affairs Subcommittee of the Appropriations Committee have stopped funding Guam military construction projects until the Department of Defense provides a master plan and considers alternatives that may provide the needed marine forward presence at much less expense.

In fact, we simply cannot afford to carry out the plans as they were originally envisioned. In the face of all the doubt about the scope and timing of the eventual buildup, the Appropriations Committee put a premium on buying schoolbuses, an artifact repository, and a mental health clinic in Guam. That is not anybody's idea of defense priorities in the fiscal environment we face.

In some cases, the Appropriations Committee was well aware that the Armed Services Committee had, on a unanimous vote, reported out a bill that denied funding for a program, but the appropriators funded the full amount anyway. This is the case with the Army's Medium Extended Air Defense System, or MEADS. The Armed Services Committee cut the entire budget request of $406 million for this program because Army leaders have told the Senate they do not intend to ever buy or deploy the system and because repeated technical reviews have determined that MEADS is behind schedule, over cost, and a high risk of technical failure. The Appropriations Committee ignored the Armed Services Committee's decision not to authorize further funding for MEADS and instead appropriated the full amount of $406 million—even in the face of the fact of the need to cut defense spending by eliminating troubled programs that are not effectively providing increased combat capability for the troops.

Additionally, hundreds of millions of dollars in the fiscal year 2012 Defense appropriations bill have been allocated to things that were never requested by the Pentagon, never authorized by the Senate Armed Services Committee, and which are simply not core defense priorities.

Example: There is $354 million added for medical research not requested by the Pentagon, including $120 million for breast cancer research, $10 million for ovarian cancer research, $64 million for prostate cancer research, and $50 million for other medical research for a laundry list of medical conditions. I am not questioning the merits of medical research, but they do not have anything to do with defending this Nation. They should be taken out of the appropriations of the Health and Human Services Subcommittee, not out of defense.

Again, I am not questioning the merits of medical research and the important role the Federal Government can play. I am saying it is time for it to stop being taken out of national defense.

The Appropriations Committee adds even more unrequested funding for programs such as $60 million for environmental conservation for ranges; $106 million for alternate energy research, whatever that means; $45 million for high-performance computing modernization—all of these, and a long list of them, may be good programs; they are not authorized; and the job of the Senate Armed Services Committee is to scrutinize these programs and select those that are in most need of funding—$5 million for the National Guard Youth Challenge Program; $4.5 million for the Civil Air Patrol.

Programs have some merit, but we have to look at these with an eye to the fact that we have been tasked to cut $400 billion that the President has already ordered the Pentagon to undertake.

Despite the Appropriations Committee's desire to find $26 billion in defense savings, they found money to add $240 million in unrequested funding—the Pentagon and the President did not ask for them—for a number of congressional special interest areas, such as advanced materials research, $10 million; Industrial Base Innovation Fund—whatever that is—$30 million; Defense Rapid Innovation Fund, $200 million.

In the procurement account, the Appropriations Committee added $675 million for items that were not requested by the Pentagon or authorized by the Armed Services Committee, including $120 million for advance procurement of 12 Air Force C–130Js, $47.4 million for improved radars for Air National Guard F–15s, $140 million for program increases to classified programs—the list goes on and on.

Although the appropriators were looking for $26 billion in savings, they chose not to follow the Armed Services Committee in making cuts to some programs even when the justification for taking savings was clear. These examples include $150 million for the Army Guided Multiple Launch Rocket System; $495 million for Navy F/A–18E/F Hornets, which the Armed Services Committee pointed out were funded in the full-year Defense appropriations bill for the year 2011; $205 million for the Fleet Satellite Communications follow-on program, for which the Government Accountability Office and the Armed Services Committee noted that the funding for the requested booster was too early.

In order to give the appearance of real savings to the taxpayer, the Appropriations Committee, again, incredibly, shifted over $10 billion in funding from the nonwar base defense funding budget to the ''off-budget/emergency spending.'' For the benefit of the record, the Overseas Contingency Operations Fund does not count as part of the budget, but it is for overseas contingencies, i.e., the wars in Iraq and Afghanistan.

So what did the Appropriations Committee do? They took money that is supposed to be for the conflicts in Iraq and Afghanistan, and they transferred over $3.2 billion to the account for

overseas contingency operations, $550 million for predator drones, $228 million for counterfire radars, $192 million for Fire Scout unmanned aerial systems, $784 million for unmanned aerial systems.

In the operations and maintenance accounts, the Appropriations Committee transferred over $6.2 billion for items that were requested in the base budget to the ''off-budget'' overseas contingency operations funding, including $3 billion for Army depot maintenance, $495 million for Navy depot maintenance—it goes on and on.

In the miliary personnel accounts, another $529 million was transferred from the defense budget, where it was requested, to the overseas contingency operations budget so it would count as ''defense savings.''

This is pure budget gimmickry. It is about time we got serious about cutting spending. Using budget gimmicks to shift over $10 billion from the base defense budget to the emergency account we have set aside for support of overseas contingency operations is not saving the taxpayers a dime. Cutting $10 billion from the President's request for the wars in Iraq and Afghanistan, shifting over $10 billion in nonwar expenses, and then claiming in a press release—they had the gall in a press release—that the President's request for the warfighting accounts is fully supported is not only a gimmick, it is dishonest with the American people. It is a disservice to the men and women of the military who depend on that funding for critical warfighting equipment and support.

I have talked to many of our senior commanders in Iraq and members of the Iraqi Government during repeated trips to Iraq this year. All of them have recommended that the United States maintain at least 10,000 soldiers beyond December 31, 2011. There is no money in the warfighting accounts for, if we have, additional troops. So because of the administration's delay in any decision for any additional troops, understandably, that is not funded in these bills, which is required, obviously, by October 1, the end of the fiscal year.

What will also put our troops, our national security, and our Nation at grave risk is the specter of even more drastic defense cuts should the recommendations of the joint select committee fail to gather enough congressional support.

Secretary of Defense Panetta warned last week that the failure of lawmakers to agree on debt ceiling talks, which would trigger up to $600 billion in additional Pentagon budget cuts, could add 1 percentage point to the Nation's jobless rate. He also called the impact of cuts of that magnitude ''devastating'' to our Armed Forces.

The citizens of my State—and nearly every other State in the Nation—have been struggling through record unemployment rates and unprecedented fiscal pressures. Now, more than ever, they need strong leadership to make tough decisions to restore fiscal discipline and responsibility in Federal spending. I am committed to using every power available to me to ensure the Defense bill for 2012 provides spending for only the most critical national security requirements, as proposed by the President and defense leadership. In this regard, the Defense appropriations bill that has been reported from the Appropriations Committee is sadly lacking.

There is plenty of blame to go around. I do not fault just the appropriators. We have all failed to do our jobs. The answer to this problem is to fix it. We must stop authorizing on appropriations legislation without the agreement of the authorizing committee. The appropriations bills should reflect the will of the authorizing committees. I intend to work with my colleagues to remedy this problem so the will and wisdom of all Senators—not just a select few—is represented when we pass appropriations legislation.

A solution to this problem is long overdue, and I intend to fight to see that it is solved.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## EXTENDING THE GENERALIZED SYSTEM OF PREFERENCES

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2832, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes.

Pending:

Reid (for Casey) amendment No. 633, to extend and modify trade adjustment assistance.

Hatch amendment No. 641 (to amendment No. 633), to make the effective date of the amendments expanding the Trade Adjustment Assistance Program contingent on the enactment of the United States-Korea Free Trade Agreement Implementation Act, the United States-Colombia Trade Promotion Agreement Implementation Act, and the United States-Panama Trade Promotion Agreement Implementation Act.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 625 TO AMENDMENT NO. 633

Mr. McCAIN. Mr. President, I have an amendment at the desk, No. 625. I ask unanimous consent that it be made the pending business.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 625 to amendment No. 633.

Mr. McCAIN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To extend trade adjustment assistance as in effect before the enactment of the Trade and Globalization Adjustment Assistance of 2009)

Strike title II and insert the following:

**TITLE II—TRADE ADJUSTMENT ASSISTANCE**

**SEC. 201. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE.**

Title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) (as in effect on the day before the date of the enactment of this Act and without regard to any substitution made by section 1893(b) of the Trade and Globalization Adjustment Assistance Act of 2009 (19 U.S.C. 2271 note prec.)) is amended—

(1) in section 245, by striking ''2007'' and inserting ''2014'';

(2) in section 246(b)(1), by striking ''the date that is 5 years'' and all that follows through ''State'' and inserting ''December 31, 2014'';

(3) in section 256(b), by striking ''each of fiscal years 2003 through 2007, and $4,000,000 for the 3-month period beginning October 1, 2007'' and inserting ''each of fiscal years 2012 through 2014, and $4,000,000 for the 3-month period beginning October 1, 2014'';

(4) in section 285, by striking ''2007'' each place it appears and inserting ''2014''; and

(5) in section 298(a)—

(A) by striking ''2003 through 2007'' and inserting ''2012 through 2014''; and

(B) by striking ''October 1, 2007'' and inserting ''October 1, 2014''.

Mr. McCAIN. Mr. President, the amendment would authorize the continuation of trade adjustment assistance or TAA for 2 additional years at the level of funding the program maintained prior to the 2009 stimulus package addition. Prior to the stimulus, passed by this body in 2009, the TAA Program cost taxpayers about $1 billion per year.

The passage of the stimulus package, which was advertised to be a temporary injection into the economy—a temporary injection—the stimulus was increased and expanded to the program at a cost of about $2 billion in 2010; according to the Department of Labor estimates, $2.4 billion in 2011, if the stimulus expansions were allowed to remain in place.

I would remind my colleagues that with the stimulus package, these were a one-time deal, and once the money was spent, then those programs lapsed. Apparently not so with the TAA Program. We do not yet have a cost score for the Reid substitute before us, but estimates indicate the TAA agreement may lock in at least 65 percent of the 2009 stimulus expansions for the next several years.

That is approximately, in my calculation, at least a $600 million additional cost per year to the taxpayers for maintaining 65 percent of the stimulus level of TAA. Architects of the agreement will say these provisions sunset at the end of 2014. But we all know sunsets can be fiction. So we are talking about 2012, 2013, and 2014. That is about, roughly, a minimum of $1.2 billion of additional spending on the dubious—at least in my mind dubious—benefits of the TAA Program.

My friends on the other side of the aisle have long insisted that the price of passing trade agreements in Congress is passing TAA and other programs similar to it, domestic spending legislation geared to assist U.S. workers who have been adversely affected by foreign trade.

For this reason, in 2002, Congress passed the TAA legislation that provided short-term temporary support for worker retraining and other assistance. Many Republicans, including myself, were skeptical about whether this program and others like it achieved their goals. But we went along for the sake of our national interests and expanding free trade.

In 2009, without any action taken on our three pending trade agreements, the stimulus package dramatically increased the TAA Program as part of the stimulus bill and increased spending on this program annually by approximately $1 billion. In essence, a program that was designed to assist workers who had been adversely affected by free trade was transformed into a domestic spending program for reasons that had nothing at all to do with expanding free trade.

What is worse, after repeatedly claiming it supports the free-trade agreements with Colombia, Panama, and Korea, the White House earlier this year announced that the cost of its support was reauthorization of the new TAA with funding set not at the original 2002 level but the 2009 stimulus level.

So we had a program that had been expanded from its original cost under the dubious guise of a temporary economic stimulus, and then we were told this temporary funding increase, which was designed to expire along with the stimulus, should, in effect, be turned into a permanent domestic spending program.

After much discussion and debate, there now appears to be a proposal to reauthorize TAA and fund it somewhere between the prestimulus and poststimulus levels. This proposal is contained in the substitute amendment offered by the majority leader. Some would say this is a good deal and Republicans should accept it. Others say trade adjustment assistance is ineffective and unproven and Congress should kill it altogether.

I am very dubious about the benefits of TAA. But I understand also what is doable around here and what is not. So I am offering this amendment as a matter of principle. As I have said many times on the floor of this body, I am not opposed to TAA nor do I seek to kill it. I read the same media reports as my colleagues, which suggest that the White House is holding hostage the trade agreements with South Korea, Colombia, and Panama until Congress passes TAA.

Many of us do not like this. Many of us think this is contrary to our national and economic interests. But it is a fact. So I recognize, as in the past, that Congress should reauthorize TAA. The question is, How much of the taxpayers' money should we spend to do it?

That is why I am offering this amendment. I believe Congress should reauthorize it because we are being compelled to do so, but I also believe we should reauthorize this program at its prestimulus funding levels.

Let me explain why. The following are the temporary expansions to TAA that were included in the stimulus, which cost about $2 billion in 2010, and, according to the Department of Labor, was estimated to cost approximately $2.4 billion in 2011 if the 2009 stimulus expansions had stayed in place.

The stimulus expanded TAA to cover workers whose employers shifted production to any foreign country, not just those—as under prior law—whose jobs were outsourced to countries with which the United States has a free-trade agreement.

It expanded TAA coverage to the service sector and government employees who lose their jobs because of trade.

It increased the tax credit available to cover private health insurance premiums from 65 percent to 80. It increased the appropriations cap for training from $220 million to $575 million, a 160-percent increase over the previous cap.

It created the Community TAA Program, which authorizes $230 million for trade-affected communities to assist in strategic planning grants up to $5 million, sector partnership grants up to $3 million over a 3-year period, and community college and career training grants up to $1 million.

It gave $17.5 million to States for employment and case management. It lengthened the amount of time workers could receive trade readjustment allowance assistance by 26 weeks.

Finally, it revived the TAA for farmers and the wage insurance program, estimated by CBO to total about $100 million for 2 years.

So we had a program that had been expanded from its original intent, with benefits going to government employees, service sector employees, TAA benefits going to communities, TAA benefits going to farms, TAA benefits going to firms, under the dubious guise of a temporary economic stimulus.

This is what the White House and the other side in Congress were telling us had to be reauthorized in order to pass the free-trade agreements. My amendment also addresses the claim made by some that the agreement in the majority leader's substitute amendment not only reduces TAA from stimulus levels but also much lower in several years.

However, according to a recent Heritage Foundation analysis, this may not be accurate. This is important, so let me read this analysis at length. This is from the Heritage Foundation report:

> Instead of cutting TAA back to pre-stimulus levels, the proposal restores and solidifies the most alarming aspects of the stimulus expansion at a yet unknown cost.
>
> It keeps the 2009 stimulus expansion for service sector workers. TAA was originally intended to provide income maintenance and job training to workers from the manufacturing sector. The stimulus bill expanded eligibility to include workers from the service and public sectors. This expansion expired in February, but the proposal restores TAA eligibility for service sector workers.
>
> It restores stimulus expansion of benefits for job losses unrelated to FTAs. The proposal retains the stimulus expansion of providing TAA benefits to any workers who lost their jobs to overseas production, not just TAA-certified jobs that were lost to FTAs.
>
> It reinstates the stimulus's 161 percent increase in TAA for workers' job training spending. The proposal cements the stimulus spending expansion of TAA for workers' job training at $575 million per year from $220 million—an increase of $355 million per year.
>
> It continues the stimulus's creation of a new and duplicative job training program.
>
> The proposal keeps the TAA Community College and Career Training Program, which has appropriations authorizations of $500 billion per year from fiscal years 2011 through 2014. This new job-training program is just one of the 47 employment and training programs operated across nine agencies by the federal government.

Let me repeat that. This is another proposal that spends $500 million for job training, even though we already have 47 employment and training programs operated across 9 agencies by the Federal Government.

> It partially reinstates the stimulus increase in Health Coverage Tax Credit. . . .
>
> It solidifies the wage subsidies for older workers as a permanent program. The prestimulus Alternative TAA was a temporary five-year demonstration program that paid 50 percent of the difference between new and old wages of displaced older workers. It subsidized the wages of older workers earning less than $50,000 per year for up to $10,000 over two years. After changing the program's name to Reemployment TAA, the stimulus expansion increased the wage subsidy to $12,000 over two years for displaced older workers earning less than $55,000 and made the program permanent. While the proposal reduces the wage subsidies to pre-stimulus levels, it also cements into law the permanency of the wage subsidy program.
>
> It retains the stimulus expansion of the union VEBA handout. Despite having nothing to do with international trade, the stimulus expansion of TAA extended the HCTC to Voluntary Employee Beneficiary Associations (VEBA). A bankruptcy court can allocate a portion of an out-of-business employer's assets to a VEBA, which assumes responsibly for retirees' health coverage. This expansion primarily benefits unions. Under the proposal, the federal government would cover 72.5 percent of the cost of retiree health benefits at bankrupt companies. This coverage occurs regardless of whether the bankruptcies are related to free trade.

Let's look at an example of excess created in the ''temporary'' stimulus expansion of the TAA Program that taxpayers are still on the hook for. According to a February 2011 study by Senator COBURN, entitled ''Help Wanted: How Federal Job Training Programs are Failing Workers'':

Taxpayers may have a case of indigestion when they learn, nearly two years after the stimulus was enacted, their money is paying lobstermen, shrimpers and blueberry farmers $12,000 each to attend job training sessions on jobs they are already trained to do.

The stimulus reauthorized the Trade Adjustment Assistance for Farmers program administered by the USDA, a program that provides subsidies to producers of raw agricultural commodities and fishermen so they can adjust to import competition. Under the stimulus, TAA benefits were enhanced to focus more on employment re-training.

While the Reid substitute includes a compromise to ''pare back'' some of the expansions in the ''temporary'' stimulus spending legislation of 2009, it still expands TAA benefits and eligibility beyond the prestimulus levels—by approximately, by my calculations, at least $600 million a year.

I acknowledge that expanding trade temporarily puts some of our workers at a disadvantage. I remember being roundly criticized during the 2008 Presidential campaign when I had the audacity to tell Michigan workers the truth—that many of the jobs that had left their State for cheaper labor markets overseas were never coming back. So I understand that trade can create difficulties for some American workers. I am not opposed, in principle, to supporting those workers temporarily so they can develop new skills and find new jobs. That said, let's look closer at how the Federal Government has been going about programs such as this.

Earlier this year, the GAO released a study entitled ''Multiple Training and Employment Programs: Providing Information on Collocating Services and Consolidating Administrative Structures Could Promote Efficiencies.'' Here is what the GAO reported on Federal employment and retraining programs, including the Trade Adjustment Assistance Program:

Based on our survey of agency officials, we determined that only 5 of the 47 programs have had impact studies that assess whether the program is responsible for improved employment outcomes. The five impact studies generally found that the effects of participation were not consistent across programs, with only some demonstrating positive impacts that tended to be small, inconclusive, or restricted to short-term impacts.

So not only are many of these worker employment and training programs duplicative, the GAO has found very little empirical evidence to support whether these programs are even accomplishing their intended goals—and what empirical evidence they have they found is, I repeat, '' . . . small inconclusive, or restricted to short term impacts.'' TAA is among these programs.

This is bad enough, but what is worse, we have not even been told how much this expansion of TAA will cost the taxpayers. We are told the legislation includes ''offsets,'' but we know they are not real. Offsets allegedly include: rates for merchandise processing fees, changes to the ''time for remitting certain merchandise processing fees,'' unemployment compensation program integrity provisions to create a ''mandatory penalty assessment on fraud claims, prohibition on non-charging due to employer fault, reporting of rehired employees to the directory of new hires.'' That is supposed to come up with hundreds of millions of dollars.

I cannot say what most of these mean, but I can say they are not real.

Even while extending the TAA prestimulus program, we need to analyze whether the TAA Program is doing what it was intended to do. The following are some of the questions and concerns we must consider:

Does the TAA Program provide overly generous benefits to a narrow population?

According to analysis from the Heritage Foundation, based on statistics from the Bureau of Labor Statistics, in the third quarter of fiscal year 2009, only 1 percent of mass layoffs were a result of import competition of overseas relocation.

Is there evidence that TAA benefits and training help increase participants' earnings?

An analysis by Professor Kara M. Reynolds of American University found ''little evidence that it (TAA) helps displaced workers find new, well-paying employment opportunities.'' In fact, TAA participants experienced a wage loss of 10 percent.

The same study found that in fiscal year 2007, the Federal Government appropriated $855.1 million to TAA Programs. Of this amount, funding for training programs accounted for only 25 percent.

In 2007, the Office of Management and Budget rated the TAA Program as ''ineffective.'' The OMB found that the TAA Program failed to use tax dollars effectively because, among other reasons, the program has failed to demonstrate the cost-effectiveness of achieving its goals.

Let me close by reminding my colleagues how we got to our current predicament. It is mid-September of 2011, 2½ years since President Obama took office, and we still have not received these important trade agreements that were finalized half a decade ago—all because of the White House's insistence on making a ''temporary'' stimulus program—the dubious extension of TAA—into a permanent domestic spending program.

This is how George Will summed it up, writing in the Washington Post on June 8, 2011. The piece is as appropriate now as it was then:

President Obama is sacrificing economic growth and job creation in order to placate organized labor. And as the crisis of the welfare state deepens, he is trying to enlarge the entitlement system and exacerbate the entitlement mentality. . . .

On May 4, the administration announced that, at last, it was ready to proceed with congressional ratification of the agreements. On May 16, however, it announced they would not send them until Congress expands an entitlement program favored by unions.

Since 1974, Trade Adjustment Assistance has provided 104, and then 156, weeks of myriad financial aid, partly concurrent with the 99 weeks of unemployment compensation to people, including farmers and government workers, and firms, even whole communities, that can more or less plausibly claim to have lost their jobs or been otherwise injured because of foreign competition. Even if the injury is just the loss of unfair advantages conferred, at the expense of other Americans, by government protectionism.

This process should be appalling to the average American who is looking for an improving economy, not special favors to certain special interest groups.

At a time when our national debt has reached unsustainable levels, at a time when Congress and the American people face some truly painful choices about how to cut our Federal budget, at a time when some are even considering enormous and dangerous cuts to our defense spending as a way to get our fiscal house in order, this is no time to throw more money than we did before the stimulus at a Federal program that, as the GAO points out, is duplicative and possibly ineffective.

I am prepared to reluctantly support TAA if it were funded at the prestimulus level, as a recognition of reality that some form of this program is required in order to pass our existing trade agreements. But we should authorize it at prestimulus levels and not one dollar more. That is what this amendment would do. I urge my colleagues to support it.

I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

At this moment, there is not a sufficient second.

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

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

The legislative clerk proceeded to call the roll.

Mr. CASEY. 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.

Mr. CASEY. Madam President, I wish to address some of the points raised by our colleague from Arizona—just a couple areas; one is the question of the impact of the Trade Adjustment Assistance Program, which has been enhanced by way of the Recovery Act of 2009. I will talk about some of the reforms as well and maybe address some of the cost questions.

First, with regard to trade adjustment assistance prior to the 2009 period versus the period after that, I wish to submit for the RECORD—and then I will walk through some of this—this document entitled ''Trade and Globalization Adjustment Assistance

Act (TGAAA) Worker Certification 5/18/2009–6/27/2011.'' This is a Department of Labor document.

I ask unanimous consent that it be printed in the RECORD.

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

TRADE AND GLOBALIZATION ADJUSTMENT ASSISTANCE ACT (TGAAA) WORKER CERTIFICATIONS 5/18/2009–6/27/2011

| State | Estimated total workers certified under new provisions | Estimated total workers certified under all provisions | Estimated percent of workers certified under new provisions |
|---|---|---|---|
| Alabama | 4,710 | 11,277 | 41.77 |
| Alaska | 3 | 3 | 100.00 |
| Arizona | 4,969 | 8,540 | 58.16 |
| Arkansas | 807 | 6,192 | 13.03 |
| California | 20,942 | 30,619 | 68.40 |
| Colorado | 2,755 | 3,652 | 75.44 |
| Connecticut | 2,916 | 4,728 | 61.68 |
| DC | 50 | 50 | 100.00 |
| Delaware | 13 | 1,281 | 1.01 |
| Florida | 2,867 | 6,196 | 46.27 |
| Georgia | 1,887 | 5,684 | 33.20 |
| Hawaii | 43 | 43 | 100.00 |
| Idaho | 1,549 | 2,228 | 69.52 |
| Illinois | 6,997 | 19,772 | 35.39 |
| Indiana | 3,717 | 17,047 | 21.80 |
| Iowa | 1,479 | 4,380 | 33.77 |
| Kansas | 1,065 | 6,076 | 17.53 |
| Kentucky | 3,519 | 9,755 | 36.07 |
| Louisiana | 601 | 2,261 | 26.58 |
| Maine | 914 | 3,506 | 26.07 |
| Maryland | 1,556 | 3,118 | 49.90 |
| Massachusetts | 6,821 | 9,745 | 69.99 |
| Michigan | 14,440 | 49,642 | 29.09 |
| Minnesota | 4,325 | 9,166 | 47.19 |
| Mississippi | 392 | 2,566 | 15.28 |
| Missouri | 2,889 | 9,328 | 30.97 |
| Montana | 316 | 658 | 48.02 |
| Nebraska | 1,130 | 2,121 | 53.28 |
| Nevada | 61 | 89 | 68.54 |
| New Hampshire | 382 | 1,471 | 25.97 |
| New Jersey | 4,744 | 6,329 | 74.96 |
| New Mexico | 1,467 | 2,412 | 60.82 |
| New York | 9,411 | 18,795 | 50.07 |
| North Carolina | 9,674 | 19,569 | 49.44 |
| North Dakota | 905 | 905 | 100.00 |
| Ohio | 7,706 | 33,905 | 22.73 |
| Oklahoma | 1,473 | 1,976 | 74.54 |
| Oregon | 6,045 | 11,981 | 50.45 |
| Pennsylvania | 9,932 | 27,401 | 36.25 |
| Puerto Rico | 42 | 821 | 5.12 |
| Rhode Island | 579 | 1,401 | 41.33 |
| South Carolina | 4,133 | 8,358 | 49.45 |
| South Dakota | 350 | 925 | 37.84 |
| Tennessee | 6,676 | 17,712 | 37.69 |
| Texas | 11,706 | 20,441 | 57.27 |
| Utah | 2,233 | 3,328 | 67.10 |
| Vermont | 344 | 964 | 35.68 |
| Virginia | 4,256 | 10,951 | 38.86 |
| Washington | 2,547 | 7,269 | 35.04 |
| West Virginia | 1,760 | 3,688 | 47.72 |
| Wisconsin | 5,731 | 16,864 | 33.98 |
| Wyoming | 0 | 46 | 0.00 |
| Total | 185,783 | 447,235 | 41.54 |

Mr. CASEY. Let me go through, by way of summary, what this depicts. First of all, it is a document that has three columns; first is the ''Estimated Total Workers Certified Under New Provisions,'' meaning the changes made to TAA as a result of the American Recovery and Reinvestment Act of 2009; the second column is the ''Estimated Total Workers Certified . . .''—meaning certified under TAA—'' . . . Under All Provisions of TAA''; finally is the ''Estimated Percent of Workers Certified Under New Provisions'' as a result of the changes made. And what it shows is, if you look across the country, the estimated total workers certified under all provisions is 447,235 people. Of that, the increase—in essence because of the 2009 changes—is 185,783. And if you look at the percentage, that is a 41-percent increase.

So the basic point here—after a long explanation—is very simple. Because of the changes made in 2009, we were able to help—the U.S. Government, by way of TAA—41 percent more individuals. That is relevant because it was helping folks to be retrained, helping them to get the skills they needed for a new career, a new job, at the time they needed it—during the worst economic catastrophe in 100 years, other than the Great Depression. So if there were ever a time when we needed to make sure that TAA worked—and it has worked—and, also, if there were ever a time when we wanted to make sure that TAA was strengthened and enhanced, it was during the last couple of years. That is the point, that the 2009 changes were made because we were in the throes, the teeth, the grip of the worst economic downturn in 100 years, other than in the 1930s.

Let me highlight a couple of States. For example, in my home State of Pennsylvania, what all this means, if you look at the total number of workers helped in this time period—again, talking about roughly the 2 years between May of 2009 to June of 2011 in Pennsylvania—there were 27,401 people helped. Workers helped, I should say. Of that, about 36 percent were helped solely because of the Recovery Act changes.

I know a good bit about the workers in our State. They needed that help. They needed the help that was provided as a result of the Recovery Act. So we have good evidence a lot of folks were helped, certified, and then enrolled in programs to give them the skills they needed.

The Presiding Officer is from the State of New York, and she knows how difficult this recession has been on workers in New York. The total number of workers certified in New York in that 2-year time period was 18,795. But half of that number, a little more than 50 percent, were helped as a result of the 2009 changes that were made.

I say that to highlight and emphasize that the 2009 changes allowed more workers to be retrained, to get the skills they needed to go back to work. I think that is what we are all about here. Democrats and Republicans all say they want workers to get back into the workforce. This is one of the ways we do it. It is very practical. In order to get from here to there—from unemployment to employment, and in a lot of cases to a new job or a new career—you need to be trained. That is what TAA does.

I will highlight two or three more States. Chairman BAUCUS, from the great State of Montana, his State was helped as well. Their increase, based upon the 2009 changes, was close to 50

percent. So almost 50 percent more workers in the State of Montana were helped as well to get the skills they needed.

Let me mention as well my colleague Senator BROWN who has worked so hard on this. There were 7,706 more workers in the State of Ohio who were certified to get the skills and training they needed because of these changes.

And, finally, I will mention as well our colleague from Arizona. If we look at the total number of Arizona workers certified, there were 8,540 workers certified in total, but of that 8,540, the increase was some 4,969. So in Arizona, the increase of workers who were helped or certified for new training, there was a 58.16-percent increase. So the increase in Arizona was even higher, and in some States it was even higher than that.

The point here is that 2009 changes weren't just a couple of changes made to enhance the program or expand it for the sake of expanding a program. I think the evidence shows we have certified more workers. These workers have to go through a process to be certified in order for us to provide help by way of the Federal Government and other partners who are helping us retrain workers. I think the evidence is pretty clear that has been a very positive change, giving more workers the skills they needed to compete.

Let me say as well about our colleague from Arizona that I appreciate what he said about TAA, and that he supports it. We may have a disagreement about how to get there. He apparently doesn't want the 2009 changes to be made part of any effort going forward, but I appreciate the fact he has expressed support for TAA. I also appreciate the fact that when Senator BAUCUS, Senator BROWN, I, and others in the latter days of 2010 were trying to get an expansion of TAA, Senator MCCAIN worked with us to try to negotiate something. He was very willing to talk and to work and to come together, and I appreciate that, because we need that bipartisanship, we need that collegiality to move this forward. So even though we have a disagreement about the changes made, I appreciate his willingness to work with us back in December and to continue to work with us.

Let me make one or two more points. One basic point about reform. Folks will criticize programs and say programs aren't sometimes going through the kind of changes we hoped for in reforming them. But we should note for the record that in 2008, the GAO released a study which highlighted a number of issues with trade adjustment assistance. They set forth findings. That is why GAO is important. We shouldn't allow programs to go on for years without some sort of reporting, accountability, performance measures, or whatever you wish to call it.

GAO pointed out problems they believed could be the subject of reform for TAA, and those recommendations were the foundation for some of the changes in the 2009 Recovery Act we are debating here on the floor, and we are debating as a result of Senator MCCAIN's amendment. Here is what they are. I will highlight them quickly. Here is what we are talking about.

The amendment we are considering, or the effort we are working on to expand TAA, does a number of things we should highlight. In addition to making more workers eligible for training, it does a couple of things. First of all, it consolidates administration—that is important to highlight—it consolidates case management, and it consolidates job search and relocation funding under the new dollars for job training. The amendment also eliminates separate funding streams that were in place before, but it also allows States the flexibility to use a portion of the training funds for administration and for case management costs. States must prioritize these funds for training and case management, but administrative costs are capped at 10 percent of the funds and States can also use these funds to pay for 90 percent of the cost of job search and relocation up to $1,250.

Finally, the amendment includes 30 new performance metrics and accountability measures across all TAA programs.

So what is the point? The point is very simple. We had a GAO study in 2008 that recommended changes to TAA. We had a Recovery Act introduced and enacted for a variety of reasons, some of which spoke directly to TAA in 2009. The reforms from the GAO study were incorporated in the 2009 changes. So if we stay with the original non-2009 provisions, we won't have these reforms built in. GAO had pointed out some issues we should address, they were addressed in 2009, and that is another good reason why we should support the amendment that would include those 2009 changes.

Finally, on the question of costs or offsets, the 10-year cost for TAA is now $962 million over 10 years. That is cut way back. In fact, it has been cut by as much as half. We will talk about them more in the record, but there are three offsets. The first, so-called ''merchandise processing fee,'' raises $1.77 billion; the second, on unemployment insurance, accounts for $320 million; and then finally, the Medicare quality improvement organizations raises another $330 million. So there are offsets—three in number—and the total cost is now $962 million over 10 years. I think it is a reasonable price to pay for the substantial training and retraining that TAA provides for our workers who are living the horrific nightmare of job loss and the destruction of their careers, and, frankly, in many cases, the destruction of their family.

With that, Madam President, I yield the floor, and I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. 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.

Mr. CASEY. Madam President, I ask unanimous consent that all time in a quorum call be divided equally.

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

Mr. CASEY. 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.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. 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.

AMENDMENT NO. 641

Mr. HATCH. Madam President, I rise in support of my amendment No. 641. As I explained yesterday, this amendment really is about fundamental fairness.

The President wants TAA and has held hostage three free-trade agreements to get it. Well, most of us want these free-trade agreements and think it is wrong for TAA to move forward while the FTAs languish. My amendment will ensure that all four legislative ships arrive in port at the same time.

It is time for the entire trade agenda to move forward. In August, as he toured the Midwest, the President repeatedly called upon Congress to take the agreements up ''right now'' to help create jobs. This hollow call for action typifies the President's approach to the trade agenda. By calling upon Congress to act, he appears to be embracing the agreements and pushing for their quick approval. But, like so many of the President's trade initiatives, his words do not match his deeds.

In reality, Congress cannot take up these agreements ''right now.'' President Obama is relying upon a trade law called trade promotion authority to protect each of these agreements from being blocked or amended by Congress. In order to take advantage of this statutory authority, it is not Congress but the President who must take the first step and submit each agreement for consideration. If the President does not submit these agreements, Congress cannot act under the trade promotion authority. The President and his team know this. In fact, here is a chart which outlines the TPA process, called ''How a Trade Agreement Moves Through Congress Under Trade Promotion Authority.'' This was taken directly from the Web site of the Office of the U.S. Trade Representative. It clearly shows that Congress cannot act

until the President submits the agreements.

But why take responsibility for moving the agreements when it is much easier to blame their continued delay on Congress? The fact is, the President wants all the benefits of trade promotion authority but none of the responsibility.

Once they were called out on the mismatch between their words and their deeds, the administration finally reined in their rhetoric but provided little guidance as to what their actual plans are. In the meantime, Republicans continued to push for consideration of the three pending FTAs. Back in July, a group of Republican Senators signed a letter vowing to help the administration achieve its objective of gaining approval of trade adjustment assistance in exchange for submitting the FTAs. Now, despite a clear path forward, the President remains silent to this day.

As the President continues to delay, our country cedes each of these three free-trade agreement markets to our foreign competitors, and they are taking them over because we are dilly-dallying here instead of doing what is right.

Our economy and our workers are suffering under horrific levels of unemployment. Almost 1 in 10 American workers are out of a job under this administration, and we can't afford to throw away any opportunity to create jobs. Yet this is precisely what the President is doing. The President himself has said these three trade agreements, once put into law, will amount to 250,000 new jobs, and that is not something to sniff at.

While our economy remains troubled and while the rest of the world watches in bewilderment as the United States lets other countries take over our export markets, we hear nothing but silence from the President. A case in point: The European Union's exports to South Korea increased almost 45 percent in the first 20 days since that agreement went into force on July 1. Their share of Korea's import market increased from 9.5 percent to 10.3 percent in just 3 weeks. Meanwhile, the U.S. share of Korea's import market dropped from 10.5 percent to 8.4 percent. Unless we act quickly, these trends are likely to continue.

In an open letter to the President and Congress, over 120 food groups and companies wrote:

> If there is any doubt about the seriousness of the problem for U.S. agricultural exports, one need only consider the damage that has already been done by the delay in implementing the Colombia Free Trade Agreement. Argentina and Brazil have negotiated trade agreements with Colombia that have given them preferential access. As a result, U.S.-produced corn, wheat, and soybeans have been hit hard, with the combined share of Colombia's imports for these products falling to 28 percent from 78 percent since 2008.

That is a big drop, mainly because of the dillydallying on this trade agreement.

On August 15, 2011, an agreement between Canada and Colombia entered into force, which will only make the problem worse for U.S. exporters and our farmers. The fact is that each of these agreements is critically important to our economy. For my home State of Utah and for workers across the country, they mean more opportunity and jobs. It is a slam dunk for the President to create jobs by getting these agreements up here and getting them passed.

The National Association of Manufacturers estimates that U.S. workers lose $8 million in wages and benefits every day these agreements are delayed. I for one stand ready to continue to fight for their consideration and approval. We have come a long way this year, but we are not yet done.

I hope the President will heed my call and submit these agreements to Congress so we can approve them, but history has shown this President will not act unless he is forced to. This amendment I am offering will continue to put pressure on him to act, and act soon, and I encourage my colleagues to support it. The time for dithering and deliberation is over. Let's adopt my amendment and ensure that our work in moving TAA forward leads to the promised result—submission of three pending free-trade agreements by the President and their quick enactment into law.

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. BAUCUS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. BAUCUS. Madam President, it is my understanding there will be two votes at approximately 12:30. One is on the amendment offered by the Senator from Utah, Senator HATCH, and another by the Senator from Arizona, Senator MCCAIN. I wish to explain, in a few minutes, why I think it is advisable for the Senate to not adopt either of those two amendments. Let me first address the amendment offered by my good friend from Utah, Senator HATCH.

There are a lot of people looking for work. Today, about 14 million Americans are looking for work. More than 6 million have been out of work for at least 6 months. These Americans are looking to put in a good day's work and looking to provide for their families. At the same time, many employers cannot find enough skilled workers to fill the jobs that are open. It is very difficult, because employers need people with specialized skills. This is becoming more and more true with each passing year. We need workers who are good at math. We need workers who are good with their hands, who are trained in high-tech manufacturing. The bottom line is, employers need an educated and skilled workforce. Trade adjustment assistance can help bridge this gap. Trade adjustment assistance can train workers and connect them with employers who are looking to grow their businesses.

Let me mention a fellow who has been a big beneficiary who has been helped by this program. His name is Kris Allen. Kris lost his job at Montana Tunnels in Jefferson City, MT, in 2009. Because of trade adjustment assistance, he was able to go to school at Helena College of Technology. He wanted to be a diesel mechanic. He made the dean's list most of the semesters. In May of 2011 he graduated. In fact, he got his degree on a Friday and started work the very next Monday. His new job at a trade company in Belgrade earns him $18 an hour. Kris has not stopped there. He continues to hone his skills at Montana Resources keeping up to date on the latest technology and machinery.

In this fast-paced globalized economy, human capital is the key to our country's competitiveness and economic vitality. Americans such as Kris know the benefits of a good day's work, and he could not have done this without trade adjustment assistance. That is why I must oppose the Hatch amendment. The amendment would withhold trade adjustment assistance benefits to this bill until a free-trade agreement with South Korea and Colombia and Panama is approved. It would delay Americans such as Kris from getting the help they need to find good-paying jobs, and the amendment would delay businesses such as New Holland Trade Company from hiring employees and growing their company.

The Senate is here this week to consider the GSP trade adjustment assistance bill. It is my hope the Senate will pass it in short order and will send the bill to the House, which is expected to pass it shortly.

We have an agreement, and that is an agreement between the leadership of both the House and Senate, an agreement on how the Congress will consider trade adjustment assistance and also how to consider free-trade agreements. There is no need to legislate this process. In fact, doing so could substantially delay the process and disrupt disagreements, not just disrupt trade adjustment assistance but disrupt passage of free-trade agreements.

I might add that there is a difference between the legislative process with respect to trade adjustment assistance and free-trade agreements. Trade adjustment assistance is legislation. It goes through the usual legislative process. It can be delayed. There is no requirement that it be voted on.

That is not true with free-trade agreements. Once the President sends up a free-trade agreement, it enjoys a certain fast-tack process under which there must be a vote in both bodies after a certain period of time. It is not imperative between the legislative process in one and the special fast-

track process for the other. It is why the agreement was reached encouraging trust on both sides for the trade adjustment assistance amendment to be passed by both bodies first before the President can send up the free-trade agreements. He has indicated he will do so.

I have very strong assurance from the White House that is the case. In fact, that is the agreement with the leadership, that if the trade adjustment assistance passes, then the free-trade agreement will come up and be voted on and passed in the House and then voted on and passed in the Senate.

The best way to support our trade agenda and the best way to support free-trade agreements is to not accept the amendment as offered by my good friend from Utah so we can get both passed very quickly.

AMENDMENT NO. 625

Virtually, the same is true with respect to the amendment offered by Senator MCCAIN. I oppose Senator MCCAIN's amendment. He wants to go back and undo some of the progress that was made in trade adjustment assistance. Let's start with the 2002 trade adjustment assistance law. That made important changes in trade adjustment assistance. In fact, I helped write that law.

In 2002 trade adjustment assistance covered manufacturing workers, and it covered workers whose jobs shifted to countries with which we had a free-trade agreement. So it covered workers who were in manufacturing who lost their jobs, and then it covered workers whose jobs were shifted to countries with which we had a free-trade agreement. Other aspects of American employment, such as services, did not cover the jobs that shifted to countries with which we did not have a free-trade agreement.

That 2002 law not only covered manufacturing workers and workers whose jobs shifted to countries with which we had a free-trade agreement, it also doubled training funds. Doubled it. Training is so critical. It also provided a new tax credit to help Americans better afford health insurance for themselves and their families. That is no small item. We all know how hard it is to get health insurance especially for individuals in small firms. We are not talking about big companies. We are talking about individuals who have lost their jobs. We also know how expensive health care is; therefore, there is a great need for health insurance. Again, that 2002 change of the trade adjustment assistance doubled training funds. Training is so important in today's modern society, and it provided a new tax credit to help Americans better afford health insurance.

Our economy has changed since 2002. America's strength in manufacturing expanded to include a robust services sector, which is now 80 percent of our economy. Madam President, 80 percent of our economy today is services. It is all different facets. It is call centers, insurance, and everything you can think of that is characterized as services. America's trade with foreign nations has expanded to countries such as China and India, big countries with which we do not have free-trade agreements. The service sector has expanded just since 2002, and we have trade with other countries with which we do not have free-trade agreements.

I believe trade adjustment assistance should cover workers both in manufacturing and services. It should cover workers whose jobs move to any country, especially China, whether it is an FTA country—free-trade agreement country—or not.

These changes in realities have prompted me and my colleagues to update that program, to update it from what it was in 2002. It was updated in 2009. When they updated it in 2009 the law brought trade adjustment assistance more fully to the 21st century by providing Americans with training for the new economy. Unfortunately, those expanded provisions expired in February. They are gone. That had a big impact. Thousands of workers were denied access because the expiration of the expansion of trade adjustment assistance.

For example, more than 1,000 service sector workers in both Texas and Virginia were denied TAA benefits when the 2009 law expired earlier this year. These workers likely will be eligible under the trade adjustment assistance compromise I negotiated with Chairman CAMP. Chairman DAVID CAMP, chairman of the House Ways and Means Committee, and I and our staffs spent a lot of time getting an agreement on trade adjustment assistance, what the provisions should be, how far the expansion should go, and how it should be paid for. It was an agreement, a bipartisan agreement. There is not much of that around here, but we worked hard and got the job done.

I must say, however, under Senator MCCAIN's amendment, these service workers I mentioned would remain shut out. They would not qualify. I think it is time to bring us into the modern world. It is time to provide equal access to all Americans regardless of whether they work on a factory floor or a call center. It should not matter. If you lose your job on account of trade, you should get trade adjustment assistance benefits regardless of whether the job moves to Mexico, a country with whom we do have a free-trade agreement or if the job moves to a country such as China, a country with whom we do not have a free-trade agreement.

I, therefore, urge my colleagues to oppose the McCain amendment. I think it is unwise. I might also add that if either of these two amendments pass, guess what. It gets all gummed up over in the House. The House, therefore, cannot take up the clean trade adjustment assistance amendment. We have to go back all over again, amend it again, back and forth.

Do you know what that is going to do? It is going to do two things: That is going to jeopardize passage of then updated trade adjustment assistance. Guess what else it is going to do. It is going to jeopardize passage of free-trade agreements. I think a vast majority of the Members of this body and in the other body, together, want both of these matters passed.

I must say if we had amendments here, despite them being defective on the merits, if amendments are added, it is going to delay the process further. The House will have to amend it again, send it back over here, and it is going to very much delay both the trade adjustment assistance and the free-trade agreements. For those reasons I urge that those amendments not be agreed to.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, nothing of the sort is going to happen. The fact is, we have had nothing but delays by the President. Just a few weeks ago he was accusing us of not passing the free-trade agreements when he knows we cannot even consider them. There have been a lot of games played with us.

I remember last spring in our committee when the Trade Representative said: We have a few more things we have to work out on Panama and Colombia, and we will definitely send these free-trade agreements before the August recess.

We got near the August recess, and they said: Well, we need one other thing. We need trade adjustment assistance.

Now, if they need trade adjustment assistance—and I have no doubt that is going to pass in the Senate if there is a fair process. I do not believe there is any doubt it will pass in the House. The agreement worked out by the distinguished chairman and Chairman CAMP over in the House probably will be voted on. I have to vote against it.

The fact is, all my amendment—it does evidence some distrust in this process. All my amendment does is say: Look, we are not going to allow trade adjustment assistance to go into effect until these three trade agreements are sent by the President and passed. Both bodies can pass the trade adjustment assistance on this bill, and that is fine with me. My amendment says TAA does not go into effect until the President submits these three treaties, and they are passed and become law. Then trade adjustment assistance goes.

That is a very fair way of doing this. It is a way of saying to everybody: Let's get rid of the mistrust. Let's do this in a straight-up way. Let's do it so everybody knows what is going to happen. Trade adjustment assistance will ultimately come into effect, but only after the administration lives up to submitting these trade agreements and they are passed.

Why would we want trade adjustment assistance to pass if these three trade

agreements do not pass? It is just another big cost to the government. Keep in mind the people who are out of work are getting unemployment insurance. Trade adjustment assistance adds payments on top of that to their unemployment insurance. Why would we do that if we are not going to have these three trade agreements become law? It just makes no sense. Mine is a practical amendment.

It says let's get rid of the game playing. We will do this if you do this. Frankly, the President promised to do it, and we are still standing here waiting for the three trade agreements to be sent here. To me, it is hard to imagine why the President is not doing this.

By the way, on the trade adjustment assistance a little less than 7 percent of our nongovernment workers are unionized. Yet one-third of these payments will go to union members. I do not blame my colleagues on the other side for wanting to help anybody who is out of work or anybody who belongs to a trade union. But do we always have to do it in a slanted way that helps one small sector of the workers in this country and not the rest of them? It is a problem. We have unemployment insurance to take care of people who are out of work. We should do that. It is important we do that. Trade adjustment assistance is just adding some more payments on top of that.

There is a real question whether we should do it here because I asked the representatives of the administration in the committee what jobs are going to be lost as a result of these three agreements. They could not come up with one. There will be, according to the administration, 250,000 new jobs that will occur, or at least jobs that will occur and will be sustained by these three trade agreements once they are enacted into law.

Just yesterday my friends on the other side voted down trade promotion authority. I cannot imagine why any President would not want trade promotion authority.

It is mind-boggling to me that this President doesn't want it. It is the only way we are going to be able to get free-trade agreements done. Otherwise, we are going to have to do it through other legislative processes, which is much more arduous, much more difficult, and does not come up with just an up-or-down vote. There is a reason for this process, and that is to be able to do free trade in this country. Yet every time we turn around there is another roadblock thrown up by the other side, as though they don't want free trade. I understand that for some unsubstantiated or ridiculous reason the unions don't like free-trade agreements, even though they are going to, according to the administration, create 250,000 new jobs—or jobs, anyway. Why wouldn't they like those? They have an opportunity to unionize companies that come into existence.

By the way, even under the stilted, one-sided National Labor Relations Board that currently exists that is running away with our responsibilities and legislating from the regulatory bench—even with that board, unions win 60 percent of union elections—contested elections. It is not as though they are being picked on or are not being treated fairly.

By the way, I would be one of the first to make sure they are treated fairly. I am one of the few people in this whole body who earned a union card. I worked in the building and construction trade unions for 10 years. I acknowledge the distinguished Presiding Officer sitting in the chair earned a union card. I am not sure we can call that a union, working with the—just joshing. The entertainment industry unions are not like the AFL–CIO. We are tough as nails. On the other hand, I have to retract that because I have seen some people in the entertainment industry as tough as nails, and the Presiding Officer is one. No question about it. I have great admiration for him. But he ought to be with me on this. He ought to be with me because all we are saying is, look—and the most that would happen is a few days, enough to get the free-trade agreements passed in the House.

So what I am saying is, first of all, let's get the President to do what he has blamed us for not doing; that is, to send these three free-trade agreements with these countries that are so important to us and we are important to them. We are losing business every day because this is being dragged out for so long. Send them so we can vote on them. TAA will pass here, and I believe it will pass over there with the process we have.

All I am saying is it doesn't become effective because we shouldn't be paying for people when we don't have free-trade agreements that are the basis for paying people. All I am saying is they don't come into existence—the TAA doesn't come into existence until after these free-trade agreements are ratified, are voted up or down, and become law—voted up and become law. That is fair. It is an intelligent approach to it. It ends the mystery. It ends what some people think is a convoluted process. It ends what some people think is not a good-faith process. It does it in a way that doesn't hurt anybody, and it just says: Look, let's do it straight up so there is no more arguing or moaning or groaning or accusations that one side is not being fair to the other. Let's just do it this way.

So I am calling on my colleagues on the other side to vote for my amendment. They don't lose a doggone thing. In fact, it will help this process along, and that is one reason I brought it up.

I am personally not sure trade adjustment assistance will pass without my amendment. That is one reason I brought it to the Senate floor—because it is a fair, decent, honorable way of saying, OK, let's get rid of the mysteries. Let's get rid of the arguments. Let's get rid of the partisanship. Let's vote on these three free-trade agreements—or excuse me, the trade adjustment assistance—which is going to add a lot of money to the cost of this government, and let's vote on them. When they are both voted through by the House and the Senate, then let's bring up the three free-trade agreements which should pass readily in both Houses. Once they become law, trade adjustment assistance comes into being.

That is a fair, responsible way of doing this in a way that does away with the mystery, does away with partisanship, does away with Democratism and Republicanism and gets this process down the road.

For the life of me, I can't understand why anybody would argue with this. I am calling on my Democratic friends and saying: Let's be bipartisan about this. Let's send a message to the President that we want those doggone trade agreements up here. He controls that process. I just found it astounding when he came out and said: I wish they would pass the three free-trade agreements when he knows we can't until he sends them.

This agreement is not only fair, it is the right thing to do. It may be the only way we are going to get these three free-trade agreements done. I would like to hear a good argument against them, but there isn't any. With these free-trade agreements, I believe there will be thousands of jobs created. I am not sure there will be 250,000 as the administration claims, but I believe there will be many jobs at a time when we need jobs.

Trade adjustment assistance—there are a lot of sincere people in this body and in the other body who believe it is absolutely essential, even though there was not one shred of evidence as far as I heard that any jobs would be lost as a result of these two free-trade agreements. But I am willing to understand there may be some loss, and therefore—and even if there aren't, to get these three free-trade agreements through, the other side says we have to pass TAA. Fine. Let's pass it through both bodies. Let's make it subject to getting the three free-trade agreements passed into law because it should be subject to that.

There is no reason in the world why we would add more spending from a trade adjustment assistance standpoint unless we have these three free-trade agreements. That is the argument for the trade adjustment assistance that our colleagues on the other side and some on our side are making. I have a feeling this is the way to get this done. It is the smart way to get it done. It is the honorable way to get it done. It is the truthful way to get it done. It is the bipartisan way to get it done.

I think people know I have a reputation for being able to bring both sides together from time to time, and that is what I am trying to do. This is not a political game as far as I am concerned. I do want these three free-trade

agreements because I know it would be great for our country. We are losing business. We have gone down from 74 percent agricultural exports to Colombia to 28 percent. Anybody with brains would say we shouldn't have allowed that to happen, and it wouldn't have had we passed these three free-trade agreements, or at least the Colombia one, last year. But Korea is such a big, even greater trading partner than Colombia—although, when I look at what President Uribe and what President Santos, the current President, have done to straighten out that country and get rid of the terrorists and to bring down the violence against union members and so forth, they deserve our support. They deserve these agreements.

When I look at Korea and what an important partner they are in our trade—and we are losing trade to them now; others are taking it away from us because we haven't passed the Korean agreement—my gosh, it doesn't take any brains to realize we are not acting like friends to Korea.

Then look at Panama. Panama is one of the financial centers of this hemisphere. It is a great nation. It is important to us, above all people. It is dishonorable for us to not pass the Panamanian Free Trade Agreement that they worked out with us and which we had to add labor language in each one of these agreements that wasn't there before because of this administration's fealty to organized labor. Fine.

Why don't we do what has to be done to pass these three free-trade agreements and to get the support for TAA for those who believe that is the right way to go and get rid of any kind of concerns that one side or other would not live up to its share of the battle. My amendment will do that.

I hope it is not just a partisan vote. I hope we have some Democrats who will vote for my amendment. If we do, I think it will push this whole process forward in a way that makes sense.

Mr. President, let me just dwell a few minutes on one of the things I would like to get across. People ask me why I spent years working toward a leadership position on the Senate Finance Committee. It is pretty simple. The Finance Committee has jurisdiction over issues that matter not only to the people of Utah but to everybody: the bloated Tax Code we have, the inheritance taxes, health programs such as Medicare and Medicaid, Social Security, issues that go to the heart of international trade such as customs duties, tariff, and import quotas, and free-trade agreements. I could go on and on. It is a very important committee.

Sixty percent of all spending in this government comes through the Finance Committee. Being the lead Republican on the Finance Committee gives me a unique platform to shape all of these policies in a way that works best for my home State of Utah, and I hope the Nation as a whole.

Today I wish to focus on international trade and why I am so passionate about opening new markets to our goods and services. It gets repeated ad nauseam that 95 percent of our potential customers live outside of the United States, and there is no doubt that trade is vital to America's competitiveness. But trade has immediate and particular importance to jobs and the economy in my home State of Utah as well as every other State.

Last year alone companies in Utah shipped over $13 billion in merchandise exports to international markets—$13 billion—supporting nearly 93,000 jobs in our State. Think about that: $13 billion and close to 100,000 jobs thanks to products Utah companies sold outside the borders of the United States. My State is only one State. I think every State can tell a similar story. That doesn't even include our service providers, who similarly take advantage of opportunities across the globe. Companies in Utah exported to over 190 foreign markets; companies such as Varian Medical Systems, which produces cutting-edge x ray products that assist with various cancer treatments and industrial security screening and which provides over 700 people with good-paying jobs in our State.

By removing barriers to trade, free-trade agreements level the playing field for our companies operating in markets abroad. This has an immediate and observable impact on trade. Following the implementation of every U.S. bilateral or regional free-trade agreement, Utah has increased its exports to partner countries.

Let me give two examples. Utah's exports to Morocco experienced growth of over 2,000 percent after the United States implemented a free-trade agreement with them, and Utah's exports to Singapore increased by over 800 percent after we implemented that FTA.

Listening to some of the pundits, it would be easy to draw the conclusion that exports in free trade are only important to large, multinational companies; but nothing could be further from the truth. In 2008, the most recent year for which we have statistics, 86 percent of Utah's exporting companies were small or midsized companies. For the entrepreneurs who lead these small and midsized companies, international trade is their lifeblood. But exports are only part of the story.

Thanks to low taxes, family-friendly values, and a well-educated, motivated, and internationally savvy workforce, Utah is a place where people want to live and work. And it is not just the greatest skiing in the world, although that certainly is a draw.

When foreign companies look to grow their operations or gain a foothold in the U.S. market, they increasingly look to Utah to site their operations. These companies invest significant amounts of capital to open or expand facilities in our State every year.

Foreign-owned companies employ over 34,000 workers in Utah. That is more than 3 percent of all Utah employees in the private sector. These are well-paying jobs. U.S. subsidiaries of foreign companies pay an average compensation of over $68,000 per year. And let's not forget all of the spending by international visitors to our world-class colleges and universities, ski resorts, and parks.

That is why I have been pushing so hard to get the three FTAs with South Korea, Panama, and Colombia passed and implemented. It is not the only reason, but it is certainly a reason. These agreements have been sitting idle for far too long. They were negotiated during the administration of President Bush. They were wrapped in a bow for President Obama, ready to go the day he took office. His own administration has made some changes in them that these three countries have agreed to. Yet President Obama still has not sent them to Congress for a vote, which is astounding to me. The President himself says these three agreements will create 250,000 new jobs. His failed stimulus, his burdensome overregulation of business, his penchant for taxing and spending to ''redistribute wealth'' all rubbed salt in the wounds of a difficult economy. We are now left with an unemployment rate of 9.1 percent. You would think the President would be eager to do something everyone agrees would actually create real jobs, and not just real jobs, great jobs. But the FTAs with South Korea, Panama, and Colombia remain on his desk.

While the President stands still, the world continues to forge ahead. China continues to pursue policies that boost its growth at our expense. Other countries around the world continue to negotiate trade agreements that exclude the United States, putting Utah exporters at a serious disadvantage, as well as other States. The consequences of this administration's trade paralysis are real.

By way of example, the U.S. share of Colombia's agricultural imports has already fallen from nearly 44 percent in 2007 to 21 percent in 2010. The EU and Canada swooped in to fill this vacuum. Both have now negotiated free-trade agreements with Colombia.

During President Bush's Presidency, we passed trade agreements with 14 countries, providing a significant boost to the U.S. economy. By contrast, President Obama has not submitted a single trade agreement to Congress.

It certainly does not help that the President has refused to spend any political capital to seek trade negotiating authority from Congress. The need for it is obvious: Without it, we cannot pass good agreements to open foreign markets for our exports. That is why every President since FDR has sought this authority. Why doesn't this President? I think it is a lack of experience, personally. He is smart enough to understand this.

Every President but one has sought it. The only one who has not is our current President. But whether he seeks it

or not, I am going to work to see that he gets it. And when he does, you can be sure it will be designed to shape his negotiating objectives so that the resulting agreements embody high standards that best serve the economies of the United States and, in particular, my home State of Utah.

It is vital that future trade agreements—such as the proposed Trans-Pacific Partnership Agreement between the United States and six other nations—protect the intellectual property of our innovators and content creators, level the playing field for our companies which are often forced to engage in lopsided competition with state-owned companies and national champions, enable modern day integrated global supply chains, and enhance market access for both goods and services providers.

In the months and weeks ahead, we have the opportunity to shape the economic future of our great Nation and my own great State of Utah. I am going to do my part to ensure that trade plays a central part in that equation.

I hope everybody in this body realizes how important this is and that we should not keep playing these games because we have political opportunism. Then again, that is another reason for my amendment. My amendment says the games will be over. Both sides will vote on TAA. The President will have to submit the agreements. Once the agreements are passed and made into law, TAA comes into existence. And it should not come into existence until after these agreements become law.

What it says to everybody is: Look, the games are over. This is the way to do it. This is the fair way to do it. This is the bipartisan way to do it.

Wouldn't it be wonderful if we could get these free-trade agreements passed? Wouldn't it be a wonderful achievement for all of us here—a bipartisan achievement, with the President getting lots of credit for it? I think it would be a good thing. If we cannot do this, then you can imagine what this place is going to become in the future. My amendment is the way you get there.

I am hoping my colleagues on the other side listen to this. I hope they pay attention. I sure hope they vote for this amendment because if they do not, I question whether we will ever have these free-trade agreements.

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

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Under the previous order, the question is on agreeing to amendment No. 641 offered by the Senator from Utah, Mr. HATCH.

There will be 2 minutes of debate equally divided prior to the vote.

Mr. HATCH. My understanding is both sides are waiving the 2 minutes of debate time.

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

Mr. HATCH. I ask for the yeas and nays.

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

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. KYL. The following Senator is necessarily absent: the Senator from Indiana (Mr. LUGAR).

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—44

| | | |
|---|---|---|
| Alexander | Enzi | McConnell |
| Ayotte | Graham | Moran |
| Barrasso | Grassley | Murkowski |
| Blunt | Hatch | Paul |
| Boozman | Heller | Portman |
| Brown (MA) | Hoeven | Risch |
| Burr | Hutchison | Roberts |
| Chambliss | Inhofe | Rubio |
| Coats | Isakson | Sessions |
| Coburn | Johanns | Shelby |
| Cochran | Johnson (WI) | Thune |
| Corker | Kirk | Toomey |
| Cornyn | Kyl | Vitter |
| Crapo | Lee | Wicker |
| DeMint | McCain | |

NAYS—54

| | | |
|---|---|---|
| Akaka | Gillibrand | Murray |
| Baucus | Hagan | Nelson (NE) |
| Begich | Harkin | Nelson (FL) |
| Bennet | Inouye | Pryor |
| Bingaman | Johnson (SD) | Reed |
| Blumenthal | Kerry | Reid |
| Boxer | Klobuchar | Sanders |
| Brown (OH) | Kohl | Schumer |
| Cantwell | Landrieu | Shaheen |
| Cardin | Lautenberg | Snowe |
| Carper | Leahy | Stabenow |
| Casey | Levin | Tester |
| Collins | Lieberman | Udall (CO) |
| Conrad | Manchin | Udall (NM) |
| Coons | McCaskill | Warner |
| Durbin | Menendez | Webb |
| Feinstein | Merkley | Whitehouse |
| Franken | Mikulski | Wyden |

NOT VOTING—2

| | |
|---|---|
| Lugar | Rockefeller |

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 54. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 625 TO AMENDMENT NO. 633

The PRESIDING OFFICER. Under the previous order, the question is on amendment No. 625, offered by the Senator from Arizona, Mr. MCCAIN. There will be 2 minutes of debate, equally divided, prior to the vote.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, the stimulus passed in 2009 was purported to be temporary. As part of that massive piece of legislation, we made a significant expansion and added at least $600 million a year to the Trade Adjustment Assistance Program. This amendment would cut back to the prestimulus number of the TAA.

It is pretty simple. It would save at least $600 million per year on questionable programs of questionable effectiveness. But the point is, the stimulus was supposed to be a temporary increase in spending and not a permanent one. The Reid package makes most of it—at least 65 percent of it—permanent. The least we can do is cut it back to prestimulus levels, which is supported by the National Taxpayers Union. I know that will be very persuasive to my friends on the other side of the aisle.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, this country has an extremely high unemployment rate. We all know a lot of people are losing jobs and some are losing jobs on account of trade. The world has changed, even as recently as 2002. In 2002, the law said: OK. If a person loses a job on account of jobs going to a free-trade country, they are eligible for trade adjustment assistance, but it has to be a manufacturing job.

That was changed in 2009 because the country has changed. There are a lot of countries with which we trade that are not FTA partners—China, India. It makes eminent sense, if someone loses a job on account of trade with any country, that person should be eligible for trade adjustment assistance and not just with FTA countries.

Secondly, we expanded that to services. Eighty percent of the workers in our country are in the services sector, not the manufacturing sector. That addition was also provided for in 2009.

For technical reasons also, if this amendment passes, it jeopardizes both TAA as well as FTA because everything has to be renegotiated. So I urge this amendment not be agreed to.

The PRESIDING OFFICER. All time has expired.

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—46

| | | |
|---|---|---|
| Alexander | Burr | Corker |
| Ayotte | Chambliss | Cornyn |
| Barrasso | Coats | Crapo |
| Blunt | Coburn | DeMint |
| Boozman | Cochran | Enzi |
| Brown (MA) | Collins | Graham |

Grassley
Hatch
Heller
Hoeven
Hutchison
Inhofe
Isakson
Johanns
Johnson (WI)
Kirk
Kyl
Lee
Lugar
McCain
McConnell
Moran
Murkowski
Paul
Portman
Risch
Roberts
Rubio
Sessions
Shelby
Thune
Toomey
Vitter
Wicker

NAYS—53

Akaka
Baucus
Begich
Bennet
Bingaman
Blumenthal
Boxer
Brown (OH)
Cantwell
Cardin
Carper
Casey
Conrad
Coons
Durbin
Feinstein
Franken
Gillibrand
Hagan
Harkin
Inouye
Johnson (SD)
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Manchin
McCaskill
Menendez
Merkley
Mikulski
Murray
Nelson (NE)
Nelson (FL)
Pryor
Reed
Reid
Sanders
Schumer
Shaheen
Snowe
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Webb
Whitehouse
Wyden

NOT VOTING—1

Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 53. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator HATCH or his designee be recognized to offer amendment No. 642; that following the Hatch amendment Senator CORNYN be recognized for debate only for up to 15 minutes; then Senator KYL or his designee be recognized to offer amendment No. 645 anytime prior to 5 p.m.; that the time until 5 p.m. be for debate on the Hatch and Kyl amendments and be equally divided between the two leaders or their designees; that at 5 p.m., the Senate proceed to vote in relation to the Hatch and Kyl amendments, in that order; that there be no amendments, points of order, or motions in order to either amendment prior to the votes other than budget points of order and the applicable motions to waive; that each amendment be subject to a 60-affirmative-vote threshold; and there be 2 minutes of debate equally divided prior to each vote.

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

The Senator from Utah is recognized.

AMENDMENT NO. 642 TO AMENDMENT NO. 633

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 642 to amendment No. 633.

Mr. HATCH. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the eligibility requirements for trade adjustment assistance)

On page 31 of the amendment, between lines 6 and 7, insert the following:

**SEC. 224. MODIFICATION OF TRADE ADJUSTMENT ASSISTANCE ELIGIBILITY REQUIREMENTS.**

(a) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended by section 211(a), is further amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)(iii), by striking ''contributed importantly to such workers' separation or threat of separation and to'' and inserting ''was a substantial cause of such workers' separation or threat of separation and of''; and

(B) in subparagraph (B)(ii), by striking ''contributed importantly to'' and inserting ''was a substantial cause of'';

(2) in paragraph (3)(B) of subsection (b), as redesignated by section 211(a), by striking ''contributed importantly to'' and inserting ''was a substantial cause of''; and

(3) in subsection (c), as redesignated and amended by section 211(a), by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(b) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended—

(1) in subsection (c)—

(A) in paragraph (1)(C), by striking ''contributed importantly to such total or partial separation, or threat thereof, and to'' and inserting ''were a substantial cause of such total or partial separation, or threat thereof, and of''; and

(B) in paragraph (2)—

(i) by striking subparagraph (A);

(ii) by striking ''(B)''; and

(iii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the left.

(c) TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.—

(1) IN GENERAL.—Section 292(c)(3) of the Trade Act of 1974 (19 U.S.C. 2401a(c)(3)) is amended by striking ''contributed importantly to'' and inserting ''was a substantial cause of''.

(2) CONFORMING AMENDMENT.—Section 291 of the Trade Act of 1974 (19 U.S.C. 2401) is amended by striking paragraph (3) and redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, we are talking about trade, how we create markets for what Americans grow or build and sell abroad, which creates jobs here at home. But I wish to talk about a rather specialized area of trade, and that has to do with foreign military sales, and particularly I wish to talk about a topic Senator MENENDEZ and I introduced a bill on last week called the Taiwan Air Power Modernization Act of 2011. This bill requires the U.S. Government to respond to the request of the Government of Taiwan for the sale of at least 66 F–16 C/D fighter aircraft to Taiwan.

That sounds like a mouthful and a big subject, and it is, but let me try to put some meat on the bone and explain why I think this is so important.

Support of the people of Taiwan has been a bipartisan priority for decades. Democrats and Republicans supported the Mutual Defense Treaty with Taiwan, signed by President Eisenhower in 1954. Democrats and Republicans came together and passed the Taiwan Relations Act, which was signed by President Carter in 1979, and which remains the law of the land today. The Taiwan Relations Act states that the United States will provide to Taiwan the defense articles necessary to enable Taiwan to maintain sufficient self-defense capabilities in furtherance of maintaining peace and stability in the western Pacific region.

What does sufficient self-defense capabilities mean? President Reagan, in a memorandum he dictated dated August 17, 1982, laid it out. This is about the time the third communique between Communist China and the United States was formally adopted, because the Chinese wanted to know exactly what this meant. Were arms provided to Taiwan a threat of aggressive weaponry or purely for defensive purposes? According to James Lilley, who was America's top representative in China at the time and who later served as Ambassador to China under George Herbert Walker Bush, that is what this was designed to do, to crystalize what the nature of the weapons sales to the Taiwan Government would be used for. This memorandum from President Reagan in August 17, 1982 laid it out:

. . . it is essential that the quantity and quality of the arms provided Taiwan be conditioned entirely on the threat posed by the People's Republic of China. Both in quantitative and qualitative terms, Taiwan's defense capability relative to that of the PRC will be maintained.

This is strictly for giving Taiwan the ability to defend itself against potential Communist actions by Communist China. It was directly proportional and reciprocal to the threat posed by the People's Republic of China.

But Ronald Reagan was not alone in this interpretation. In fact, both Democrats and Republicans over the years have supported numerous arms sales to the Government of Taiwan, including the current request for 66 F–16 C/D advanced fighter aircraft.

So far this year, 47 Republicans and Democrats have signed a letter—these are Senators—to the administration in support of this sale. In August, 181 Members of the House of Representatives, Republicans and Democrats alike, wrote to the administration endorsing this same sale.

Why is Taiwan asking for these aircraft and why do so many Democrats and Republicans join together in a bipartisan way on this issue when the parties seem to be so polarized by so many other issues? The answer is simple and straightforward: Taiwan's air defense capabilities are nearly obsolete, while China's military capabilities are growing at an alarming rate. This chart demonstrates the problem.

On the right in the red you will see that China has 2,300 operational military combat aircraft, while Taiwan has 490 operational combat aircraft. But air defense is not just a numbers game. Quality of those aircraft matters a lot—just as much as quantity. So what about the quality of Taiwan's existing forces?

According to our own intelligence services, the Defense Intelligence Agency, in an unclassified report last year, said that ''many of Taiwan's fighter aircraft are close to or beyond service life, and many require extensive maintenance support.''

China's capabilities, on the other hand, are clearly newer and clearly growing and clearly focused on intimidating Taiwan and the United States. China's official press agency reported in March that the People's Republic of China will increase its military budget this year by 12 percent, after an increase last year of 7.5 percent. But the Pentagon estimates that China's official military budget of about $90 billion they disclose, is actually far less than the $150 billion they actually spend. In other words, they only disclose part of their expenditures on national security and not the full amount, which is some $150 billion. The question is, who does China intimidate with this growing military power?

Here is what the Pentagon had to say in its 2011 report to Congress, called ''Military and Security Developments Involving the People's Republic of China.'' The Defense Department observed that China continued modernizing its military in 2010, with a focus on Taiwan contingencies.

The Pentagon also noted that China's air force will remain primarily focused on ''building the capabilities required to pose a credible military threat to Taiwan and U.S. forces in East Asia.''

Let me repeat that. The Pentagon noted that China's air force will remain primarily focused on ''building the capabilities required to pose a credible military threat to Taiwan and U.S. forces in East Asia.''

Some say the United States should not look at our policy with Taiwan in a vacuum, that we should consider the context of our larger strategic relationship with China. I could not agree more, because the strategic situation with China these days is very troubling. Many of China's neighbors are concerned about its military buildup and territorial ambitions. Last year, China claimed the South China Sea as a ''core interest,'' which unsettled Vietnam, the Philippines, Indonesia, and other nations in the region. China also renewed a long-running dispute with India over the borders of the Arunachal Pradesh region.

China continues to be an enabler of the nuclear ambitions of the regime in North Korea. This summer, Google publicly reported that a Chinese entity has been targeting the personal e-mail accounts of U.S. and South Korean government employees, and Pakistan's defense minister publicly discussed the possibility of China building a naval base at Gwadar, Pakistan, which is already home to a new strategically important port at the mouth of the Gulf of Oman.

China, we know, has also escalated its rhetoric aimed at the United States, and particularly the U.S. Senate. A number of my colleagues visited Beijing last April where they reportedly received a lecture from Chinese officials on fiscal policy. Just last week, more to the point of this topic, China's top official newspaper used a lot of unnecessary and bellicose rhetoric on the subject of the proposed U.S. arms sales to Taiwan. This official newspaper of the Communist Party in China said that those of us on Capitol Hill who support Taiwan are ''madmen.'' They said we were ''playing with fire.'' They said we could pay a ''disastrous price'' if we continued to support our ally Taiwan, as we are obligated to do by the Taiwan Relations Act.

I suggest the United States should not give in to this intimidation and these threats, and that we should instead pass this legislation to send a clear message to China that respects only strength, not weakness; that the real madmen are those who think America will abandon our friends and allies and our principles and our longstanding strategic interest in the stability of East Asia.

Supporting this legislation would also greatly reassure our allies and friends around the world. Many remember what happened when President Clinton deployed two aircraft carrier battle groups during the Taiwan Strait crisis in 1996. That crisis developed when China tried to intimidate Taiwan on the eve of its first free Presidential elections by conducting a series of military exercises that included the firing of missiles a few miles north of Taiwan. President Clinton responded by ordering the largest U.S. military force since the Vietnam war to deploy to the region, including carrier battle groups led by the USS *Nimitz* and the USS *Independence*.

America's show of strength and resolve under President Clinton's leadership did not escalate the crisis, it defused it, and it sent a welcome signal to our friends and allies in the region. According to an article in the current issue of Washington Quarterly, following the crisis, ''the region's confidence in the United States soared.''

'' . . . Japan, Singapore, the Philippines and other nations all bolstered their security ties with the United States.'' The Taiwan Strait crisis was one of the real foreign policy success stories of the Clinton administration. But the authors of this same article conclude that ''forsaking Taiwan [now] would likely have the opposite effect.''

This bill deserves bipartisan support of the majority of Members of the Senate based on our longstanding bipartisan consensus on policy toward Taiwan, the growing gap in military capabilities between the People's Republic of China and the Government of Taiwan, China's aggressive behavior toward its neighbors and toward the United States, and America's credibility with our allies and with free peoples everywhere.

I conclude by pointing out perhaps something that is obvious, but maybe it is not so obvious to everyone. Since we are talking about trade, what we grow and we sell to people abroad creating jobs at home, it is worth mentioning that selling F–16 aircraft to Taiwan creates jobs and exports for the U.S. economy and does not cost 1 penny of taxpayer money. This map demonstrates all the States in which direct and indirect employment from which the export sales of F–16s to Taiwan is projected to be at least 60 person years of employment, which is the equivalent of 10 American workers employed full time for 6 years.

As you can see from this map, 32 States will have that level of job creation or more as a result of the sale of these F–16s, making the sale of the F–16s to Taiwan a coast-to-coast job engine. In fact, according to the Perryman Group, the requested sale of F–16C/Ds to Taiwan ''would generate some $8.7 billion in output; and directly support more than 23,000 jobs.''

As I pointed out earlier, these jobs do not cost the American people one cent. These are private sector jobs paid for with money coming in from overseas because this is an export-driven industry. The only thing the U.S. Government needs to do is get out of the way and let these Americans continue to stay on the job and collect an estimated $768 million in Federal tax revenues. Yes, not only will we be selling these aircraft, creating jobs, we will be generating revenue for the Federal Treasury in the process, generated by this private sector, export-driven economic activity.

I wish to thank the Senator from New Jersey, Mr. MENENDEZ, for introducing this legislation with me, and I thank my colleagues on both sides of the aisle who have agreed to cosponsor it. I hope more Senators will join us, and I hope we will pass this bill soon. I hope we can help American workers continue building these aircraft to strengthen our friends, the people of Taiwan.

Mr. President, let me just close on this comment: This is standalone legislation I discussed here today, but I will be offering, in due course, an amendment to the pending bill that would mandate this sale. So I would ask my colleagues to please join us in a bipartisan way of showing our support for our friends and allies in Taiwan and generating jobs right here at home.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

DISASTER ASSISTANCE

Mr. SANDERS. Mr. President, my State of Vermont has been hit very hard by Hurricane Irene. Widespread flooding caused a number of deaths, the loss of many homes and businesses, and hundreds of millions—perhaps $1 billion—in damage to property and infrastructure. I have visited many of the most hard-hit towns, and I have been shocked and moved by the extent of the damage I saw. Irene will go down in history as one of the very worst natural disasters ever to hit the State of

Vermont. Let me share a few facts with you about the extent of the damage.

Already, more than 5,200 Vermonters have registered with FEMA. Remember, we are a State of only 630,000 people and approximately 200,000 households, and yet more than 5,200 Vermonters have already registered with FEMA.

More than 700 homes were severely damaged or completely destroyed—700 in a State which has about 200,000 households.

Between 1,500 and 2,000 families have been displaced, their housing uncertain as we approach Vermont's brutally cold winter season. It is beginning to get cold in Vermont.

More than 73,000 homes were left without electricity—one-third of all of the homes in our State. Tens of thousands of Vermonters lost their phone service, and in some areas these services still have not been fully restored.

More than 2,000 roads were badly damaged—2,000 roads—including 135 segments of State highways. More than 300 bridges—300 bridges—were damaged. Hundreds of roads and bridges remain closed, while many others are only open to emergency vehicles today. Some towns still have limited access because the roads and bridges that link them to the outside world were destroyed.

Further, dozens of town libraries, townhalls, and municipal and volunteer fire departments have been damaged or destroyed. Ninety public schools could not open on time. The last one is just now opening for the year.

Hundreds of businesses and more than 360 farms with more than 15,000 acres of farmland have been damaged, tearing at the fabric of our rural economy.

Our Amtrak and freight services were completely suspended, as railbeds literally washed into rivers. One Amtrak line is still down today.

The largest State office complex was completely flooded and is closed until further notice. Mr. President, 1,600 State employees cannot go to work in that building. Important files and computer systems have been ruined, disrupting the ability of the State to deliver critical State functions.

I know that, as in times past, we will pick up the pieces in Vermont and restore our homes and businesses. And I have to tell you that if there is any silver lining out of that disaster, it is the fact that in community after community, people came out, worked together, and participated in cleanup efforts, supported each other. People from the northern part of the State, which was hit less severely, came down to the southern part of the State to help. Strangers helped strangers. It was an extraordinary effort of people coming together. But the simple fact is, if a State such as Vermont has communities that are devastated, a State such as New Jersey has communities that are devastated, we cannot do it alone. The scale of this disaster is too overwhelming for a State of the size of Vermont.

The Federal Government has long played an important role in disaster recovery. That is something we have known for many years and we have seen time after time after time. When our fellow citizens in Louisiana and the gulf coast suffered the devastation of Hurricane Katrina, people in Vermont were there for them, and I can tell you how many people told me we have to do everything we can to protect the people who were devastated by Katrina. When the citizens of Joplin, MO, were hit by deadly tornadoes, people on the west coast were there for them. And, of course, when terrorists attacked the United States on 9/11, we were all there for New York City. That is what being a nation is about.

The name of our country is the United States of America—''united,'' u-n-i-t-e-d—and if that name means anything, it means when disaster strikes one part of the country and communities are devastated, people are hurt, bridges and roads are out, farmers cannot produce the food, we as a nation rally together to support those communities. That is what States impacted by Irene expect from Congress because that is what being a nation is about. Disaster relief, funded on an emergency basis, is what Congress has done for decades, and it is what Congress must do now.

The Senate did the right thing in quickly passing a $6.9 billion disaster relief supplemental appropriations bill, and I wish to thank all of the people active in that, from Senator REID, to Senator LANDRIEU, to Senator LEAHY—all of the people who made that happen. They did a great job.

Does that bill have everything I would like to see in a disaster relief bill for the State of Vermont? No, it does not, quite frankly. But it is a very good bill. It is an urgently needed bill. It is an important step forward in the right direction. I commend, again, all of those Senators who played an active role in moving that bill along, including 10 Senate Republicans.

Disaster aid should not be a partisan issue, but it seems the House Republicans are intent on making it one. The disaster funding the House is likely to pass this week is totally inadequate and will not address the magnitude of the damages inflicted by Hurricane Irene or the backlog in FEMA funding that existed before it.

To my mind, it is an outrage that for the first time in modern American history House Republicans want to have a budget debate over disaster assistance. They threaten to block urgently needed aid unless the cost of that help is offset by cuts in other needed programs. They want to use Hurricane Irene as another excuse for a budget fight. And think about the precedent that sets. What happens if tomorrow there is, God forbid, a disaster in New Mexico or a disaster in Colorado? Does that mean we should be cutting education or environmental protection in order to pay for help to New Mexico or Colorado or California? If there is a major earthquake someplace in this country and communities are devastated, do we cut back on the needs of the children? Do we cut back on Medicare and have that huge debate in order to pay for disaster relief?

Historically, the U.S. Congress has said—and what they said was right—that when disaster strikes, we as a nation come together and we provide the support to those communities which have been hurt to get them back on their feet. That is what we have done in this great country, and I am offended that some of my Republican colleagues in the House suddenly start thinking we need a major budget debate for every disaster that is hitting this country. That is wrong. That is extraordinarily bad public policy. That is, frankly, unpatriotic and not what the United States is about. Yes, of course, we must continue to address our deficit problem but not on the backs of communities in Vermont, New Jersey, North Carolina, or other States that have been devastated by Hurricane Irene. For those States and communities, we must get them emergency help, and we must get it to them as quickly as possible.

Amazingly—I must say this—this talk about budget offsets for disaster relief comes from some of the same people who repeatedly and conveniently ignore their own actions when it suits them. Congress provided $800 billion to bail out Wall Street banks. I did not hear any discussion about offsets when it came to bailing out Wall Street. Congress extended huge tax breaks and loopholes for the wealthiest people in this country, driving up the deficit. I did not hear any call for offsets when we gave tax breaks to billionaires and large corporations. The United States is spending today $10 billion a year on the wars in Iraq and Afghanistan, including billions to rebuild those countries. I did not hear any call for offsets when it came to the wars in Iraq and Afghanistan.

Let me conclude by saying this: This country has its share of problems. We all know that. But if we forsake the essence of what we are as a nation; that is, we stand together when disaster strikes, if we forgo that, if we no longer live up to that ideal, I worry very much about the future of our great Nation.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. CARDIN). The majority leader is recognized.

DISASTER RELIEF

Mr. REID. Mr. President, last week the Senate passed three important pieces of bipartisan legislation. It was really quite a productive week. We reauthorized the Federal Aviation Administration, which kept 80,000 workers, including safety inspectors, on the job. We passed a highway bill that

keeps 1.8 million people at work building roads and bridges and dams. We reached a bipartisan agreement to rush relief to communities devastated by floods, tornadoes, and wildfires. So I was hopeful, as this week began, that it would be productive. I thought Congress might be able to set aside party politics to accomplish the important work of this Nation. Instead, the tea party has taken over again. The tea party Republicans have once again allowed partisanship to rear its ugly head.

Now House Republicans, obsessed with pleasing a group of radicals—the tea party, they are called—are refusing to give the Federal Emergency Management Agency the funding it needs to reconstruct ravaged communities across this great country, and they are threatening to shut down the government if they do not get what they want.

It is bad enough that we cannot agree that victims of floods and fires should get the help they need without delay.

We cannot even agree on what we have already agreed to. We spent months this spring and summer negotiating a deficit reduction agreement that allowed Congress to appropriate more than $11 billion in disaster aid for next year. After an earthquake, weeks of wildfires, and a hurricane that slammed the eastern seaboard, we are asking to free up $6.9 billion in emergency funds to help Americans in need.

There is a reason we have agreed in the past that disaster funding should be set aside from the regular budget process. There is a reason we agreed, as part of July's deficit reduction agreement, it should be set aside once again. Farmers who have lost their crops to floods, families who have lost their homes to hurricanes should not be used as pawns in a budget-bidding war.

Over the last two decades, almost 90 percent of the money Congress has authorized for disaster relief has been done outside the regular budget process. Why? Because we cannot determine what Mother Nature is going to do. We do the best we can. But who would have ever dreamed Irene would hit when it did, with the devastation it did. Who would have ever dreamed a tornado would level the town of Joplin, MO?

We have done the best we can. I ask my Republican colleagues: Why should today be any different than the past? FEMA is running out of money. That is the bottom line. On Monday, they will be broke. The President declared emergencies in 48 of the 50 States this year. We have had 10 disasters already that have cost more than $1 billion each. It has been 30 years since we have had so many large natural disasters.

As of this morning, FEMA's disaster fund had almost nothing left. It will be broke on Monday. The agency that rushes to help when disaster strikes will be out of money in just a day or two—I repeat, Monday. We are still in the middle of the hurricane season. Turn on the Weather Channel and see why it is so important that we get FEMA the resources it needs to react quickly to whatever Mother Nature sends our way.

FEMA has already halted reconstruction projects in 40 States to free funds to react to immediate needs of communities affected by the most recent disasters. Because of these delays, FEMA will take longer to rebuild bridges in New Hampshire and schools in Missouri and homes in Texas, all because of Republican stubbornness.

I am stunned. We have Senators from States that have been devastated by these disasters—one State, thousands of fires, 2,000 homes burned. Why wouldn't people vote to help people who have had such devastation? All politics.

FEMA has been there for people when crops they have planted and counted on to make a living were drowned by floods. The Federal Government has always been there to help Americans in their hour of greatest need, when their homes where their children were raised, spent holidays, and made memories had burned to the ground or been washed away or blown away.

But because of the delays, FEMA will no longer be able to rebuild the bridges, for example, in the State of New Hampshire. I just heard my friend, the junior Senator from Vermont, talk about Vermont. Vermont has had almost 200 bridges washed away—gone. Texas has had those fires. FEMA has been there when schools studied in and bridges driven on have been rocked by earthquakes or blown away by tornadoes. Never before has Congress tried to nickel and dime the victims of these disasters.

Americans have watched all they had go up in smoke or be washed or blown away. That is what Republicans are doing today. They are shortchanging communities that can least afford the delays of partisan gridlock.

Senate majority leader George Mitchell said: ''Bipartisanship means you work together to work it out.'' American families and communities are relying on us to work together to work it out and holding out hope that we will not disappoint them.

Go back a month. We were struggling, struggling hard, to work out an agreement that in years past has been simple. We were going to just raise the debt limit in this country on bills we had already accumulated. It took 3 months. But we got it done. One of the things we did was we said we will no longer have fights during this next fiscal year on funding the government. We agreed on the numbers.

What the House could not do in good conscience directly they are doing indirectly. They are sending us a short-term continuing resolution to fund the government until the middle part of November. But because they have all these extremists in the Republican majority in the House, they could not do that. They could not do that. They could not send us what they had already agreed upon.

In fact, they put an addition on the bill, a so-called rider on the bill, saying the Senate is only going to be able to raise the debt ceiling if it agrees on their number on emergencies, recognizing that their number will only last a few weeks. Here is what they did also that was so mean-spirited. As I have outlined in detail, we have not paid for these disasters because they are emergencies. They are not in the normal budget process.

But the House took money for more efficient vehicles—they took that money and said: We are going to pay for $1 billion for the year 2011. The year 2011 ends—fiscal year ends—the end of this month, just a few days from now.

Everyone has said, we just need a few million dollars to take care of it until the end of this month. As I have indicated, we have enough money until Monday. But that is all. The end of the month is not Monday. They took $1 billion, when only a little bit was needed, and stripped our ability to create jobs.

I spoke to STENY HOYER in the House. He said they are taking away 52,000 jobs from the American people by doing this. They take $1 billion and pay for this. But just to show further meanness, they take $½ billion and rescind it. It does not go toward the debt. It does not go for anything. They just rescind it.

Then, of course, the year 2012, they put in an amount of money that does not go very far with all these disasters, a few weeks' worth. So we will be back having the same fight again, which is so senseless, so unnecessary. I would hope the House of Representatives—there will be a vote today around 4 or 5 o'clock. I know it will be a close vote. But I hope people in the Senate will understand how important this vote is. We are going to have a vote, as we have indicated, on the continuing resolution to strip out the mean-spirited amendment they have in it, take it out and put in what has already passed here by a substantial majority.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 642

Mr. HATCH. Mr. President, earlier, I sent an amendment to the desk. This amendment will constrain the growth of this domestic spending program. My amendment is fairly simple. It tightens the nexus between TAA benefits and actual jobs lost because of trade. It does this by changing the eligibility criteria from one that only requires that trade ''contribute importantly'' to job loss to a more restrictive criteria that the job loss be ''substantially caused'' by trade.

Under the current program, the worker only has to demonstrate that imports from or shifts in production to a foreign country—what many folks would call the ordinary course of business—''contributed importantly'' to their job loss.

So what does ''contributed importantly'' actually mean? The TAA Program holds that the contributed importantly standard is met if trade is a cause, which is important but not necessarily more important than any other cause of the job loss.

That does not sound like a tight nexus to me, certainly not a tight nexus to trade to me. Believe me, these fears are not theoretical. Let me give a real-life example. I am sure, by now, everyone is familiar with Solyndra, the now-bankrupt solar firm that was lauded by President Obama as the poster child for his stimulus and green jobs plans.

It turns out, now that Solyndra is in bankruptcy, many of its employees are applying for job-training benefits through TAA. To fully understand this lunacy, let's take a look at recent history.

Here is how Vice President BIDEN described the administration's ill-considered plan to direct over one-half billion taxpayer dollars for loan guarantees for Solyndra:

> The Recovery Act is working and you're going to see it work right on that site. The loan to Solyndra will allow you to build a new manufacturing facility and with it almost immediately generate 3,000 new well-paying construction jobs. And once your facility opens, there will be about 1,000 permanent new jobs here at Solyndra and in the surrounding business community and hundreds more to install your growing output of solar panels throughout the country.

Well, that didn't quite happen. Instead, the firm failed, potentially taking over a half billion taxpayer dollars with it. Those ''permanent new jobs''? Well, not quite. The workers are all unemployed because their ''permanent'' jobs no longer exist.

It gets worse. According to the Wall Street Journal, the stimulus loans themselves were a major cause of Solyndra's bankruptcy. Here is the headline on the chart: ''Loan Was Solyndra's Undoing.''

In selling the half billion dollar loan to Solyndra, Vice President BIDEN made it clear that these were the jobs of the future, saying:

> We are journeying, in a sense, closer and closer to the sun, to a more solar-powered America. And as we do, we're leaving a shadow of a less efficient, more damaging past behind us.

We all know—or should know—what happened to the arrogant Icarus when he flew too close to the Sun.

> Despite the Vice President's exhortations, what happened to Solyndra? Solyndra is set to become an even bigger drain on our taxpayers.

How is that possible? Through the magic of TAA, of course. It turns out that the now-unemployed former Solyndra employees have applied for trade adjustment assistance. The irony here is profound. The administration is now considering whether to grant these Solyndra workers TAA benefits because competition from China ''contributed importantly'' to their job loss. That is ridiculous, frankly.

Here is another Wall Street Journal article, entitled ''Solyndra Was Always Likely to Fail.'' You can see in the photo what a beautiful plant it was—with all of your taxpayer dollars.

In a letter to the editor of the Wall Street Journal, the CEO from another solar company—tenKsolar—explained that everyone in the solar business knew Solyndra's business model would not work and their solar technology was too costly.

That didn't stop the White House from giving this company a $535 million taxpayer loan—money that is basically gone now. This was despite the fact that the government's own analysts had predicted months ago that Solyndra would fail in September. Well, it did.

Again, look at the photo of that beautiful building that was built with taxpayer dollars. It is pretty hard to not admire it, to be honest with you.

The fact that TAA benefits are even being considered for Solyndra shows how tenuous the nexus between job loss and trade can be—and workers can still get these expanded benefits, on top of unemployment insurance.

How can Solyndra workers get TAA, when the business collapsed due to a bad business plan and an ill-conceived loan of taxpayer money? That was the cause of Solyndra going under. China imports, under the current TAA program, however, might be construed by ambitious Department of Labor bureaucrats to have ''contributed importantly'' to Solyndra shutting down—despite the fact that the primary cause was the business model and the government's intervention.

This needs to stop. We can do better. If we are going to continue to fund this domestic spending, let's at least make sure its benefits go to those workers whose job loss is actually caused by trade. That is what this amendment will do. It will return the TAA threshold standard to the ''substantial cause'' level. It would require that trade would have to be a ''substantial cause'' of the work dislocation. This standard was included in reforms advocated for by President Reagan that were included in the bipartisan Omnibus Reconciliation Act of 1981. That deficit reduction act included the largest package of spending cuts in history—at that time. President Reagan had noted the unfairness of treating one class of workers who lose their job due to foreign competition better than their neighbor, who lost his job due to domestic competition, so he tightened the threshold criteria to be eligible for the TAA Program.

By returning to the narrower TAA threshold, this amendment would put reasonable constraints on the program to prevent it from expanding into another out-of-control spending program.

I ask my colleagues to support this amendment because I think it makes sense. There is no question it will save taxpayer dollars and make people act more honestly with regard to the use of taxpayer dollars and, in the end, I think it will work better than the current approach that my friends on the other side wish to have.

I yield the floor.

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

DISASTER AID

Mr. CONRAD. Mr. President, I am here to speak about disaster aid and the acute need we have in my State for assistance to deal with a disaster that occurred earlier this summer in Minot, ND.

These are pictures from the valley in Minot, ND. Minot is constructed on two hills, with a valley in between, with the Souris River flowing through. We have just had the worst flood ever in history, by a long margin. The Corps of Engineers was in yesterday to see me. They calculate that this was a 430-year flood. A flood of this magnitude would only come every 430 years. Certainly, it is beyond anything we have ever seen in recorded history. They say the volume in this flood was three times the previous record; the volume of water was three times the previous record.

These are just a handful of the homes in Minot that were inundated; and 4,000 families lost their homes. These are modest, middle-class families, and the homes averaged $160,000 or $170,000 in value. Yet they are devastated, because all they are eligible for is FEMA assistance.

As the occupant of the chair knows well, FEMA was never designed to be a stand-alone program to recover from disaster. FEMA was designed to work in concert with insurance programs—homeowner's insurance, flood insurance. In this case, with a flood, homeowner's insurance doesn't help you at all. You get nothing on your homeowner's insurance. Then the burden falls to flood insurance. In this entire town of 40,000 people, there were less than 400 flood insurance policies. Some may say, why didn't they have flood insurance?

That is a reasonable question to ask. The answer is very simple: No one thought they needed flood insurance. Flood insurance was not required because they were behind a levee that was supposed to protect against a hundred-year flood event, and actually something more than that. In addition, new dams, since the last major flood, have been built in Canada to prevent such flooding—dams that were, in part, paid for by the United States.

There was no reason for people to believe they needed flood insurance. As a result, very few had it. The bottom line is that the most these people, who have had their homes destroyed, can get—and believe me, these homes are destroyed. Most of the 4,000 families who

lost their homes had 10 feet of water on their homes for weeks. I have been there. I have seen these homes, and I have smelled them. It is horrific. To restore these homes, you have to take them down to the studs and start over again—with $30,000 at the most.

If you are a young couple starting out, and you have a $170,000 home and a $140,000 mortgage, and the house is destroyed, and it costs $140,000 to rebuild, and you have $30,000, you have a big problem. Maybe you are like my cousin and her family, who had just sold their home, and then it was flooded—but it flooded before closing. So guess what. They had gone and bought a new home because they sold their existing home. Then their existing home was flooded and, of course, the person never goes to closing. So now they have two homes, two mortgages. This is a neighborhood of middle-class and lower middle-class families. They are devastated.

The question is, are we going to help? In the past, we have. In Katrina, we not only provided FEMA disaster funding, we also provided CDBG additional emergency funding. That is precisely what we did in the 1997 flood in Grand Forks, ND, a 500-year flood. We provided additional CDBG funding. For that town alone, we provided over $170 million of CDBG emergency funding to help deal with the catastrophic situation there. We have provided much more than that to Katrina victims.

What we are asking here is not unprecedented, and it is not something that hasn't been done before. It is absolutely needed.

This is the headline from the Fargo Forum, the biggest newspaper in our State, about what is happening in Minot, ND: ''11,000 People Forced Out of Their Homes.'' It may not sound like many in a State such as California or New York, but in North Dakota that is one-sixtieth of the entire State's population. That is over a quarter of the population of this city, Minot, ND. ''The Rising Souris Moves Up Evacuation Time.'' Eleven thousand people were forced out of their homes. When they came back, they found an absolutely unmitigated disaster.

This ran in the Minot Daily News this year: ''Projection: Devastation. Minot Residents Evacuate as Historic Rise in Souris River Approaches.''

This shows some of the preparation. The people tried to get out of town and out of these homes before it hit.

Then we have this headline from June 21: ''It's a Sad Day.'' It is a sad day because the crest was increased, in 48 hours, by 10 feet. In other words, the city was protected to a certain level, and then Canada lost control of their major reservoir. Their Premier told our Governor that the floodgates are wide open, there is a wall of water coming your way. Indeed there was. They increased, in a 48-hour period, the projection of how high water levels would be by 10 feet.

There is no way humanly possible to build up defenses by 10 feet in 48 hours. It cannot happen. There is no possible way. With miles and miles of levees, can you imagine trying to build that up 10 feet in just a matter of hours? It was a sad day, Mr. President.

Here is the result—massive flooding, flooding that represented an unusual flood in the sense that usually when you have a flood, the water comes and goes. In this case, the water came and the water stayed.

This is downtown Minot, ND. This is home, by the way, to one of the two Air Force bases that are home to the Nation's B–52s. It is also the home to 150 Minute Men III missiles, which are an important part of the deterrence of the United States.

You can see that this downtown area was devastated by floodwaters. The flood came—and stayed and stayed and stayed and stayed. Here you can see rooftops, in a picture taken by Brett Miller of the North Dakota National Guard while flying over Minot, ND. I have been to the schools that have been flooded, and two of them were absolutely destroyed. They have to be rebuilt. You can't possibly rehab them in any kind of cost-effective way.

In many cases, all you see are roofs here, because a majority of the 4,000 homes that were destroyed had 10 feet of water on them. For weeks and weeks, many of these homes had 6 to 10 feet of water on them. Anybody who knows what water can do when it sits and is there for weeks. When you come back, you have mold everywhere. The only possible way to get it out is to take the house down to its studs.

Mr. President, let me just close on this photo from June 24 of this year. Again, the Minot Daily News headline: ''Swamped.'' Indeed, we were absolutely swamped. Water starts to inundate the valley. ''The Corps Says Souris Flows to Double by Saturday.'' These are the headlines people were coping with in Minot, ND.

This devastation will not be addressed for months to come. People are already moving in to temporary FEMA trailers. Those FEMA trailers—which are welcome because without them people would have no shelter—it should be understood, are going to be tough to live in during a North Dakota winter. The people living in those trailers are going to have a tough time in a North Dakota winter. So we need help.

Yes, we need to replenish the FEMA fund, absolutely. But more than that, we desperately need additional emergency CDBG funding. That is what was used effectively for Katrina, and that was used effectively in the horrible flood that hit Grand Forks, ND, 1997. So we are asking our colleagues to do what we have done for them in disaster after disaster. We stood with them, we joined with them, we supported them, and we are asking that for our people at this time.

Senator HOEVEN and I have an amendment for $1 billion of CDBG funding. We have a markup occurring in the Appropriations Committee this afternoon, and I understand they are going to agree to $400 million. But that is nationwide. The need in North Dakota alone is $235 million, according to our State's Governor. The need for emergency CDBG funding in my State alone is $235 million, and the Appropriations Committee is about to agree to a level of funding nationwide of $400 million.

Mr. President, there is a chasm—a chasm—between the need and the resources available. We are going to have to do better than this, or these 4,000 families in North Dakota who have had their homes destroyed are going to have a pretty miserable Christmas and a pretty miserable new year. We are better than that. We have proven so repeatedly. I hope we are able to prove it again.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, I ask unanimous consent that we charge time during the quorum call equally between the two sides.

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

Mr. CONRAD. I thank the Chair, and again I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. KYL. Mr. President, I have an amendment which I will be speaking to in just a moment.

First, I ask unanimous consent that an editorial in the Arizona Republic from September 21, by Robert Robb, the subject of which is President Obama's debt-cutting plan fails to tell the whole story, be inserted in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. KYL. Mr. President, the amendment I will be talking about has been filed. It is amendment No. 645. But before I describe that amendment—which I believe and hope we will be able to vote on when we have our series of votes later on this afternoon—I want to respond to one thing the leader said in his remarks after lunch.

He was talking about the continuing resolution, which we believe will be coming over from the House of Representatives later on today. That continuing resolution, of course, has funding for the various disasters which

have befallen various parts of our country.

I think the leader has indicated that he is going to be attempting to amend that House product with an increase in that spending. He asked the question rather rhetorically: Why aren't those Senators who have disasters in their States willing to vote for my increased spending amendment? Then he answered his own question, saying it is all politics.

Mr. President, first of all, as you know, we are not supposed to ever question the motives of fellow Senators. I am sure that isn't what the leader had in mind, but I would suggest to the leader it is not politics that causes people to vote against his amendment. If it were politics, they would be voting for his amendment. Those Members who have disasters in their States would say, surely, they want even more money so they can be sure to cover all those disasters. So if it were politics, they would probably be voting yes.

I suggest the reason they are voting no is because of principle. First of all, because there is plenty of money in the House continuing resolution to cover all of the disasters that have already occurred and those that could be anticipated over the course of the next 7 or 8 weeks, which is the period of time covered by the bill; and, secondly, we should never spend more money than necessary. I will stand corrected if I am wrong, but I do not believe the majority leader's amendment has a calculation of why all of the money he proposes is necessary based upon emergencies or disasters that have occurred.

So I just wanted to make sure my colleagues appreciate if and when such a vote occurs, at least for those people with whom I have spoken, they are going to be voting on principle and on the fact there is plenty of money for disasters. There is no reason to put in more money than is needed, especially in our time of a very difficult deficit situation.

EXHIBIT 1

[From Real Clear Politics, Sept. 21, 2011]

OBAMA'S DUPLICITOUS DEBT PROPOSAL

(By Robert Robb)

President Barack Obama's debt reduction plan could be titled, The Audacity of Duplicity.

According to Obama, he is proposing $4 trillion in debt reduction over the next 10 years, with there being $2 in spending cuts for every $1 in tax increases.

Where to begin?

Half of the president's claimed debt reduction comes from policies already in place. Obama says $1 trillion will be saved by winding down the wars in Afghanistan and Iraq. In other words, Obama wants credit for reducing debt that was never going to be incurred.

Another $1 trillion is from the agreement that was reached to increase the debt ceiling. But that agreement didn't really reduce the debt by $1 trillion. It simply adopted future spending caps that would have that effect. However, there were no new laws adopted that would actually reduce spending. The caps are unenforceable promises to do something unspecific in the future.

Obama is actually only proposing $2.1 trillion in new stuff. Of that, nearly $1.6 trillion is increased taxes. So, he's actually proposing $3 in tax increases for every $1 in spending cuts.

But that still doesn't tell the real story. The ''spending cuts'' aren't really all spending cuts. They are just things other than tax increases, and there's over $135 billion in fee increases. Those may be warranted, but they aren't spending cuts.

So, Obama actually is proposing over $1.7 trillion in additional federal revenue, making the ratio $4 in increased taxes and fees for every $1 in spending cuts.

But that still doesn't tell the whole story. Obama, of course, is purposing increased stimulus spending now. Net, Obama is only proposing to decrease actual federal spending by about $245 billion over 10 years. So, the real ratio is $7 in increased taxes and fees for every $1 in actual spending cuts.

In short, Obama has proposed a massive tax increase while doing very little to control federal spending.

The bulk of the tax increases, $1.2 trillion, fall on individuals making over $200,000 a year. Supposedly, their tax treatment would only be returned to the levels prevailing during the Clinton prosperity, but that's another bit of duplicity.

Obama proposes that the top two tax rates be returned to Clinton-era levels, but doesn't stop there. He would also limit the deductions they take, which wasn't the case during the Clinton bliss. And his health care bill already socked this group with an increase in payroll taxes of nearly 1 percent on wage income and an investment income tax increase of nearly 4 percent.

In short, Obama is advocating tax rates for those earning more than $200,000 a year much higher than the Clinton-era rates, which Bill Clinton himself described as too high.

This is supposedly so millionaires and billionaires pay their fair share. According to the Tax Policy Center, the top 1 percent of tax filers has 16 percent of the country's income, but pay 24 percent of all federal taxes and 35 percent of federal individual income taxes.

According to Obama mythology, millionaires and billionaires pay lower tax rates than average Jacks and Jills. According to the Tax Policy Center, the top 1 percent pays 18 percent of their income in federal income taxes. The middle quintile pays less than 3 percent. Those below that actually get more money back than they pay in.

Obama seems really worked up over the fact that investment income is taxed at a lower rate than wage income. But that's not really the case. Dividends are taxed at the corporate level before they are distributed to individuals, when they are taxed again. Capital gains are taxed on their nominal value, ignoring the effect of intervening inflation.

If Obama were truly interested in a bipartisan down payment on debt reduction, he could have anchored his proposal in the recommendations of his debt commission. The debt commission, however, recommended about half of what Obama proposes in additional federal revenue and raised in a way that lowers rates across the board, including for millionaires and billionaires.

Obama's interests, however, clearly lie elsewhere.

AMENDMENT NO. 645 TO AMENDMENT NO. 633

Mr. KYL. Mr. President, the amendment, as I said, is numbered 645, and I will be discussing the contents of the amendment and why I think it should be addressed. But let me precede that with this point.

I think the bill before us, the TAA bill, actually deserved greater scrutiny than the process allowed. There was an opportunity for some more fundamental changes in the TAA Program than occurred. The only changes are pretty rudimentary, and I don't think anyone can contend they will save substantial amounts of money or represent fundamental reform. The process of putting this all together was by people who supported TAA, not people like me who have a real problem with TAA. So it is probably no surprise the program isn't substantially reformed.

Specifically, on the TAA training, which is part of what I am focusing on, no work was done to reform the training funding to reflect the fact there are already over 40 programs dedicated to worker training. One of our colleagues, Senator COBURN, has done some great work in this area to highlight the problem. Instead, the substitute just increases overall training funding and does very minimal reform.

More broadly, there is little evidence the TAA programs are actually effective. That is what I will speak to with regard to the piece I will be eliminating, hopefully, with the amendment I am proposing. We are going to spend over $1 billion on the so-called enhanced TAA provisions in the substitute and another $7 billion on the baseline program. So $1 billion on the enhanced provisions, $7 billion on the baseline program, and we don't even know whether it actually helps our citizens.

I have filed other amendments that I may or may not bring up, depending upon what our schedule is, but at a minimum I hope the word of the TAA supporters can be relied upon as we move forward. For example, the substitute is intended to terminate baseline TAA after 2014. But due to CBO scorekeeping, CBO estimates that Congress could actually spend another $7.4 billion for the years 2015 to 2021—years after all the TAA is scheduled to be terminated. So I plan to work with the CBO to ensure these savings are actually extracted from the baseline.

This amendment I speak of repeals the TAA for the Firms Program. It would repeal that as of October 1, 2011—in other words, the end of the fiscal year. The amendment would only save about $16 million a year, but I think it serves as a test of one's real commitment to reform. I propose eliminating this small piece of the TAA that President Barack Obama proposed be eliminated in his budget.

The President's budget recommendations for this year specifically recommend termination of the TAA for Firms Program, and I thought—since we have all talked about how our constituents keep telling us they want us to come back and work together to get things done—here is an opportunity where a Democratic President and a Republican Senator have proposed something, and it is an opportunity for colleagues on both sides of the aisle to get together and say, yes, there is at least one program—it is a small one,

$16 million—that ought to be eliminated.

What are the reasons for the President's request this program be dropped? According to his ''Termination, Reductions and Savings''—this was submitted as part of the fiscal year 2012 Federal budget—the first point is the resources would be better spent elsewhere. Here is what the President's budget says:

The administration believes it is more effective to direct EDA's funding towards programs that make investments to promote globally competitive regions, rather than to assist specific firms that have been harmed by trade.

The budget also made the point the centers are too expensive and they are poorly selected. Here is what the President's budget said:

The non-profit Trade Adjustment Centers that administer the program are chosen noncompetitively and have high overhead rates.

So the first point is the President's budget says: Let's get rid of this program. It is not run well, and it is not centered properly on where we should be centered. The second reason for elimination of this proposal is the EDA's own budget request to Congress for fiscal year 2012 clearly shows other programs are more effective and less costly than this program—TAA for Firms—and I will quote them directly:

The Economic Adjustment Assistance program, which is the most flexible tool in EDA's toolbox and provides a wide range of technical, planning, and public works and infrastructure assistance and can get money out more quickly and with far lower overhead costs, meaning more help for the communities that need it.

The third reason I propose eliminating this small program is the TAA for Firms Program doesn't require any kind of significant trade impact for eligibility. In fact, according to the program's own Web site that outlines frequently asked questions, here is what it says:

Question: Are only firms seriously affected by imports able to participate? Answer: No. We work with a variety of manufacturers and, for some, imports represent only a minor challenge. Regardless of the degree of impact, a firm may be eligible if it experienced sales and employment declines at least partially due to imports over the last two years.

So that is the third problem. The fourth problem: Obviously, there are always bound to be some success stories, but the program's 2010 annual report raises serious questions about its effectiveness. For example, this annual report—by the way, it was required by the stimulus bill—highlights that only 56 percent of firms in 2010 actually completed the program. That means a whopping 44 percent quit for various reasons.

The annual report also shows that firms that started the program in 2008 had little marketed success. After 1 year, firms that completed the program had average employment decrease by 10 percent and an average productivity increase of 11 percent, which is only slightly better than the Bureau of Labor Statistics' national average for the manufacturing industry of a decrease in employment of 13 percent and an increase in productivity of 4 percent. After 2 years, program graduates' average employment dropped by 16 percent and average productivity increased by 3 percent, while the national average for manufacturing firms saw employment drop only 12 percent and average productivity increase by 6 percent. In other words, after 2 years, firms not in the program were doing better than firms in the program despite all the money we are spending on it.

The fifth reason. While it is just authorization language here, repeal does save money. The TAA for firms centers will close and their employees will be reassigned.

We have to reduce the cost and reach of government if we are going to prevent fiscal collapse, and that is the primary reason I am focused on this program. It is not a huge amount of money. Under the substitute, the program would be continued at 2002 levels or, in other words, about $16 million a year. But that is money we don't have to spend, as the President's own budget said, because this program doesn't work well and in effect, as I am saying, wastes taxpayer money.

So if we can't eliminate a program such as this—a program the administration wants to terminate, one EDA says could be done better with other programs, that doesn't require any great connection or impact by trade imports, that has a questionable track record with high failure rates and outcomes at least no better than firms that don't participate—then I am greatly discouraged about the Senate's ability to effect any kind of actual reform.

I urge my colleagues' attention to this. I know some will say we can't make any amendment to this whatsoever or it won't be accepted by the House. You ask my House colleagues whether they would support this amendment. My guess is they would say they would be happy to support this amendment. I hope we will be able to vote for it this afternoon and that my colleagues will support amendment No. 645.

Mr. President, I ask unanimous consent that this amendment be made pending.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 645 to amendment No. 633.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I wanted to come to the floor and join my colleagues who were here just a few minutes ago talking about the importance of robust funding and immediate funding for disaster relief in our country.

Leader REID came to the floor to explain the importance of this issue, followed by the Senator from North Dakota, Mr. CONRAD, who has helped lead portions of his State back literally from the brink of destruction several times. So when a Member like Senator CONRAD speaks, we really should listen. He has been through—excuse me—hell and back in parts of his State, and he really does understand what is at stake, and some Members who think they know about disasters and have not really quite experienced them in their State would be well advised to listen to his plea to get this done right now.

I wish to address three specific statements that have been made on the floor of the Senate by my friends on the other side of the aisle that are, with all due respect, patently false.

Leader MCCONNELL came to the floor either last night or this morning—because it was reported in the Washington Post—and said we don't have to worry because Congress always does what is appropriate when it comes to disasters.

I don't even know where to begin to say how false that statement is. And I know the leader didn't mean to mislead anyone; he just made a comment: We don't have to worry about this; we always do the right thing. I was there for Katrina and Rita. This Congress did not always do the right thing. There are still things Congress should have done in the aftermath of Katrina and Rita that have not yet been done, and there is a whole list of things that were done by this Congress but 2 years too late or 3 years too late. So let me be very clear with people following this debate. Congress does not always do the right thing when it comes to disasters, and we are about ready to make another mistake, and it is so unnecessary and so unfortunate.

No. 2, there is a disagreement going on about whether this is politics or principle. And I know our side has said and we believe there has to be politics involved because there is no other reason to explain why the House Republican leadership continues to throw a wrench into this when it is completely unnecessary. What is the principle they are fighting for, if it is a principle? The only principle I can think of is the principle of, when things are going smoothly, blow it up, because that is what they are doing.

What do I mean by that? Let me take a minute to explain. As the Republican House leadership knows full well, the Senate and the House have already agreed—we agreed 30 days ago. Before Hurricane Irene, before Tropical Storm Lee, before these storms ever happened, the Republican and Democratic leadership agreed, in the big fight we had over the whole meltdown—not of the government but of the shutdown, almost, of the economy—we remember that, Mr. President, don't we, that big fight we had—in that negotiation, the leadership of both Houses, Republicans

and Democrats, already agreed—in anticipation that we would be running short of FEMA money because we have been running short of FEMA money now for 8 months, in anticipation of that, they said in that agreement: We are going to carve out an $11 billion approximate pot of money or cap adjustment so that when we come to ask for disaster aid, we won't have to fight again.

Why do we like to fight so much? I mean, I can fight, I do fight, but I choose not to. What is the principle the House Republicans are fighting for? It must be ''when things are going smoothly, let's blow it up.'' That is why I am so frustrated. It is an unnecessary fight to be having. Again, we have already made provision for $11 billion. So the leader puts in $6.9 billion—well within the range of this $11 billion allowance—and lo and behold the House leadership says: Absolutely not. We are not doing that. We are not even going to consider the $6.9 billion. What we are going to do is just continue last year's level of funding, which was inadequate then. That is why we have run out of it.

So they are going to take the inadequate level we had last year before all these storms happened and extend it for 6 weeks and claim victory and then come back after the fact and require, for one of the first times—not the first time in history but one of the few times in history—to then grab back and say: To finish the disaster money for 2011, you have to go gut a program that is very important to some Members—more important to some than others but an important program.

The House is insisting that we gut $1.5 billion of a program that is creating jobs in Michigan and other parts of the country. So why are we destroying jobs when we don't have to? Again, it must be the principle of, when things are going smoothly, when things are working, when the leadership has actually agreed, the House Republican leadership will just throw a wrench and really mess things up.

Thank goodness there are 10 Republican Senators in this Chamber who don't follow that principle of throwing a wrench when things are going smoothly. They follow the principle of common sense and compassion and being forward-leaning when it comes to helping Americans who need our help. Senator BLUNT, Senator RUBIO, Senator SNOWE, Senator COLLINS, Senator MURKOWSKI, Senator BROWN from Massachusetts, Senator HELLER from Nevada, Senator HOEVEN from North Dakota, Senator TOOMEY from Pennsylvania, and Senator VITTER from Louisiana—many of them have experienced disasters in their States in the past and remember those terrible days or they are experiencing them now, and they said: We don't follow the ''throw the wrench in the gears'' principle. We are going to follow the ''let's get it done'' principle. Let's get the work done. Let's move forward. Let's stop fighting. Let's provide immediate and robust funding to help our communities.

So they voted across party lines. I have done that before. I have been elected now three times. I mean, you can sometimes cross party lines to do the right thing, find middle ground. So they did. They found middle ground, and we came up with the $6.9 billion package.

Now, let me say, to answer specifically the Senator from Arizona, for whom I have a lot of respect, we did not pull this sum out of the air. This $6.9 billion, which is much more robust than the $2.6 billion the House wants to provide, is a much more accurate estimate based on actual numbers given to the Appropriations Committee, which is the committee of authority here, by the agencies that are in charge of the disasters, from Agriculture, from the Corps of Engineers. So our number, the 6.9 that is being ridiculed as just being pulled out of the air—no, contraire—it was given to us by the agencies. The number that came from absolutely nowhere, that has no bearing on any sense of reality today, is the number the House pulled up, which is last year's number, which was the estimate before the storms even hit. So if you want to argue which number is more accurate, please put your money on our number because you will lose this bet.

Our number is based on actual estimates that have already been made of disasters that have already occurred. In fact, it doesn't even—our number—because we don't have the estimates in, we don't even have the estimates yet for Tropical Storm Lee or for Irene. It was too early. It takes a while for these numbers. So when I say the 6.9 is much better than the 2.6 and more accurate, that is true. Is it the real, actual number that might take us through next year? Even I can't say that and I am the chairman of the committee. I have more information than anybody in here on this. But I can tell you one thing: It is much better than 2.65, it is much more accurate, and at least it is based on realistic estimates.

So when people on my side say: We don't even understand what the Republicans in the House are fighting about, it is the truth. They picked a fight they didn't need to pick. They are arguing over something that was already decided. They are rejecting their own government estimates of what these disasters cost because of what? On principle? What is the principle? The only thing I can think of—and I have said it five times, and I am going to say it six—it must be the principle of, let's throw a wrench when things are working well, and I think the American people are tired of it. It is exhausting.

So we now have projects—I would like to show the projects that are stopped. We have a list that is literally too thick to put into the RECORD, and I am not going to ask for it to be put in the RECORD because somebody will have to stay here for days and type it in, and I am not going to ask the clerks to do that. But I am going to hold it up so people can see. These are pages and pages of projects that are stopped right now.

I want to say directly to the House Member from Alabama, Mr. ADERHOLT, who is the chairman, my counterpart, there are pages of projects here in Alabama, in his own district, that are stopped, and he is not helping by supporting last year's numbers for this year's disasters. I hope he will rethink and start arguing not for his party but for his State. Sometimes we have to put our parties aside and fight hard for our districts and our State. I have done that before. I think it is the right way to do it.

These are pages and pages of projects that have been stopped. They are finished. They are not finished forever, we hope, but they are stopped—roads, libraries, bridges. Talk about jobs, most of these are done by small businesses, as we know. There is not any government agency that swoops in to do these projects in small towns. They are local contractors that get contracts with FEMA or the Corps of Engineers for the work. They are issuing pink slips for these projects right now. One would think that would motivate people. If compassion doesn't motivate them, if the morality of the situation doesn't motivate them, maybe thousands of jobs would motivate them. It seems none of those are working. I am running out of enticements.

All these projects have been stopped. Will the $2.6 billion the House is offering start these projects again? Yes, it will—their offer they put on the table, that they are pushing us to accept, against which we are fighting hard. We do not want to accept it, but we will not shut the government down over this. We are pushing back as hard as we can without shutting the government down because over there they keep holding the economy hostage, then holding the government hostage. But I am saying, yes, these projects will get started again. They will go for 6 weeks, and then we will be back where we are right now, which is no place.

When we have a chance to fix a problem, there is already an agreement it should be fixed, already the leadership has agreed how to fix it, and there is an allocation of the money set aside—we still cannot do it? Why? Because we want to come back in 6 weeks and have this fight again? How much time is wasted.

Do you know what Tom Ridge said about this—a Republican, the first guy who ran Homeland Security, the first Secretary? He said:

> Never in the history of the country have we worried about the budget around emergency appropriations for natural disasters and, frankly, in my view, we should not be worried about it now . . . we are all in this as a country. And when Mother Nature devastates a community we may need emergency appropriations and we ought to just deal with it and then deal with the fiscal issues later on.

That is a former Secretary of the department that was in charge of this.

Governor Christie, I spoke with him yesterday on the phone. He said last week:

> You want to figure out budget cuts, that's fine . . . you expect the citizens of my State to wait? They are not going to wait, and I am going to fight to make sure they don't do it. Our people are suffering now and they need support now. We need the support now here in New Jersey. This is not a Republican or Democratic issue.

That is from Gov. Chris Christie, a very popular Republican, I might say.

Then Gov. Bob McDowell, from Virginia, another Republican:

> My concern is that we help people in need. For the FEMA money, that's going to flow, it's up to them how they get it. I don't think it's the time to get into that (deficit) debate.

Why are we fighting over this? Why does the House Republican leadership think last year's number that was inadequate last year is good enough for this year when, as my staff just reminded me, we have had 10 disasters, each one over $1 billion this last year? This is Mother Nature. This wasn't caused by some conspiracy of the Democratic Party; this is just what happened. Why do they want people to have to worry whether help will be there when we can so easily fix this? On what principle are they standing? It cannot be fiscal responsibility; it is already provided for in the budget.

If this is conservatism, I don't think America likes that. I don't think they will accept that. It is not their vision of conservatism, it is their vision of foolishness.

I also think, as PATRICK LEAHY, Senator from Vermont, has said many times, many people are starting to think, why is it some people in Congress rush out to fund programs in Afghanistan and Iraq and never wanted to debate when we went to war how we were going to pay for that. We literally did it in 30 days. Nobody even questioned how we were going to pay for it—literally. I was here. Maybe a few people raised the issue this is going to be expensive, but nobody on the other side did—to go to war, twice. Yet after a hurricane, a tornado, we now have to have a knock-down, drag-out, full-fledged debate on how we are going to pay for every single penny before we can give a green light to these Governors and mayors and county commissioners. I think it is outrageous, it is unnecessary, and it is so terribly unfair.

I don't know what is going to happen because we sent a bill over to the House that has $6.9 billion. It, as I said, may not be enough, but it is much better than $2.65 from last year that was not sufficient then. We sent a bill over. It is a stand-alone bill. The House, if they do not think the number—if they think the number is too high, take it down a little bit or tell us they do not think this item is worth funding—say something. We could negotiate on that number. It is not written in the scripture, but it is the best estimate we had of what we actually need right now.

No, they will not even look at the bill. They just send us $2.6 billion on a continuing resolution. So, basically, Senate, take our old, tired, inadequate number and we are going to go home and then you can shut the Government down if you don't like it. What kind of way is that to treat disaster victims? It is no way at all.

Senator HAGAN just told me—she got out of a meeting today—some of her people are living literally in tents. I know, when I went down to Cameron Parish, some of my people were sleeping in the open air, on concrete. I know what these scenes are. They roll in my head. Unfortunately, I have lots of memories about people sleeping on the street, 500 people sleeping under an overpass waiting for the Federal Government or the State or local government to set up a trailer or rental unit.

Again, if we did not have the provision for this already decided, if this was not the way we had operated in the past, I could understand it, but everything moves us: the agreement that has already been raised, the precedent of history, the accurate estimates of disaster. Yet the Republicans want to fight about it. I think it is a bad fight for them to have, let me just say. It is a shame. But we are going to do our best to get immediate and full funding, and if we cannot, we will be back in 6 weeks talking about it again, which is very unfortunate because we cannot rebuild Tuscaloosa, AL, and Joplin, MO, and parts of North Dakota, Minot, ND, and small towns in Alaska and Alabama 6 weeks at a time. We cannot do it. When we have the money, we have the provision, we have history and precedent on our side and the need is so great for the Republican leadership to throw a wrench just because they like to keep things stirred up, it is a shame.

That is where we are. We are going to do our best. This is what Republican leaders say. This is what the pictures look like on the ground. When it is not on CNN every night, people don't think it is truly happening, but the fact is the fires are burning, there is rubble in town that looks like this, the water may have receded from this particular farm, but the damage is still there. The water I am sure has receded from this scene, but this family is still wandering around their lot looking for spoons and forks and things that might remind them of what they once had, and Republicans have decided, for whatever reason, to throw a wrench in this whole thing and make a big fight, when it is absolutely not necessary.

We are going to keep working and see what we can do to bring relief to a lot of this misery.

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

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONSTITUTION DAY AND JUSTICE ANTONIN SCALIA

Mr. HATCH. Mr. President, September 17 was an anniversary with double significance for our country. On September 17, 1787, delegates to the Constitutional Convention in Philadelphia held their final meeting and signed the Constitution they had crafted. And on September 17, 1986, this body voted unanimously to confirm Justice Antonin Scalia's appointment to the Supreme Court of the United States. Today, 25 years later, he is the senior member of the Court.

These two events are profoundly related because Justice Scalia is literally helping us rediscover the real Constitution. His approach to doing the work of judges is helping us to rediscover the Constitution that America's Founders gave us—the Constitution that is powerful and solid; the Constitution that belongs to the people, protects our rights, limits government, and makes liberty possible.

Antonin Scalia was born in Trenton, NJ, on March 11, 1936. After graduating first in his high school class, valedictorian from Georgetown University, and magna cum laude from Harvard Law School, he embarked on a legal career that would include stints in private practice, government service, the legal academy, and, finally, the judiciary.

President Reagan nominated then-Professor Scalia to the U.S. Court of Appeals for the D.C. Circuit in July 1982. He appeared before the Senate Judiciary Committee on August 4, 1982—another date with constitutional significance. The hearing began just minutes after the Senate voted 69 to 31 to approve a balanced budget constitutional amendment, the only time this body has done so, at least so far. I was an original cosponsor of that amendment. I mention that because Justice Scalia's approach to the Constitution means that the people, and the people alone, have authority to change it through the amendment process outlined in the Constitution. The Senate's vote on that balanced budget amendment was part of that process.

Professor Scalia told the Judiciary Committee that, if he were appointed to the bench, his days of being able to comment on the wisdom of laws enacted by Congress would be ''bygone days.'' The sense that judges are doing something fundamentally different than private citizens, fundamentally different than legislators, defines his judicial philosophy.

The same theme dominated his confirmation hearing 4 years later, when President Reagan nominated Judge Scalia to be an Associate Justice of the Supreme Court. As that hearing opened, I quoted from the Chicago Tribune that the nominee was determined ''to read the law as it has been

enacted by the people's representatives rather than to impose his own preference upon it.''

When Justice Scalia took the oath of judicial office, President Reagan said that the judiciary must be independent and strong but confined within the boundaries of a written constitution.

Public officials must swear to uphold and defend this written Constitution. It declares itself to be the supreme law of the land. More than 90 percent of Americans say it is very important to them. But what exactly is it and what are judges supposed to do with it? The answer to that question defines Justice Scalia's career and its lasting impact on all of us.

The Constitution is a document, the oldest written charter of government in the history of the world. Professor Steven Calabresi, who teaches at Northwestern University Law School and once clerked for Justice Scalia, writes that when Americans think of liberty, they think of documents, especially of the Constitution.

Three statements at the turn of the 19th century tell us what we need to know. First, the Supreme Court, in 1795, literally asked the same question: What is the Constitution? Here is their answer:

> The Constitution is fixed and certain; it contains the permanent will of the people, and is the supreme law of the land; it is paramount to the power of the legislature, and can be revoked or altered only by the authority that made it.

Second, President George Washington echoed this theme a year later in his Farewell Address. He said:

> The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all.

Third, the Supreme Court, in its 1803 decision Marbury v. Madison, wrote that through the Constitution, the people established certain limits for the Federal Government.

> [A]nd that those limits may not be mistaken or forgotten, the Constitution is written.

There you have it. The Constitution is the means by which the people express their will and set limits on the government. The people alone have authority to change the Constitution and, until they do, it is fixed and certain. One obvious way to alter the Constitution is to change its words. But a more subtle, and even more effective, way to alter the Constitution is to change its meaning. Words themselves are just the form, but the meaning of those words is the substance. The real Constitution is its words and their meaning together. Whoever controls the meaning of the Constitution controls the Constitution itself. When we say that only the people may alter the Constitution, that simply must mean that only the people can change the words or their meaning. For the Constitution to be what it is supposed to be, both its words and their meaning must remain fixed and certain until the people choose to change them.

Justice Scalia delivered the 1997 Wriston Lecture at the Manhattan Institute. Its title was simply ''On Interpreting the Constitution.'' He described his topic as ''what in the world we think we're doing when we interpret the Constitution of the United States.'' This is why it is so important to clarify what the Constitution is in the first place, so we know what judges are supposed to do with it.

Justice Scalia believes the only proper way to interpret the Constitution is to find the meaning it already has, the meaning given to the Constitution by the people who alone had authority to establish it. Justice Scalia calls this approach originalism.

In his Wriston Lecture, he said that the Constitution ''means what it meant when it was written.'' No one is more candid than Justice Scalia that this approach is not easy, but no one is more certain than Justice Scalia that this approach alone is legitimate. This approach alone preserves both the people's control of the Constitution and the Constitution's control of judges.

In 2005, Justice Scalia delivered a speech at the Woodrow Wilson International Center for Scholars titled ''Constitutional Interpretation the Old Fashioned Way.'' He described originalism as beginning with the text and giving it the meaning that it bore when it was adopted by the people. With all due respect to Justice Scalia, he did not invent this approach, but he is helping us to return to those principles.

In his service on the Court, in his speeches and writings, Justice Scalia is helping us rediscover what America's Founders told us to do from the start. I have to emphasize that Justice Scalia has for 25 years implemented the very same approach that he described in his hearing before the Senate Judiciary Committee.

Vice President BIDEN was the ranking member at the time, and his very first question was about original meaning as a means of interpreting the Constitution. Justice Scalia explained later in the hearing that the starting point is ''the text of the document and what it meant to the society that adopted it. . . . I am clear on the fact that the original meaning is the starting point and the beginning of wisdom.''

This body knew Justice Scalia would take this approach when we unanimously confirmed him, and he has stayed true to his word throughout his judicial career. In addition to instructing us about the principles we should once again follow, Justice Scalia has been sounding the alarm about failing to do so. He condemns as ''power judging'' the modern trend of judges substituting their own constitutional meaning for that of the people. This amends the Constitution as surely as changing its very words.

Judges continually find creative ways to mask their power judging. They think of deeply impeded social or cultural values, evolving standards of decency, and what the Constitution should mean in our time.

One of Justice Scalia's former colleagues even said that the Constitution is ''a sparkling vision of the supremacy of the human dignity of every individual.'' All of these evolving standards and sparkling visions are different ways of saying the same thing: that judges have taken control of the Constitution by controlling what it means.

Justice Scalia will have none of it. In a 1996 dissent, he rejected this for what it really is; namely, the Court's Constitution-making process. He wrote:

> The court must be living in another world. Day by day, case by case, it is designing a Constitution for a country I do not recognize.

One of the many things I like about Justice Scalia is that he applies his principles across the board. He has often pointed out that judges amend the Constitution by changing its meaning in ways that liberals like, but also in ways that conservatives like. All of it, he says, is wrong.

Judges have no authority to design a new constitution no matter what it looks like. Sometimes I wonder how anyone could think otherwise. How could anyone believe that unelected judges may take the Constitution that opens with the words, ''We the People,'' and turn it into something else? Why would anyone tolerate judges who change the very Constitution that judges are supposed to follow?

Justice Scalia believes no one should, and he challenges us to live up to the principles that define our system of government and that make our liberty possible. The real Constitution is solid and fixed. It was established and can be changed only by the people. That Constitution, the real Constitution, is strong enough to limit government and protect liberty.

But that Constitution is being replaced by a very different one. Since about the 1930s, the real Constitution controlled by the people has been replaced in some measure by a fake constitution controlled by judges. The Constitution is weak, pliable, and shifting, according to them. It morphs and modifies. It shivers and it shakes.

This Constitution is a figment of the judicial imagination, and it is written in disappearing ink. Thomas Jefferson warned that if judges control what the Constitution means, it would become ''a mere thing of wax in the hands of the judiciary which they may twist and shape into any form they please.''

Doing so, Jefferson said, would make the Constitution nothing but a blank paper. This is not just an academic exercise. If you think the latest judicial mood swing is strong enough to limit government, think again. If you think that a lump of wax or a piece of blank paper is firm enough to protect your liberty, think again.

A constitution that can be changed by nothing more than a judge's imagination is no constitution at all. This struggle over what the Constitution is affects not only what judges do with it but also how judges are chosen in the first place. If judges can change the Constitution by changing its meaning, then the judicial selection process will inevitably focus on the Constitution a judicial nominee is likely to create. It will inevitably focus on the form into which a judicial nominee can be expected to shape and twist the Constitution.

Speaking at the State University of New York School of Law in 2002, Justice Scalia warned that if the Constitution's meaning is determined by judges rather than the people, the selection of those judges becomes ''a very political hot potato. Every time you need to appoint a new Supreme Court Justice, you are going to have a mini-plebiscite on what the Constitution means.''

In a 2007 speech at the Jesse Helms Center, Justice Scalia similarly compared the judicial confirmation process to a miniconstitutional convention. If judges may write a new constitution through their rulings, he said, the process will be about finding a nominee who will ''write the Constitution that you want.''

Justice Scalia is also affecting how we do things in the legislative branch. The more that judges are willing to do our work for us, the less of it we are likely to do ourselves. On the other hand, if judges insist that we legislators say what we mean and mean what we say, then we are likely to draft laws differently. The law that we enact, after all, is the text of our statutes and not the speeches, reports, comments, thoughts, or other things that consume the legislative process.

Knowing that judges who have to interpret and apply our statutes will look only at the law is an incentive for us to make sure if it is to be the law, it must be in the statute. That approach is more transparent, more accountable, and more reliable. We have Justice Scalia to thank for pushing us in that direction.

Justice Scalia seems to be the Justice liberals love to hate. If this were a Harry Potter movie, liberals would put Justice Scalia on a wanted poster as ''Undesirable No. 1.'' Yet they just cannot seem to look away. The principles upon which he stands are so compelling and his way of winning them so powerful that whether you love him or hate him you simply must deal with him.

Those who think judges may just make it up as they go along have a hard time figuring out Justice Scalia because he does not follow their game plan. Only a few months into his first term on the Supreme Court, the Washington Post reported that though Justice Scalia was expected to be a hard-changing conservative, he was voting with liberal Justice William Brennan almost two-thirds of the time.

Several weeks later another Post headline read: ''Newest Reagan Appointee Joins Liberals,'' and the percentage of agreement with Justice Brennan seemed to be going up.

Conservative George Will's column at the end of the 1986–1987 Supreme Court term bore the title, ''Good Grief, Scalia!''

Not to worry, though, because a Post headline just 1 year later read: ''Scalia May Be Successor as Conservatives' Chief Advocate.'' The real way to know Justice Scalia, you see, is to know his principles. They are principles drawn directly from America's founding from the nature of limited government under a written constitution. No one works harder to articulate and apply those principles day in and day out than Justice Scalia.

Research in the last several years has demonstrated that he is the funniest Justice in oral argument and the most cited in law reviews and journals. His lectures around the country are consistently standing room only. His interview on the University of California's ''Legally Speaking'' television program has been viewed at least six times as often as any other guest.

No doubt some of this popularity, this buzz, comes from his engaging personality, his wit, and his sense of humor. People enjoy being with a person like him. But it also comes from the substance, the sheer magnitude of the message he delivers in that unique way. People like a witty, engaging person. But they also respect powerful principles and a message that weighs more than a passing intellectual fad.

I have so far spoken today about Justice Scalia, the jurist; I cannot close this tribute, however, without a few comments about Antonin Scalia, the man. The hearing on his Supreme Court nomination 25 years ago took place in the Judiciary Committee's regular hearing room, which is much smaller than where we hold such hearings today. His hearing lasted just 2 days, including testimony by witnesses.

I can still remember that Justice Scalia's family occupied more than one row in the audience. As Justice Scalia introduced them, including all nine of his children, he said, ''I think we have a full committee.''

Media cameras went crazy every time his youngest daughter Meg would lean her head on her mother's shoulder. Meg was just 6 years old then. But as I remember, she held up very well as we lawyers talked about all sorts of jurisprudential minutiae.

That sight impressed on me Justice Scalia's deep love for family and the sacrifice that family makes when someone like him is so devoted to public service. He is also a man of deep faith and love for our country and the values on which it was founded.

Five years ago, I marked Justice Scalia's 20th anniversary in a speech on the Senate floor. At that time I put into the RECORD letters from some of his former law clerks. I want to do the same today.

I ask unanimous consent to have printed in the RECORD after my remarks letters from some of the following former law clerks.

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

(See exhibit 1).

Mr. HATCH. Edward Whelan, who clerked during the October 1991 term and later served as my counsel when I was ranking member of the Judiciary Committee, and is now president of the Ethics in Public Policy Center; Paul Clement, who clerked during the October 1993 term and later served as Solicitor General of the United States, and he is now a partner in the Bancroft law firm; Mark Phillip, who also clerked during the October 1993 term and later served as a U.S. district judge, and is now a partner at Kirkland & Ellis in Chicago; Brian Fitzpatrick, who clerked during the October 2001 term and is now an associate professor at Vanderbilt Law School; and Brian Killian, who clerked during the October 2007 term, and is now an associate at the Bingham McCutchen law firm in Washington.

In closing, all Americans owe Justice Antonin Scalia a deep debt of gratitude. Every day he serves on the Supreme Court Justice Scalia gives a gift to all of us. He is reintroducing us to the principles and to the document that make our liberties possible. He invites us, in the words of the Kellogg's Corn Flakes commercial, to try it again for the first time.

I return to the scene of his first judicial confirmation hearing in 1982. The constitutional amendment process was underway that day, but it was rightly happening on the Senate floor rather than in the confirmation of a Federal judge. Keeping clear the principle that only the people have authority to change the Constitution will give us, as Justice Scalia often puts it, an enduring rather than an evolving constitution. We must step up and govern ourselves rather than look to judges to do it for us.

I hope we see this opportunity for what it is, following Justice Scalia's lead, grasping again the principles of liberty and resolving never to let them go.

Finally, I have been around here a long time. I have had a role with regard to every current member of the U.S. Supreme Court and a number of those who have gone on. I have to say that one of the most respected men in this country is Justice Scalia. I count him as a friend. I count him as a mentor. I count him as a teacher and professor. I count him as one of the all-time greatest Supreme Court Justices, a man who, without question, is as good a person as you can find.

He is a terrific human being. His life has been a life of service to his fellow men and women. His wife is a terrific person, and as far as I know the kids are all great too.

We have been fortunate that he has been willing to serve as he has. We are

a greatly strengthened country because of Justice Scalia. There are a number of Justices in the history of this country we have to look up to. He is one of them. I think we should revere all of them, but he is one of the greatest. I suspect that he will be quoted, he will be written about, he will be talked about for a long time because of the genuine intellect of the man, the tremendous personality he has, the brilliant mind that we see on display every time he writes an opinion or gives a speech or lectures to us or gives a talk.

This is one of the truly great people in our country today. I do not care whether you are a Democrat or a Republican, a liberal or a conservative or somewhere else, this is a man we ought to all respect with every fiber of our beings, and his family as well.

EXHIBIT 1

ETHICS AND
PUBLIC POLICY CENTER,
*Washington, DC, September 9, 2011.*

Hon. ORRIN G. HATCH,
*U.S. Senate, Hart Office Building, Washington, DC.*

DEAR SENATOR HATCH: Thank you for commemorating the 25th anniversary of the Senate's unanimous confirmation of Antonin Scalia to the Supreme Court in 1986—fittingly, on Constitution Day. As someone who has had the special privilege of working both for you and for Justice Scalia, I am particularly grateful to you for inviting me to take part in this celebration.

Over the past twenty-five years, no one has done more than Justice Scalia to promote fidelity to our Constitution. As the most prominent proponent of the interpretive methodology of ''original meaning,'' Justice Scalia has forcefully argued that genuine fidelity to the Constitution requires that its provisions—including, of course, its amendments—be interpreted in accordance with the meaning they bore at the time they were adopted. His intellectual triumph over advocates of the so-called ''living Constitution'' approach—under which judges are free to look to their own values or sense of empathy in determining what the Constitution means—has been so devastating that his opponents have largely abandoned the term ''living Constitution'' and some have even tried to rebrand their positions as originalist.

Justice Scalia's clear ideas are made all the more potent by his distinctive writing, which combines a sparkling prose and a logical rigor in a manner that is especially accessible and appealing.

Time has a way of vindicating Justice Scalia's judgments. Virtually everyone, for example, now recognizes the soundness of Justice Scalia's brilliant solo dissent in *Morrison* v. *Olson*, the 1988 case in which the Supreme Court ruled that the independent-counsel statute did not violate the Constitution's separation of powers. Precisely because Justice Scalia's jurisprudence reflects the genius of the Framers and an abiding faith in, and fidelity to, American constitutional principles, there is ample reason to expect that his wisdom on other hotly contested issues of the era will ultimately prevail.

I am personally grateful to Justice Scalia for the opportunity to serve as his law clerk for a year, for all that I learned about the law and about legal reasoning from working with him, and for his friendship and support during my ensuing career. But, like all Americans, I am also deeply indebted to him for his years of tremendous service on the Court. May he enjoy many, many more!

Sincerely,

M. EDWARD WHELAN III.

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BANCROFT,
*Washington, DC, September 12, 2011.*

Hon. ORRIN HATCH,
*U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR HATCH: Thank you for taking the Senate Floor to mark the 25th anniversary of the beginning of Justice Antonin Scalia's distinguished tenure on the Supreme Court of the United States. Thank you also for inviting me to send you a letter offering a few thoughts of my own on this important anniversary.

I have had the privilege both of serving as a law clerk to Justice Scalia and of arguing over 50 cases before him. I count both experiences as high professional honors. What is perhaps most remarkable about the opportunity to clerk for the Justice is how much of the interaction with the Justice is oral. To be sure, the opportunity to watch the Justice work through drafts of an opinion is a remarkable experience. But his writing style is inimitable, and the clerks are relegated to the sidelines. The most valuable aspect of the clerkship is the opportunity to discuss the Court's cases with the Justice. Before every sitting, he had a session with his law clerks that resembled nothing so much as an oral argument. With 25 years of service, the Justice has now had roughly 100 law clerks. As a reflection of the Justice's own remarkable career, his law clerks have gone on to distinguish themselves in academia, executive branch service, and the judiciary. The key to their success, I believe, is that once you have mixed it up with the Justice in an argument in Chambers, very few subsequent professional experiences have the capacity to intimidate.

Perhaps the only experience that can hold a candle to those in-Chambers debates is to argue a case before the Justice and his colleagues. Justice Scalia clearly changed the dynamic of Supreme Court oral arguments. One only needs to listen to the audio recording of arguments before Justice Scalia joined the bench to appreciate his impact. Advocates used to hold forth at length with only occasional questions from the Justices. The Justice arrived and began asking questions in rapid-fire succession. His colleagues did not want the newest Justice to steal the show and began asking more frequent questions, and as subsequent Justices joined the Court, they too joined the fray. I do not believe it is an accident that the Solicitor General's office only formalized its practice of holding moot courts after Justice Scalia joined the Court.

Justice Scalia's impact on the Court has extended well beyond oral argument. He has had a profound impact on the way the Supreme Court, and all Judges, decide cases. The impact is most obvious in the area of statutory construction. He has fundamentally changed the way the Supreme Court approaches the interpretation of congressional statutes. Coming from a former law clerk, this could be dismissed as being less than objective. But I have a much better source for this observation: Justice John Paul Stevens. A few years ago, the Supreme Court held argument in *Arlington Central School District* v. *Murphy*, a case involving the question whether expert fees were recoverable under a statute that allowed for the recovery of attorneys' fees and costs. There was a pretty good textual argument—which the Court ultimately adopted—that expert fees were neither attorneys' fees nor costs. There was also a pretty good argument based on the conference report that the conferees thought that expert fees would be recoverable. At oral argument, Justice Stevens suggested that the latter view should carry the day because ''the rule that you cannot look at legislative history didn't really get any emphasis until after 1987'' and the statute at issue was enacted earlier. To be clear, 1987 was not the date of some watershed Supreme Court opinion about legislative history; it was Justice Scalia's first full year on the Court.

It would be a mistake to think that Justice Scalia's influence is limited to statutory as opposed to constitutional interpretation, just as it would be a mistake to pigeonhole his views as conservative or pro-Government. Perhaps no opinion better illustrates both points than his opinion for the Court in *Crawford* v. *Washington*. That decision worked a fundamental reconsideration of the Court's Confrontation Clause jurisprudence. With a classic Scaliaesque focus on text, rather than purpose, the Court rejected prior Supreme Court's decisions which considered the underlying purpose of the Confrontation Clause—reliable evidence—in favor of what the text actually guarantees: an absolute right to confront witnesses. As he wrote for the Court, the Sixth Amendment ''commands not that evidence be reliable, but that reliability be assessed in a particular manner: by testing in the crucible of cross-examination.'' In the years that have followed *Crawford*, few areas of the Court's constitutional jurisprudence have been more dynamic and no criminal defendant has had a better champion in a Confrontation Clause case than Justice Scalia.

Justice Scalia's impact has extended beyond the Court in one more important way. An entire generation of law students has now learned the law by reading Justice Scalia's opinions. Even Justice Scalia's critics acknowledge the power of his prose. I have had numerous law students—left, right and center—confide that whenever there is a case with a Scalia opinion, even a dissent or concurrence, they always read the Scalia opinion first. And who can blame them? Who would want to read about a three-pronged doctrinal test, when instead you can read about 60,000 naked Hoosiers or even just nine people selected at random from the Kansas City phone book. And Justice Scalia's colorful prose can have serious consequences—I am not sure the Court's *Lemon* test has ever fully recovered from being compared to a B-movie ghoul.

Finally, the most commendable thing about your decision to mark this anniversary is that it does not require us to wait for the end of Justice Scalia's service to celebrate his tenure. I can assure you that from an advocate's perspective, Justice Scalia appears to be a vibrant young man up on that bench. At the same time we mark his twenty-five years of service, we can look forward to his continuing service to his country and his Court.

Most sincerely,

PAUL D. CLEMENT.

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KIRKLAND & ELLIS LLP
AND AFFILIATED PARTNERSHIPS,
*Chicago, IL, September 15, 2011.*

Sen. ORRIN G. HATCH,
*Hart Senate Office Building,*
*Washington, DC.*

DEAR SENATOR HATCH: Thank you very much for honoring Justice Scalia on the twenty-fifth anniversary of his confirmation to the United States Supreme Court. It is an honor to contribute a letter to your effort.

I suspect that many of Justice Scalia's colleagues in the federal judiciary, his former colleagues from the legal academy, and many of my colleagues in the Scalia law clerk family will write about the Justice's

vast intellect and his profound contributions to the law. Their comments will certainly be on the mark. Justice Scalia is one of the smartest people one will ever encounter. And he has indelibly influenced many areas of the law. He not only has written landmark opinions concerning numerous areas of constitutional and statutory law, he has, even more broadly, focused debate about the proper methods of interpreting the Constitution and federal statutes. He also has made key contributions to the debate about the proper role of the federal judiciary within our system of government. Not everyone agrees with his views, of course, but I suspect most everyone would agree that he has been, and remains, one of the most important voices in these key discussions.

If I may, however, I am going to leave the accounting of Justice Scalia's jurisprudential contributions to others far more scholarly and intelligent than me. Instead, let me please briefly address an aspect of Justice Scalia that sometimes receives less public attention—namely, just how nice and decent a person he is on a human level.

It is commonly said within the Scalia law clerk family that the Justice was the nicest boss any of us has ever had. He is, first and foremost, a teacher at heart, and he routinely would take time, despite his workload and responsibilities, to help us become better thinkers and lawyers. He also treated us with the utmost professionalism and respect, and with concern for our personal lives as well as our professional ones. That concern has remained in the years since we clerked for him—as he has shared our joys, with the birth of our children, and our sorrows, with the deaths of loved ones.

Justice Scalia's generosity with his time and attention is not limited to his law clerks. I recall one time, in the early summer when I was clerking, when Justice Scalia had been working particularly hard for quite a stretch of time. Notwithstanding those demands, he agreed to meet with a group of school children who were touring the Court—as I recall, somewhat unexpectedly within his schedule. Despite the sixteen hour days he had been putting in for some weeks, he engaged the kids at length, and fielded their many questions, for well over an hour. There were no historians to record his deeds, nor camera crews, but he did it just because he is a generous and decent person. He entertained the kids (he is quick to laugh, and quick to joke as well) but he also made them think about important issues, and he took the time necessary to do that, notwithstanding the long hours he had been putting in for many weeks.

Justice Scalia will be ranked among the most important jurists in American history because of his vast professional contributions. He also is a model of a dedicated public servant, who works earnestly to discharge his duties to the American people, that can be emulated by judges throughout the nation. But he also is an exceedingly kind and decent person. Being a nice person is not everything, but it is quite important indeed, and in that regard, he is also a gem.

In closing, let me please add one final thought. Any recognition of Justice Scalia's twenty-five years of service on the Supreme Court would be incomplete without a recognition of his wife, Mrs. Maureen Scalia. Serving on the Supreme Court is certainly a huge honor, but serving in that role imposes substantial demands on any person and those around them. I am quite confident, because I have heard Justice Scalia say it many times, that he could not have served on the Supreme Court without the support of his lovely wife over his many years in the federal judiciary. She too is owed recognition and thanks.

Thank you again for your efforts to recognize the twenty-fifth anniversary of Justice Scalia's confirmation to the Supreme Court. And thanks for your continuing service to the Nation as well.

Sincerely,

MARK FILIP.

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VANDERBILT LAW SCHOOL,
*Nashville, TN, September 9, 2011.*

Hon. ORRIN HATCH,
*U.S. Senate, Hart Office Building, Washington, DC.*

DEAR SENATOR HATCH: This month marks the 25th anniversary of the United States Senate's confirmation of Justice Antonin Scalia to the Supreme Court of the United States. On September 17, 1986, the Senate confirmed Justice Scalia by a vote of 98–0, and, on September 25, he received his commission.

I hope that the Senate will find an appropriate moment sometime in the coming weeks to honor Justice Scalia for this important milestone in his service to the American people. I realize that some members of the Senate are more fond of Justice Scalia's jurisprudence than are others, but, no matter where one stands on that question, I think it has to be acknowledged that Justice Scalia has been one of the most influential legal thinkers in modern American history—indeed, perhaps in all of American history.

In an age where much judicial decision-making is ad hoc, Justice Scalia distinguishes himself by following coherent judicial philosophies known as ''textualism'' and ''originalism.'' Although these philosophies may have predated Justice Scalia in some form, I think it is fair to say that he brought them to life, and, in doing so, forever changed the way lawyers, judges, and public officials talk and think about the law.

This is not mere conjecture; it can be demonstrated empirically. Several years ago, a student note was published in the Harvard Law Review called Looking it Up: Dictionaries and Statutory Interpretation, 107 HARV. L. REV. 1437 (1994). The author examined how often the Supreme Court cited dictionaries in its opinions. The author found that citations dramatically increased after Justice Scalia brought his textualist approach to statutory interpretation to the Court in 1986. And it was not only Justice Scalia who was citing the dictionary: all of the Justices were doing it. In short, whether or not one agrees with Justice Scalia's philosophies, nearly everyone acknowledges their power and nearly everyone understands they must be grappled with.

Consider as well how often Justice Scalia appears as the subject of law review articles. I asked a research assistant to tally how often his name appeared in the title of a law review article compared to the 17 other Justices who have been his colleagues. Although it turns out that this is more difficult to do than it sounds—Justices with common last names generate many false positives—after eliminating the most common false positives, my research assistant reported what I had long suspected: law professors write many more law review articles about JusticeScalia than about any of his colleagues (including, strikingly, Thurgood Marshall, the first African American on the Court, and Sandra Day O'Connor, the first woman). My research assistant found 220 articles about Justice Scalia, well ahead of the 150 or so for his closest competitors (and many of the articles found for his closest competitors were false positives not easily eliminated). In short, love him or hate him, nearly everyone feels the need to reckon with him.

Justice Scalia's influence is a result not only of the strength of his ideas, but also of his rhetorical skills. Few judges have ever turned phrases as colorfully as he does. I witnessed firsthand the pleasure he takes from writing, and it is an investment that has served him well. The reason he was the thinker that brought textualism and originalism to life may very well have been because he was the writer that could not go unread.

Justice Scalia's long public service and his extraordinary influence on the law deserve recognition and respect. The Supreme Court is a much richer place today than it would have been had the Senate not elevated Justice Scalia there 25 years ago. It would be a nice gesture of bipartisanship to take a few minutes this month to remember him.

Sincerely,

BRIAN FITZPATRICK,
*Associate Professor of Law, Vanderbilt University; Law Clerk to Justice Scalia, 2001–2002.*

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SEPTEMBER 17, 2011.

Senator ORRIN G. HATCH,
*U.S. Senate Judiciary Committee, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR HATCH, as one of Justice Antonin Scalia's former clerks, I'm delighted that you are commemorating the 25th anniversary of the Senate's September 17, 1986 vote to confirm him as an Associate Justice of the Supreme Court of the United States.

In hindsight, it is a wonderful coincidence that Justice Scalia was confirmed on the 199th anniversary of the signing of the Constitution. (The bicentennial would have been even more fitting, but we're all grateful the Senate didn't wait a year for it.) Over the last 25 years, his name has become a synonym for ''originalism,'' the view that the Constitution of the United States has only one, unchanging, original meaning—the meaning that prevailed when it was adopted. He has authored some of the most significant originalist opinions the Supreme Court has ever issued, including opinions on the accused's Sixth Amendment right to confront the witnesses against him (Crawford v. Washington) and on our Second Amendment right to keep and bear arms (District of Columbia v. Heller).

Justice Scalia believes that judges must be originalists because the United States is a nation ruled by law, not by judges. The whole point of writing out a constitution (indeed, of writing out any law), he observes, is to prevent rules from being changed. As he has famously quipped, the rule of law is a law of rules.

For Justice Scalia, these words aren't just rhetoric. They are principles he strives to follow in all his judicial tasks, even the most insignificant ones. My favorite example of this illustrates the depth of his commitment to rules.

In the Supreme Court, a party can ask the justice assigned to his or her circuit to postpone a filing deadline. Applications for an extension of time are not exciting work, particularly compared to everything else going on at the Court. As a result, they aren't paid much attention. As a further result, the vast majority of the applications are granted—except, it turns out, in Justice Scalia's circuit. Whereas the other justices tend to deny only a handful of extension applications each year (less than 20%), Justice Scalia grants only that many. Why does he take a solitary stand over insignificant procedural motions?

Barely three months on the job, Justice Scalia gave his answer. He had received one

of his first extension applications. The attorney generically claimed that the case presented ''important questions under the Constitution of the United States which were determined adversely to the petitioner by the court below'' and that the attorney, therefore, needed ''additional time to research and prepare the [petition for a] Writ of Certiorari.'' This was the legal equivalent of a form letter, mailed in with the expectation that it was a technical formality, as if five minutes of copying a prior application plus the price of postage were all that someone needed to get an extra 60 days to file a petition.

To the attorney's surprise, Justice Scalia denied the request and wrote a short explanation for his decision, making an example of the seemingly routine case (Kleem v. INS). The Supreme Court's rules say that a party must demonstrate ''good cause'' for an extension, and they admonish that extension requests are ''not favored.'' If needing more time to prepare the best possible petition was ''good cause,'' everyone could honestly claim good cause. Then, the Court's pronouncement that extension requests are ''not favored'' would serve only to deter inexperienced attorneys who, not being part of the savvy club, didn't know that the rules don't really mean what they say.

Of course, the easy decision always is to grant an application. But what is easy isn't always right, and what is right isn't always easy. We expect judges to do what is right, no matter how hard it is. Justice Scalia fulfills our expectations in all he does.

Twenty five years ago, what was right was also easy: the Senate should be proud that it unanimously consented to give Justice Scalia a lifetime appointment to the highest court in the land. His commitment to the rule of law is unflagging, as strong today as it was the day he was confirmed.

Respectfully yours,

BRYAN M. KILLIAN,

*Law Clerk to Justice Scalia (2007–2008).*

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, my hope is that we are moving into the homestretch, in terms of being able to pass the trade adjustment assistance legislation.

I strongly support efforts to promote more exports. The President has set a laudable goal of increasing exports. We know that in the export sector, there is an opportunity to make things here, to grow things here, to add value to them here, and then ship them around the world. To promote these export markets and generate the economic growth our country wants, we have to make sure our workers have the latest, most updated skills to make sure they can get those jobs and exports and get American products around the world.

As I indicated yesterday, there is no doubt that the American brand is a hit around the world. Ninety percent of the consumers are outside the United States, and they want our products. My hope is, as I have indicated, that we are moving toward being able to pass this legislation, the trade adjustment assistance, to increase our exports. Because some pretty astonishing comments have been made with respect to the Trade Adjustment Assistance Program, I wish to take a few minutes this afternoon and make sure we can get some facts out to combat some of the rhetoric.

For example, one comment I have heard repeatedly is that the Trade Adjustment Assistance Program is a sop to organized labor. The argument is that the Trade Adjustment Assistance Program is just a giveaway to labor unions and that they are the people who want the program; that it is something that is part of the labor priority list. I can tell the occupant of the chair—and I am sure she hears the same thing I do at home—that folks who are members of labor unions don't come up to us and say what they want in the Trade Adjustment Assistance Program. They say: Senator, I want to have a good-paying job. I want a job where I can support my family and where I have a living wage. That is what I am concerned about right now.

What I am concerned about is China, for example, with their low-interest loans. In some areas, such as solar manufacturing, which I have written the Obama administration about, they are undercutting our solar manufacturers because they are basically giving out free money now. That is what workers come up to Senators and say: Senator, I want a good job, one I can make sure that when I go to bed at night, I will know when I wake in the morning, I will be able to support my family. Labor union folks don't walk up and say: This is what I want from the Trade Adjustment Assistance Program.

The fact is, it has been documented by Mathematic Policy Research that less than half the participants in the TAA were members of a union. Let me repeat that. Less than half of those who participated in trade adjustment assistance were members of a union. In fact, this is a program that is available to all American workers who qualify. When we are talking about applying, in effect, a trade adjustment assistance petition can be filed by any of the following groups: a group of three or more workers, an employer, a labor union, a State workforce official, a one-stop operator or partner or any other person who is designated a duly authorized representative.

This is, to me, the bottom line. In 2009, more than 9 out of 10 petitions for trade adjustment assistance relief were filed by nonunion firms or groups. I will repeat that because we have heard so frequently this is somehow a giveaway to labor or a sop to the labor unions. In 2009, more than 9 out of 10 TAA petitions were filed by nonunion firms or groups. More than two-thirds of the eligible population for the Trade Adjustment Assistance Program were not members of a union.

I hope that, at this point in the debate, we can make it clear, we can make it understandable that TAA is not a program only available to labor unions. That is not true. The Trade Adjustment Assistance Program is not only available to labor unions. TAA is for all Americans. As this debate continues and, as I indicated, hopefully moves into the homestretch, I hope Senators remember that in 2009 more than 9 out of 10 TAA petitions were filed by nonunion firms or groups.

The second area I wish to touch on, in terms of trying to rebut some of these criticisms about the Trade Adjustment Assistance Program, is the argument that there is no need to extend eligibility to those in the service sector. In 2009, Congress expanded the Trade Adjustment Assistance Program so service workers who are displaced by trade would be eligible for assistance. There has been criticism of this expansion, and I wish to make sure, again, that Senators and those listening to this debate actually get some of the key facts.

It is important to remember that 82 percent of employment between 2006 and 2010 was in the service sector. To argue that workers in computer programming, finance, accounting, and insurance do not face foreign competition is simply to put our heads in the sand.

A forthcoming paper by Bradford Jensen finds that Americans employed in businesses and professional services face more international competition than workers in the manufacturing sector. Again, when Senators hear this argument that there is no case for extending trade adjustment assistance eligibility to service workers, I hope they will think through the implications of the international competition our workers face in this sector because those in computer programming, in finance, in accounting, and in insurance are important workers in the American economy. They have played a big role particularly in the export sector. I think to arbitrarily say they should not be eligible for the Trade Adjustment Assistance Program, given what many of them are facing in terms of international competition, isn't right.

The third argument I would like to take on directly is the argument that, in some way, the Trade Adjustment Assistance Program is almost a duplicative program. Again, the facts show this argument doesn't stand. A Mathematic Policy Research report from last year makes clear that workers who lose their job due to increased imports—surging imports is the way we ought to appropriately characterize it—those folks who are, therefore, eligible for the Trade Adjustment Assistance Program because of surging imports tend to be older, often have less education, and have higher prelayoff earnings compared to other unemployed Americans.

That is why the Trade Adjustment Assistance Program is different than the unemployment insurance program. It is tailored to meet the distinct needs of a critical portion of the labor force. The workers are older, and often they have less education. The transition, as the occupant of the chair knows, can be gut-wrenching because a lot of these individuals, before their layoffs, were

making good wages. Now they are wondering how they are going to be able to get the skills and how they are going to be able to pick up the knowledge to tap the latest opportunities that are available in American business that is looking to export.

This is a program that doesn't duplicate any other. It is a program that is designed to serve a unique population. I am sure we are going to continue through the rest of the discussion about trade adjustment assistance and see a lot of back and forth between Senators with respect to the merits of the program.

I continue to believe we ought to start, as we analyze it, by remembering this has always been a bipartisan program, No. 1; No. 2, TAA petitions have been approved by Labor Departments in both Democratic and Republican administrations. This has roots in the bipartisan effort to support expanded trade. One study after another shows that expanded trade—particularly tapping export markets—can generate hundreds of thousands of jobs. But there is no question that, as we try to make sure we don't lose a single job in America—even short term—some workers can end up needing some help during a transition from one job to another, and if they have been harmed by surging imports, the Trade Adjustment Assistance Program is there for them. That is why we ought to reauthorize it.

I think we also ought to recognize it is knitted together with the effort to pass the free-trade agreements because the free-trade agreements are about more exports. To have all the workers we need for the potential export markets, we have to make sure workers who have been laid off have a chance to upgrade their skills.

We will come back to this topic, I am certain, but I hope, in the last few minutes, I have been able to at least offer some concrete, documented facts that make clear that the Trade Adjustment Assistance Program is not a sop to organized labor, since, in 2009, the vast majority of those granted relief had nothing to do with a labor union; second, that we have made the case for why service workers, facing aggressive international competition, ought to be eligible for the TAA; third, I hope we have been able to lay out how this program doesn't duplicate any others because this is a unique group who disproportionately uses the program, who is older, often with less education, and the transition can be particularly gut-wrenching because very often they have higher prelayoff earnings compared to other unemployed Americans.

I think we understand the biggest challenge for this Senate is creating more good-paying jobs. In my State, about one out of six jobs depends on international trade. The trade jobs tend to pay better than do the nontrade jobs. That is why I considered it such an honor when Chairman BAUCUS asked me to chair the Finance Committee's Subcommittee on International Trade. I saw this as an opportunity to grow the Oregon economy and to grow good-paying family wage jobs. Oregon has a very good record in terms of manufacturing. We face a whole host of dramatic challenges right now. For example, I am particularly concerned about where our country is headed in terms of manufacturing in the renewable energy sector. The Chinese are engaged in very aggressive and questionable practices with respect to the Chinese Development Bank. In effect, they are giving free money to companies that can manufacture and undercut the American market. I have asked the Obama administration to investigate this. If they do not, I am certainly going to be looking legislatively at pursuing trade remedies.

Much of what we are faced with in terms of the renewable energy sector, particularly generating jobs in manufacturing in that sector, deals with making sure we have a rules-based trading system. We enjoy the fact that China is a trading partner. Our State gets a significant amount of jobs from exporting goods to China. But the Chinese, like everybody else, have to comply with the rules, and there is a substantial amount of evidence that the rules aren't being complied with as they relate to manufacturing in the solar sector.

That is why I am using my position as chairman of the Subcommittee on International Trade, Customs, and Global Competitiveness to get on top of that. We have already lost some solar manufacturers and we shouldn't sit idly by and lose more. That is the kind of challenge we ought to be working on together on a bipartisan basis; not coming to the floor of the Senate and blocking a piece of legislation that gives our workers an opportunity to get ahead—to get ahead in the private sector, to get ahead in the export market, and to be in a position to get the good-paying jobs that are going to be available in the years ahead if we pass legislation to remove trade barriers.

The reality is that in virtually all of these areas, our tariffs are low, which means that around the world countries get to send their products to us and get almost totally free access to our market. Yet, around the world, when we try to ship our products to them, we face very substantial tariffs. That is what we are trying to change here on the floor of the Senate—to level the playing field. Because if we level the playing field, our workers get more out of it than do the workers of other countries. And that, to me, ought to be particularly appealing to Senators now when our folks are hurting and when there is so much pain in communities across this country.

When I am home, I am consistently seeing workers who are walking an economic tightrope—balancing their food bills against their fuel bills and their fuel bills against their medical costs. They go to bed at night wondering if they are going to have a good-paying job in the morning, given what is being reported every day in the newspapers in terms of layoffs and the kinds of challenges our companies are facing in these tough global markets. That is why legislation to promote exports makes sense. It is an opportunity to provide a new measure of economic security to hard-working American families—to tap those export markets. We have to make sure our workers, all of our workers, can get the skills and those kinds of opportunities so they can qualify for those export markets.

This legislation—passing trade adjustment assistance—is a key component of our ability to generate more jobs in the private sector through exports. I certainly hope we are in the homestretch of being able to pass this legislation and then to move on to the agreements, move on to the opportunity to generate more exports, because that means more work—good-paying work—for our people.

Madam President, with that, I yield the floor at this time.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I also believe profoundly that increasing our exports, improving our trading opportunities for businesses in this country can do a lot to get Americans back to work. It employs a lot of people across this country today, and it is important we get these trade agreements done. I couldn't agree more with what my colleague from Oregon had to say about that in terms of its impact on the economy.

What is unfortunate, in my view, is the fact we have had to wait so long to get where we are. We have had trade agreements now that have been teed up, literally signed back in December of 2006 for Colombia, Panama, and South Korea, in 2007, and it strikes me that at the least we have lost a tremendous amount of opportunity and a tremendous amount of market share as a result of the delay.

I would have hoped yesterday we would have passed trade promotion authority, because that allows us at least to be at the table to negotiate trade agreements in the future. We have been basically locked out of that since trade promotion authority lapsed back in 2007. This is a global economy, and the world is passing us by. Every single day we are not engaged, that we are not out there negotiating trade agreements with countries around the world somebody else is, and every single day we are losing opportunities for American business to export and to grow our economy and to create jobs here at home.

What I want to speak to today is an amendment I filed earlier this afternoon that deals with what I believe is a very important topic, and that is the high cost of delay when it comes to the pending free-trade agreements. Much attention has been paid in this debate to the pros and cons of trade adjustment assistance, and that is certainly

a debate we ought to have. But we should not overlook the fact there has been a real cost to America's economy and American business associated with the President's strategy to link passage of the free-trade agreements to the renewal of an expanded Trade Adjustment Assistance Program—very unfortunate, especially considering what even the White House acknowledges, which is that passing the trade agreements is one of the best things we can do in the short term to create jobs.

According to the Business Roundtable, the passage of the trade agreements will support 250,000 American jobs. The U.S. Chamber of Commerce estimates this figure could be as high as 380,000 U.S. jobs. You would think passage of these trade agreements, which were signed in 2006 and 2007, would have been a priority, and an early priority, for the Obama administration. Yet here we are, more than 2½ years into this administration, and the President still has not made a commitment to sending us the trade agreements so we can consider them.

I hope what we are doing today puts in place a process whereby that will happen. But as of right now, we have yet to see those trade agreements, notwithstanding the President's assertions he is committed to growing trade and to getting these trade agreements passed. That can't happen until they are submitted to the Congress for ratification. I am hopeful the trade bill before us now will allow us to get to a full and fair debate on the trade adjustment assistance and, in so doing, we will finally get to where we have removed what I hope is the last obstacle blocking passage of the three free-trade agreements.

My amendment is very simple. Under the current trade promotion authority procedures, the International Trade Commission must prepare a report that is submitted to Congress no later than 90 days after a trade agreement is signed. However, there is currently no requirement the ITC conduct a study to assess the negative impact on U.S. businesses when we delay implementation of an agreement, as we have with Korea, Colombia, and Panama. My amendment would simply require that the International Trade Commission assess the negative impact to U.S. businesses if a trade agreement is signed but has not been considered by Congress within 2 years.

The ITC study would focus on lost U.S. exports, how the delay has impacted U.S. trade objectives, as set forth under TPA, as well as how the delay impacts the protection of U.S. intellectual property overseas. The study would also estimate the impact on U.S. employment if the trade agreement in question continues to languish. And, finally, the ITC would be required to update this study in every year subsequent that the trade agreement is not considered by Congress or if it is not entered into force.

My amendment follows a basic principle: If the President believes a trade agreement is in America's national and economic interest, he needs to submit it to Congress. The three pending trade agreements, which hopefully will be considered soon, are a good case in point. Consider that U.S. companies have paid more than $5 billion in tariffs to Colombia and Panama since the trade agreements with these nations were signed more than 4 years ago. That is $5 billion American companies have had to put out in the form of tariffs to these countries because these trade agreements—which were signed more than 4 years ago—haven't entered into force.

More importantly, U.S. businesses have lost countless business opportunities in Korea, Colombia, and Panama. Without trade agreements to ensure similar treatment for our exporters, American businesses will continue to face high tariff and nontariff barriers abroad. Consider just one example: the market for agricultural products in Korea, which is the world's 13th largest economy. Korea's tariffs on imported agricultural goods average 54 percent compared to an average 9-percent tariff on these imports into the United States. Passage of the Korea Free Trade Agreement will level this playing field. Yet the administration continues to delay sending these agreements to Congress.

At a time of near record unemployment and slow economic growth, this delay is unacceptable. This ongoing delay is having a real impact on American businesses and it will only get worse. The Colombian market for agricultural products is another good example of the high cost of delay. In 2010, for the first time in the history of U.S.-Colombia trade, the United States lost to Argentina its position as Colombia's No. 1 agricultural supplier.

Consider the story of the three main crops we grow in South Dakota—soybeans, corn, and wheat. The combined market share in Colombia for these three U.S. agricultural exports has decreased from 78 percent in 2008 to 28 percent in 2010—a decline of 50 percentage points.

We are living in a global economy. America cannot afford to stand still and to stay on the sidelines when it comes to trade. In 1960, exports accounted for only 3.6 percent of our entire GDP. Today, exports account for 12.5 percent of our GDP. Exports of U.S. goods and services support over 10 million American jobs. It is long past time for us to get back in the game by passing the three pending trade agreements and then to work aggressively to make sure our administration is in a position, with trade promotion authority, to negotiate new agreements that will open new market opportunities for American business. America's manufacturers, America's farmers, and America's service providers cannot afford to wait any longer.

What this amendment does, very simply, is require us to weigh and to evaluate and analyze the impact of delay when it comes to implementing these free-trade agreements. We have seen in these examples of Colombia and Panama and South Korea with great clarity the economic impact—the loss of market share—that has occurred to many of our exporters as a result of this delay. It is important we know, that American business know, that the American people know what we are losing when we delay these agreements, as has happened here with these three particular agreements.

It is a straightforward amendment, and I offer it to raise what I think is an important issue, which is that when we get signed agreements, we need to take action on those. They need to be submitted, to be ratified and enacted by the Congress, or we are going to continue to lose out on critically important opportunities for American exporters.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, before he leaves, I simply want to say to the distinguished Senator from South Dakota, who is the ranking Republican on our subcommittee, that I very much enjoy working with him. I have listened carefully to his remarks, and it seems to me what we ought to be addressing in the Senate is our country's opportunities. This is about opportunities. Trade agreements present an opportunity for more exports, something—as the Senator from South Dakota touched on—that is particularly promising for areas such as agriculture. I know in South Dakota and Oregon these are huge opportunities. America is about exports, and free-trade agreements are about opportunities to export.

The Trade Adjustment Assistance Program is about opportunities for our workers to update their skills. In a sense, American business is only as competitive as its workers. That is why, in my view, we have always had this tradition—a bipartisan tradition which I have tried to highlight this afternoon—of making sure we look at every possible opportunity to advance trade.

Before the Senator came to the floor, I think I talked about—and he and I have talked about this—the fact that our tariffs have historically been low compared to the rest of the world; they have big tariffs. We have trade agreements that level the playing field, and our side gets more out of it than everybody else. It has been part of the bipartisan approach to trade. It seems to me we have the chance—and I hope we are heading into the home stretch, because I think the Senator from South Dakota has correctly noted it is certainly time to get this done—to get this to the President's desk; that we can resolve this by saying this is an opportunity to see Congress—the Senate—at its best.

Because we can be in the opportunities business, trade agreements generating opportunities for exports that are

clear winners for the American economy when we have unemployment, economic insecurity, surging imports from Japan.

We need opportunities for our businesses to export, but we also need opportunities for our workers, and I hope that as we move into the home stretch of this discussion, we can see that trade adjustment assistance is an opportunity for our workers to update their skills. As they update their skills, that is going to make American businesses—particularly our exporters—more competitive because they will have workers who can take the jobs.

I wish to express my appreciation to the Senator from South Dakota. He and I have worked very closely on a whole host of issues, in fact some that I think are going to be a big part of the future debate. The Senator from South Dakota and I want to make sure those who manufacture digital goods in our country and offer digital services get treated fairly in international markets. This is also a promising opportunity: digital goods—software, for example—digital services such as cloud computing. Under the legislation the Senator from South Dakota and I have offered, we can break down some of the barriers to those kinds of products. I am looking forward to working with him on that and a number of other issues.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I just want to say I thank the Senator from Oregon. He and I have worked together on a number of issues, not the least of which is some of these trade issues, and I look forward to continuing that collaboration. I do believe the Senator from Oregon is someone who really understands the value of opening export opportunities for American businesses and has worked and advocated on their behalf in his time in the Senate.

I think the Senator would also understand the frustration some of us have expressed, and perhaps is felt even by him and others, that these things have languished for so long. I understand the issue of trade adjustment assistance is very important to him and many other Members on his side of the aisle, as well as some on our side, but it strikes me at least that we could have been at this a lot sooner and not have relinquished and given up so many of the lost market opportunities I mentioned in my remarks. It certainly impacts an agricultural State such as mine and many other Members who represent agricultural areas of this country.

If you look at the loss of market share that has occurred in just these last few years since we have sort of been locked out and other countries have moved in to fill that vacuum, it is very frustrating to many of us to have witnessed that. That is why this amendment sort of gets at the idea that we need to know what the economic impacts are when these trade agreements don't get dealt with. One way or the other, these agreements need to get dealt with, and here we are, almost 5 years later with regard to Colombia and over 4 years later with regard to Panama and South Korea. That is way too long for us to be out of the game, so to speak, and it has cost us mightly. So I hope we can get these done.

He is right, we have a process in place that I hope will enable us to finally accomplish this. But we ought to make sure that doesn't happen again in the future.

Mr. HATCH. Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WYDEN. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. HATCH. As I understand it, we are prepared to vote.

AMENDMENT NO. 642

The PRESIDING OFFICER. That is correct. Under the previous order, the question occurs on amendment No. 642 offered by the Senator from Utah, Mr. HATCH, with 2 minutes of debate equally divided prior to the vote.

The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I rise in support of my amendment No. 642. It is fairly simple. It tightens the nexus between TAA benefits and actual jobs lost because of trade by requiring a stricter standard to receive TAA benefits. The expanded TAA benefit offered by my friends across the aisle continues the "contributed importantly" standard that says if trade is a cause which is important, but not necessarily more important than any other cause of the job loss, TAA benefits can be provided. That is not a tight nexus.

As a result, many workers are eligible for TAA benefits even if their job loss was not caused by trade. My amendment requires that trade would have to be a "substantial cause" of job loss for TAA benefits to be available. This standard was established by President Reagan when he constrained spending on TAA.

By returning to the stricter TAA standard, this amendment puts reasonable constraints on the program to stop it from expanding into another out-of-control spending program.

I ask my colleagues to help the American taxpayers and constrain TAA spending by supporting this amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I rise in opposition to the Hatch amendment. In a time of surging Chinese imports, high unemployment, and widespread economic pain, the Hatch amendment would make it harder for workers, companies, and farmers to obtain trade adjustment assistance in order to be able to compete in the global economy. Specifically, the Hatch amendment would take Congress back to a standard for qualifying for TAA benefits that was a demonstrated failure in the early 1980s.

Chairman BAUCUS and Chairman CAMP have put together a reasonable TAA agreement. It is bipartisan. That bipartisan agreement ought to be preserved, which is why the amendment by the Senator from Utah should be rejected.

I strongly urge a "no" vote on the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. KYL. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Wyoming (Mr. BARRASSO).

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

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—40

| | | |
|---|---|---|
| Alexander | Hatch | Moran |
| Ayotte | Heller | Murkowski |
| Blunt | Hoeven | Paul |
| Boozman | Hutchison | Risch |
| Burr | Inhofe | Roberts |
| Chambliss | Isakson | Rubio |
| Coats | Johanns | Sessions |
| Coburn | Johnson (WI) | Shelby |
| Cochran | Kirk | Thune |
| Corker | Kyl | Toomey |
| Cornyn | Lee | Vitter |
| Crapo | Lugar | Wicker |
| DeMint | McCain | |
| Grassley | McConnell | |

NAYS—57

| | | |
|---|---|---|
| Akaka | Gillibrand | Murray |
| Baucus | Graham | Nelson (NE) |
| Begich | Hagan | Nelson (FL) |
| Bennet | Harkin | Portman |
| Bingaman | Inouye | Pryor |
| Blumenthal | Johnson (SD) | Reed |
| Boxer | Kerry | Reid |
| Brown (MA) | Klobuchar | Sanders |
| Brown (OH) | Kohl | Schumer |
| Cantwell | Landrieu | Shaheen |
| Cardin | Lautenberg | Snowe |
| Carper | Leahy | Stabenow |
| Casey | Levin | Tester |
| Collins | Lieberman | Udall (CO) |
| Conrad | Manchin | Udall (NM) |
| Coons | McCaskill | Warner |
| Durbin | Menendez | Webb |
| Feinstein | Merkley | Whitehouse |
| Franken | Mikulski | Wyden |

NOT VOTING—3

| | | |
|---|---|---|
| Barrasso | Enzi | Rockefeller |

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 57.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 645

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 645, offered by the Senator from Arizona, Mr. KYL, with 2 minutes of debate equally divided prior to the vote.

The Senator from Arizona.

Mr. KYL. Mr. President, this amendment is very simple. It eliminates one small piece of the TAA Program called TAA for Firms.

Now, why would I do this? Strictly for bipartisan reasons, to demonstrate my agreement with President Obama, who also supports the repeal of this particular piece of the TAA. In his budget submission of this year, it specifically recommended the elimination of this program. It is only $16 million a year, but it is inefficient. As the President's budget pointed out, it does not achieve its objectives as well as other programs do.

Measured against other programs, the firms that are supposedly helped actually fail at a bigger rate than other firms that are not in the program. As a result, I decided I would support one of the elements of the President's budget: to eliminate this TAA for Firms Program.

Friends, if we are serious about any kind of reform for TAA, surely we can agree upon a clearly bipartisan proposal of the President of the United States, which is supported by Republicans in the Senate. I ask for your support for this amendment.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I rise in opposition to the Kyl amendment. It is an antismall business amendment. There is a lot of talk around here about government getting out of the way of job creators, but let's be clear. Firms using TAA are those job creators. They are small businesses such as RBB Systems in Wooster, OH, CB Manufacturing in West Carrollton, and auto and truck suppliers in Bolivar.

In my State alone, 96 percent of companies assisted with TAA for Firms—this program that Senator KYL wants to eliminate—96 percent of those companies that were in business in 2006 are still in business.

When a job creator goes out of business because of an unfair trade deal, we know what happens. Workers lose their jobs, communities lose revenues, funds for schools are cut, funds for public services.

TAA is a lifeline not just for workers, but this program for firms, TAA for Firms, is a lifeline for small businesses and community schools and all of that which matters to our tax base and our communities.

I urge my colleagues to vote no on the Kyl amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

Mr. KYL. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Wyoming (Mr. BARRASSO).

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

The result was announced—yeas 43, nays 54, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—43

| | | |
|---|---|---|
| Alexander | Heller | Moran |
| Ayotte | Hoeven | Murkowski |
| Blunt | Hutchison | Paul |
| Boozman | Inhofe | Portman |
| Burr | Isakson | Risch |
| Chambliss | Johanns | Roberts |
| Coats | Johnson (WI) | Rubio |
| Coburn | Kirk | Sessions |
| Cochran | Kyl | Shelby |
| Corker | Lee | Thune |
| Cornyn | Lieberman | Toomey |
| Crapo | Lugar | Vitter |
| DeMint | McCain | Wicker |
| Grassley | McCaskill | |
| Hatch | McConnell | |

NAYS—54

| | | |
|---|---|---|
| Akaka | Franken | Murray |
| Baucus | Gillibrand | Nelson (NE) |
| Begich | Graham | Nelson (FL) |
| Bennet | Hagan | Pryor |
| Bingaman | Harkin | Reed |
| Blumenthal | Inouye | Reid |
| Boxer | Johnson (SD) | Sanders |
| Brown (MA) | Kerry | Schumer |
| Brown (OH) | Klobuchar | Shaheen |
| Cantwell | Kohl | Snowe |
| Cardin | Landrieu | Stabenow |
| Carper | Lautenberg | Tester |
| Casey | Leahy | Udall (CO) |
| Collins | Levin | Udall (NM) |
| Conrad | Manchin | Warner |
| Coons | Menendez | Webb |
| Durbin | Merkley | Whitehouse |
| Feinstein | Mikulski | Wyden |

NOT VOTING—3

| | | |
|---|---|---|
| Barrasso | Enzi | Rockefeller |

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 54. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Mr. MCCAIN. Mr. President, I ask the majority leader—I need about 2 minutes for the chairman and I to have a colloquy.

Mr. REID. OK. I spoke to the Republican leader a few minutes ago, and we think we are on a path to complete this most important piece of legislation in the morning. This is an agreement we had—that we would try to finish this—and we will expeditiously work toward other matters relating to trade as soon as we can.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I wanted to inform the majority leader, I was going to have a brief colloquy with the chairman who, I think, will be back in a few minutes.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, I ask unanimous consent to engage in a brief colloquy with the distinguished chairman.

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

MOLDOVA

Mr. MCCAIN. Mr. President, the original Jackson-Vanik amendment was offered to the Trade Act of 1974, and it was led in this body by the great Democratic Senator of Washington, Henry ''Scoop'' Jackson. That amendment prohibited the United States from entering into Permanent Normal Trade Relations with any country that placed restrictions on the freedom of emigration and other human rights of its people. This law was later expanded to cover countries with non-market economies. The major impact of the Jackson-Vanik restriction was that it prevented the United States from granting ''most-favored nation'' trading status to the Soviet Union, which at the time was placing awful restrictions on the ability of its Jewish citizens to emigrate and flee the persecution they experienced behind the Iron Curtain.

Jackson-Vanik applied to Moldova when it was part of the Soviet Union, and it remained in place following Moldova's independence 20 years ago. This made sense at the time, because the country continued to be ruled by communist governments, which ensured an unfortunate continuity with Moldova's Soviet past at a time when the country's neighbors were reaping the benefits of liberation.

But Mr. President, the situation in Moldova is now fundamentally changed. In August 2009, a coalition of democratic and reformist parties managed to win power in what international organizations deemed a free and fair election. For the first time in two decades, Moldova had a noncommunist government, and with it, the potential for real reform. The goal of this coalition is reflected in the name that they have given themselves: the Alliance for European Integration. Their platform is to deepen Moldova's democratic institutions, pursue free market reforms, fight corruption, and work on integrating Moldova into Euro-Atlantic institutions. This is a new generation of leaders, and they represent the great hopes of their citizens.

I visited Moldova in June. I met at length with their Prime Minister and other senior leaders, and I can tell you firsthand this government is committed to leading Moldova toward a future of political and economic freedom.

Yes, major challenges remain to the realization of this vision, but for the first time in Moldova's history as an independent nation, its current government is on the right track. They are pursuing the right goals and policies. Their intentions are good and admirable.

In the face of continued opposition from elements in Moldova that want to drag the country back to its troubled past, the current government is trying to move the country forward. They are taking on the hard challenges. When I asked how we in the United States could best support their efforts, all they asked of me—all they asked of us in Congress—is one thing: It is not additional foreign assistance. It is not more of our taxpayers' dollars, although that assistance is important too. It is the repeal of Jackson-Vanik, so Moldovans can develop their own country, grow their own economy, and deepen their own free market reforms through normal trading relations with the United States. Nothing we could do would provide greater moral and material support for Moldova's reformers.

I wish to thank Senator BAUCUS for his continued support of the people and the country of Moldova. I understand that any amendment to the legislation that is pending would be harmful to the progress of the trade agreements, and I appreciate that fact and hope the chairman can perhaps—hopefully before the end of the year—take up the repeal of Jackson-Vanik as it applies to the country of Moldova, a country that is very much in need of it.

I want to read a statement made by Vice President BIDEN during his visit to Moldova this year.

He said:

> We will work with the Congress and with your government to lift the Jackson-Vanik amendment and establish permanent trade relations. We believe that will be good for Moldova and for the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the National Council on Soviet Jewry concerning Moldova.

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

NATIONAL CONFERENCE ON SOVIET JEWRY,
*Washington, DC, September 29, 2010.*

Hon. MAX BAUCUS,
*Chairman, Committee on Finance U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: On behalf of NCSJ, I want to state our support for the graduation of the Republicof Moldova from the Jackson-Vanik Amendment. Moldova has satisfied the requirements of the two areas central to the Amendment's intent: Jews are free to emigrate, in accordance with the Helsinki Final Act and established principles of international law; those who choose to remain in Moldova can practice Judaism and participate in Jewish culture and language without reservation.

Jewish community life has flourished since the dissolution of the Soviet Union. Synagogues, community centers and schools serve the community without government interference.

While incidents of popular anti-Semitism and intolerance still take place in Moldova, NCSJ has been working with the Moldovan government through a variety of avenues, including the OSCE, to address these issues. In January, when Prime Minister Filat met with the American Jewish community and testified before the U.S. Helsinki Commission, he committed to reforming Moldova's law on preventing and combating discrimination.

Moldova has been admitted to the WTO but still falls under the strictures of the Jackson-Vanik Amendment. We hope that you will find an appropriate legislative vehicle to graduate Moldova from Jackson-Vanik.

If you or your staff have any questions, please contact me at your convenience.

Sincerely,

MARK B. LEVIN,
*Executive Director.*

Mr. MCCAIN. I again thank the chairman for his consideration and for his continued support for the people of Moldova.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I very much thank my friend for bringing this up. Moldova is a country which joined the World Trade Organization in 2001, and for various reasons—basically, it is Jackson-Vanik or the relic of Jackson-Vanik—Moldova has not been granted PNTR. But Moldova has made huge, successful strides in its government, in its political and economic reforms. I am very impressed with Moldova. It is a friend to the United States.

Although we cannot deal with that issue on this bill, I want to make it very clear to my friend from Arizona that we will take up legislation this year to ensure that Moldova is granted PNTR status and becomes a full member in the world community. I make that pledge to my friend from Arizona to get that done this year.

Mr. MCCAIN. I thank the chairman. I know he has an incredibly heavy schedule, with the legislation before us today and other matters before the committee, but I also know he knows—and I want to assure him—when the people of Moldova hear of his commitment, this will be a happy day in Moldova. I thank the chairman.

Mr. BAUCUS. And I thank the Senator for standing for the people of Moldova.

I yield the floor.

Mr. HARKIN. Mr. President, the Senate is in consideration of trade policy this week with an extension of the Trade Adjustment Assistance Program. TAA is the main way we help American workers cope with the negative effects of our globalized economy. It is a crucial program in both good times and bad, and it must be renewed.

TAA helps workers who have lost jobs through no fault of their own, but rather because of increased competition from imports or because of offshoring. TAA provides workers with critical income support, job training, job search and relocation assistance, and assistance with health insurance premiums. TAA relieves some of the hardship these workers face—helping them get back on their feet and back into jobs.

Trade adjustment assistance is designed to help these workers with unique needs. Workers who qualify for TAA are mostly older workers—more than half are over age 45—and they often have a hard time getting back into the workforce. Unfortunately, we have all heard many sad stories about workers in their fifties or sixties spending years looking for new work. Many have been at their jobs for decades. They often do not have education beyond high school. For these workers especially, the job training and other services offered by TAA are a way for workers to gain new skills and enter into new and growing industries or occupations.

We have watched the middle class struggle over the last several decades. We see that incomes are stagnating, health insurance and other costs are skyrocketing, good jobs are disappearing. There are many reasons for this, but unfair trade agreements and the failure to enforce our trade laws are certainly among them. When cheaper imports come in to the U.S., American workers making competing goods or providing competing services can lose their jobs as their companies lose business. We have watched manufacturing companies and manufacturing jobs disappear, and now jobs in the service sector are being offshored as well.

So there is no question that TAA must continue. The thousands of workers who have been laid off as a result of trade are depending on us, as will the thousands more who could lose jobs in the future.

We also have to restore improvements to the program that were included in the 2009 American Recovery and Reinvestment Act, but which expired earlier this year. These improvements updated TAA to respond better to our changed economy. The provisions made sure that more resources were available for workers to go back to school and get training in a new field. They also extended TAA to workers in the service sector—in addition to manufacturing workers already covered. They also ensured that the program was available to workers whose jobs have been shipped to any country, like China or India, even where the US does not have a free trade agreement.

This expansion has been very successful. More than 4 out of 10 workers—nearly 200,000—who qualified for TAA from the passage of the Recovery Act until those provisions expired earlier this year, qualified because of the Recovery Act provisions. In my State of Iowa, a third of the 4,100 workers that qualified in that time period did so under the new provisions. Some of the workers who have participated in the TAA program had worked at companies that are well known in my State: 1,100 workers from Electrolux alone were certified eligible for TAA.

My State of Iowa has suffered many layoffs as jobs have been shipped

abroad, especially in the manufacturing sector. I have received many letters from Iowans who have been able to take advantage of TAA. One person who was laid off from her factory job went back to school to become a licensed practical nurse, and she hoped to go on to become a registered nurse. Another Iowan wrote of how important the health care tax credit has been to her and her husband, who was one of 300 people laid off from his company. Another Iowan wrote about how her job was being shipped to China; she was thinking of using TAA services to go back to college.

A related program, the TAA Community College and Career Training Grants Program will be extremely beneficial to workers through the community college system in Iowa and other states. I am thankful that this program will soon move ahead, and I understand that grant recipients will be announced next week.

This grant program will provide to community colleges in every State funds they desperately need to build capacity and meet training demands for 21st century jobs. The funds will total $500 million a year for 4 years, a huge and necessary injection of funds into the community college system. The grants will enable local leaders from the education, workforce, economic development, and business communities to work together to develop and expand programs as they help workers succeed in acquiring the skills, degrees, and credentials needed for high-wage, high-skill employment while also meeting the needs of employers for skilled workers. Community colleges and their partners can use the funds to develop innovative programs or replicate evidence-based strategies.

The advanced manufacturing and health care sectors are among the largest and fastest-growing sectors in the Iowa economy, and recent projections indicate that employers in these sectors will continue to need workers with advanced skills to fill vacancies. TAA training grants support the training of these workers. Iowa Central Community College, for example, has developed an entrepreneurism and business development program to respond to regional needs. Iowa Lakes Community College has started a wind turbine program—one of the first of its kind in the country—that prepares workers for ''green-collar'' jobs and ensures that graduates have the skills that area employers need.

I am very hopeful that we will reauthorize TAA this week. When we pass this legislation, we will ensure that a wider range of workers can continue to access TAA benefits and services, and that resources are available so that workers are prepared for high-skill jobs with family-sustaining wages. We owe American workers nothing less.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that following morning business, tomorrow, September 22, the Senate resume consideration of H.R. 2832; that the only remaining amendments in order to the Casey-Brown-Baucus amendment and the bill be the following: Rubio amendment No. 651, Thune amendment No. 650, and Cornyn amendment No. 634; that there be up to 5 hours of debate on the Rubio, Thune, and Cornyn amendments equally divided between the two leaders or their designees, with Senator CORNYN controlling 1 hour of the Republican time and with Senators RUBIO and THUNE each controlling 30 minutes of the Republican time; that at a time to be determined by the majority leader, after consultation with Senator MCCONNELL, the Senate proceed to votes in relation to the Rubio, Thune, Cornyn, and Casey amendments, in that order; that there be no amendments, points of order, or motions in order to the amendments prior to the votes other than budget points of order and the applicable motions to waive; that each amendment be subject to a 60-affirmative vote threshold; and that there be 2 minutes of debate equally divided prior to each vote; that upon the disposition of the amendments, the bill, as amended, if amended, be read a third time; that there be up to 10 minutes of debate equally divided between the two leaders or their designees prior to a vote on passage of the bill, as amended, if amended; that the bill be subject to a 60-affirmative-vote threshold; finally, there be no points of order or motions in order to the bill prior to the vote on passage of the bill other than budget points of order and the applicable motions to waive.

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

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate go into a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

## REMEMBERING KARA KENNEDY AND ELEANOR MONDALE POLING

Mr. DURBIN. Mr. President, by sad coincidence, America lost two women this past weekend women we had watched grow from little girls into accomplished women. Kara Kennedy and Eleanor Mondale Poling were both members of this Senate family.

Kara was the daughter of Senator Edward Kennedy and his wife Joan. Eleanor was the daughter of former Senator and former Vice President Walter Mondale and his wife Joan. Both women fought brave, against-the-odds battles against cancer in recent years.

Ted and Joan Kennedy named their first-born Kara, a name that means ''dear little one'' in the old Irish language—and that is what she always was to her parents. Like the rest of her famous family, Kara was committed to helping those less fortunate than herself. After graduating from Tufts University, she worked as a filmmaker and was active in a number of causes.

In 2002, she was diagnosed with lung cancer. Her doctors gave her 1 year to live. But Kara and her family refused to give up. She underwent surgery, chemotherapy and radiation treatment. Her father accompanied her to her chemotherapy treatments.

It seemed that Kara had beaten cancer. But Friday night, she collapsed after her usual workout at the gym. Her brother, former Congressman Patrick Kennedy, said that cancer surgery and years of grueling chemotherapy and radiation treatment had taken a devastating toll on his sister's strength and her heart simply gave out.

In addition to her mother Joan and stepmother Vickie, Kara leaves behind three brothers and a sister, a multitude of cousins and nieces and nephews, and her two beloved children, Max, 14, and Grace, who turned 17 yesterday.

Eleanor Mondale Poling was just 4 years old when her father was appointed to fill the Senate seat vacated by Hubert Humphrey, who had just become Vice President of the United States. Like Kara Kennedy, she grew up in this Senate and in the public eye. She was 17 when her father became Vice President of the United States.

As a young woman, Eleanor Mondale made her own career in broadcasting, beginning with a job as a radio D.J. in Chicago. She would go on to work for a number of TV organizations. In 2005, Eleanor Mondale married Chan Poling. The couple lived on a farm in Prior Lake, MN, surrounded by animals, which Eleanor loved.

That same year, 2005, Eleanor was diagnosed with an aggressive form of brain cancer. The next 6 years would bring multiple surgeries, chemotherapy and radiation, and at least twice apparent remissions. But the cancer came back in 2009. Eleanor Mondale Poling died at home on her farm early Saturday.

In addition to her parents, Eleanor leaves her two brothers, Ted Mondale, a former Minnesota State senator, and William Mondale, the former assistant attorney general of Minnesota.

## REMEMBERING HARRY ''BUS'' YOURELL

Mr. DURBIN. Mr. President, I rise today to pay tribute to my friend and a great Illinois public servant—Harry ''Bus'' Yourell, who passed away September 19, 2011, at the age of 92. Bus

grew up on Chicago's South Side and was married to his wife Millie for 66 years.

Bus served nine terms in the Illinois House, was Cook County recorder of deeds in the 1980s, and served 18 years as a commissioner of the Metropolitan Water Reclamation District of Greater Chicago. In fact, Bus ran in 40 elections over the years, without ever losing one. But his public service goes much deeper than that.

Bus enlisted in the Marines on the day Pearl Harbor was attacked and served 4 years in the South Pacific, fighting in Guadalcanal, Bougainville, Guam, and Iwo Jima. He was awarded the Bronze Star and three Purple Hearts.

Bus loved public service, but he enjoyed travelling and meeting people just as much. He enjoyed life. Bus hitchhiked through Vietnam, rode 250 miles on top of a box car in Ecuador, took a trip up the Amazon River in a dugout canoe in his seventies, and in his eighties bungee jumped in New Zealand.

He was a one of a kind person and a tremendous asset to the Chicago community. I extend condolences to his wife Millie, his three children and many grandchildren and great-grandchildren, as well as the many friends and admirers who will miss him.

## BUDGETARY ADJUSTMENTS

Mr. CONRAD. Mr. President, I previously filed committee allocations and budgetary aggregates pursuant to section 106 of the Budget Control Act of 2011. Today, I am adjusting some of those levels, specifically the allocation to the Committee on Appropriations for fiscal year 2012 and the budgetary aggregates for fiscal year 2012.

Section 101 of the Budget Control Act allows for various adjustments to the statutory limits on discretionary spending, while section 106(d) allows the chairman of the Budget Committee to make revisions to allocations, aggregates, and levels consistent with those adjustments. The Committee on Appropriations reported three bills last week that are eligible for adjustments under the Budget Control Act. Consequently, I am making adjustments to the 2012 allocation to the Committee on Appropriations and to the 2012 aggregates for spending by a total of $117.885 billion in budget authority and $59.677 billion in outlays. Those adjustments reflect the sum of $302 million in budget authority and $136 million in outlays for funding designated for disaster relief and $117.583 billion in budget authority and $59.541 billion in outlays for funding designated as being for overseas contingency operations.

I ask unanimous consent that the following tables detailing the changes to the allocation to the Committee on Appropriations and the budgetary aggregates be printed in the RECORD.

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

BUDGETARY AGGREGATES—PURSUANT TO SECTION 106(b)(1)(C) OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 311 OF THE CONGRESSIONAL BUDGET ACT OF 1974

[In millions of dollars]

| | 2011 | 2012 |
|---|---|---|
| Current Spending Aggregates: | | |
| Budget Authority | 3,070,885 | 2,853,989 |
| Outlays | 3,161,974 | 2,982,421 |
| Adjustments: | | |
| Budget Authority | 0 | 117,885 |
| Outlays | 0 | 59,677 |
| Revised Spending Aggregates: | | |
| Budget Authority | 3,070,885 | 2,971,874 |
| Outlays | 3,161,974 | 3,042,098 |

FURTHER REVISIONS TO THE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 106 OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT OF 1974

[In millions of dollars]

| | Current allocation limit | Adjustment | Revised allocation/limit |
|---|---|---|---|
| Fiscal Year 2011: | | | |
| General Purpose Discretionary Budget Authority | 1,211,141 | 0 | 1,211,141 |
| General Purpose Discretionary Outlays | 1,391,055 | 0 | 1,391,055 |
| Fiscal Year 2012: | | | |
| Security Discretionary Budget Authority | 688,458 | 117,583 | 806,041 |
| Nonsecurity Discretionary Budget Authority | 360,311 | 302 | 360,613 |
| General Purpose Discretionary Outlays | 1,263,157 | 59,677 | 1,322,834 |

DETAIL ON ADJUSTMENTS TO FISCAL YEAR 2012 ALLOCATIONS TO COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 106 OF THE BUDGET CONTROL ACT OF 2011

[In billions of dollars]

| | Disaster Relief | Emergency | Overseas Contingency Operations | Total |
|---|---|---|---|---|
| Commerce, Justice, Science: | | | | |
| Budget Authority | 0.135 | 0.000 | 0.000 | 0.135 |
| Outlays | 0.007 | 0.000 | 0.000 | 0.007 |
| Defense: | | | | |
| Budget Authority | 0.000 | 0.000 | 117.583 | 117.583 |
| Outlays | 0.000 | 0.000 | 59.541 | 59.541 |
| Financial Services and General Government: | | | | |
| Budget Authority | 0.167 | 0.000 | 0.000 | 0.167 |
| Outlays | 0.129 | 0.000 | 0.000 | 0.129 |
| Total: | | | | |
| Budget Authority | 0.302 | 0.000 | 117.583 | 117.885 |
| Outlays | 0.136 | 0.000 | 59.541 | 59.677 |
| Memorandum 1—Breakdown of Above Adjustments by Category: | | | | |
| Security Budget Authority | 0.000 | 0.000 | 117.583 | 117.583 |
| Nonsecurity Budget Authority | 0.302 | 0.000 | 0.000 | 0.302 |
| General Purpose Outlays | 0.136 | 0.000 | 59.541 | 59.677 |
| Memorandum 2—Cumulative Adjustments (Includes Previously Filed Adjustments): | | | | |
| Budget Authority | 5.813 | 0.000 | 117.841 | 123.654 |
| Outlays | 1.094 | −0.007 | 59.747 | 60.834 |

## TRIBUTE TO SYDNEY LEA

Mr. LEAHY. Mr. President, earlier this month, Vermont's Governor Peter Shumlin appointed Sydney Lea to serve as Vermont's new Poet Laureate. This honor has been bestowed to Vermonters whose poetry manifests a high degree of excellence since Governor Kunin reestablished the position of Poet Laureate in 1988. Sydney Lea is certainly deserving of this honor.

A resident of Newbury, VT, Sydney has written a number of poetry collections including Young of the Year, Ghost Pain, Pursuit of a Wound, and The Floating Candles to name a few. His pieces have been published in the New York Times, the New Yorker, the New Republic, Sports Illustrated, and many others. In 2000, his poem, Pursuit of a Wound, was a finalist for the Pulitzer Prize for poetry. In 1998, he was a cowinner of the Poets' Prize, one of the nation's highest honors for a single collection of poems.

Sydney has taught at Dartmouth, Wesleyan, and Middlebury College as well as the University of Vermont and Yale University. He has also spent time teaching at the Franklin College in Switzerland and the National Hungarian University in Budapest. His dedication to and love for the written word has inspired hundreds of students in Vermont and around the globe. As a Central Vermont Adult Basic Education board member, he continues to see education as a lifelong process. Sydney's stories attract a wide array of audiences and come alive for Vermonters of all generations. His personal dedication to land conservation

has given him an unique ability to describe our beautiful New England landscape.

I am proud of Sydney Lea and applaud his accomplishments as a distinguished Vermonter and poet. When I called to congratulate him he was characteristically modest, but we are so proud of him, and I join all Vermonters in congratulating him on this appointment.

## HISPANIC HERITAGE MONTH

Mr. RUBIO. Mr. President, September marks the start of a month-long celebration of the Hispanic community's contributions to America's exceptionalism and the strength of the common values that unite our Nation.

We celebrate a community whose accomplishments and stories remind us that the American Dream is as alive today as it has ever been.

During this same time, our Nation faces an unemployment rate of 9.1 percent, and the Hispanic community struggles with a rate over 11 percent. Now more than ever, we must fight for pro-growth policies that will allow my generation to continue the great tradition of leaving our children a stronger and more prosperous America than the one we inherited from our parents.

Hispanic Heritage Month is a time to celebrate the American dream. We celebrate people like my parents, who came from Cuba, worked hard and opened doors for their children that were closed to them. We celebrate a community where the number of young adults enrolling in college has grown by 349,000 in the last year. We salute the many Hispanic men and women fighting for our freedom in our armed forces. We also remember how lucky we are to live in a country where success is not limited by the circumstances of one's birth.

I am proud to be an American of Cuban descent, and today I would like to celebrate the many Hispanic Americans whose talents, accomplishments, and cultures have strengthened America.

## CONGRESS CAN LEARN FROM TOM EVANS' DAY

Mr. COONS. Mr. President, I ask unanimous consent that the following op-ed from the Wilmington News Journal be printed in the RECORD.

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

[From the Delaware News Journal, Aug. 19, 2011]

CONGRESS CAN LEARN FROM TOM EVANS' DAY

(By Darry Carmin)

The wild, turbulent, white-knuckle political ride of the summer of 2011 appears to have caught Americans with their seatbelts unfastened. Many of us seem to have been totally unprepared for the economic uncertainty, largely precipitated by Washington political gridlock and the inability of Congress to get the nation's financial house in order.

As a result, there are a lot of angry people out here. And, as to be expected, our rage is directed at those perceived as the perpetrators of the mess in which we find ourselves, i.e., Congress and the White House.

A recent Washington Post survey indicates that 80 percent of Americans are dissatisfied with how the political system functions, up from 60 percent in November 2009. There appears to be plenty of blame to spread around: 28 percent of those surveyed cited President Obama as making things worse, while 35 percent pointed finger at congressional Republicans.

What this suggests is that, regardless of how disgusted they are about the $14 trillion debt or how outraged they are at the intransigence of the tea party, most Americans crave government that can address the nation's problems and achieve some sort of solution, no matter how imperfect.

Not too long ago, things were different in Washington. I was privileged to have had a front row seat in a Congress that did get things done. From 1977–1983, I worked on the personal staff of Delaware Congressman Tom Evans. Tom quickly became something of a master at bringing together members with widely divergent politics to accomplish something important to the nation. I was amazed to see liberals join with conservative forerunners of the tea party to support legislation I suspected they would never have supported without Tom serving as a catalyst.

Among several of Tom's key legislative victories were passage of the first Chrysler loan guarantee assistance bill in 1979 and the Coastal Barrier Resources Act, co-authored with Sen. John Chaffee.

The Chrysler bill appeared dead on arrival with House Republicans in 1979. But Evans, essentially acting as the Republican floor manager of the measure, persuaded enough conservatives and moderates to go along with President Jimmy Carter's administration and pass the legislation.

The legislation proved to be highly successful. The automaker continued operations, paid off the loans that had been guaranteed by U.S. taxpayers, and repaid $350 million to the U.S. Treasury, rewarding taxpayers for the risk that was taken.

Another direct benefit for Delawareans was that the Newark assembly plant remained open for 28 years.

The Coastal Barrier Resources Act stopped federal subsidies and assistance for the development of fragile coastal barrier areas. The act was initially opposed by both Democratic and Republican members of Congress, reflecting the opposition of major land developers. But again, Tom persuaded enough House members to vote for the measure, which, since its passage, has been estimated to save U.S. taxpayers several billions while preserving priceless natural resources.

Recently, I asked Tom what made the Congresses in which he served so much different than the Congress of today that took Americans to the precipice of national default.

He mentioned three factors:

A willingness of individual members to put the needs of the nation above their own personal ideologies.

The ability of those members to respect different philosophies, leading to productive dialogue.

A firmly held belief that Congress was elected to address the nation's problems with action rather than intransigence.

The first phase of the debt ceiling debate is now over and the nation's attention is shifting towards the 12-member supercommittee charged with the enormous task of finding $1.5 trillion in debt reduction.

I hope this panel's deliberations will be substantially different than what we saw in Congress last month, when it frequently appeared that a parliamentary brawl was about to break out on the U.S. House floor.

It would be great to see the dialogue between the six Republicans and six Democrats guided by the kind of principles that I've mentioned.

Not only would a respectful and productive dialogue between the parties do much to quell the nation's and financial markets' fears about the ability of the political system to see us through this current crisis, there's another more paradoxical outcome that might well result.

What I learned from my time with Tom Evans is that by treating your colleagues with respect, grace, and dignity, you often achieve much greater results than with the ideologically pure, winner-take-all approach that pervades so much of Congress today. There is much to be learned from the recent past.

## ANGELS IN ADOPTION

Mr. ROCKEFELLER. Mr. President, as a member of the Congressional Coalition on Adoption Institute, I have the honor and privilege each year to recognize a West Virginia family for efforts to promote adoption. This is an exceptional program that highlights how policies and programs can change a child's life. In 1997, I worked on the bipartisan Adoption and Safe Families Act which sought to increase adoptions and improve foster care. Much work remains, but real progress has been made in encouraging adoptions.

While policy can help, the real angels are the families who open their hearts and homes to vulnerable children. There are many wonderful stories but in 2011 I have nominated Nick and Jorun Picciano as Angels in Adoption.

These caring parents already have teenage children, and they have incredibly hectic, fulfilling lives as paramedics. But they noticed that some of the children they met on the job were victims of abuse or neglect. As paramedics, they sadly saw a parent who was more interested in returning to a party than taking care of her burned child. According to their story, this was a turning point for them. They sought information about foster parenting, and they worked to find a program that would accommodate their challenging schedules.

Nick and Jorun were approved and welcomed a toddler into their home in 2009. They honestly admitted it had been a long time since they had cared for such a young child, and he already had challenging problems of nightmares, being separated from his siblings, and recovering from contact with his biological parents. This 3-year-old had already been placed in four different homes. But kindness, patience and love make a huge difference.

In 2011, after his parents decided to voluntarily relinquish their parental rights, the Picciano family was able to adopt their son, Joshua Nicholas Picciano. Joshua joins his older siblings, Jacob Hively who is 16, Michaela Hively who is 14, Jacynda Hively who is 13, and Lucia Picciano who is 13. And

this extraordinary family continues to welcome vulnerable children including two foster girls, ages 7 and 9, into their hearts and home. This is a special family, and they deserve our admiration.

I believe their willingness to see the tragedy of abuse and neglect in their challenging work as paramedics and their decision to make a personal difference by opening their own home and family to vulnerable children is a remarkable, inspiring story that has earned them the distinction of Angels in Adoption.

## CHILD AND FAMILY SERVICES IMPROVEMENT AND INNOVATION ACT

Mr. ROCKEFELLER. Mr. President, I rise today to discuss my strong support for the Child and Family Services Improvement and Innovation Act that the Finance Committee approved yesterday. This is an important bipartisan and bicameral bill that deserves to pass and become law. I am proud to be a cosponsor and I congratulate Chairman BAUCUS and Ranking Member HATCH for their leadership on the important issue of adoption and prevention services for vulnerable children.

Over the years, I have been proud of the Finance Committee's bipartisan work to encourage adoption and improve child welfare services for our most vulnerable children, those who are at risk of abuse and neglect in their own homes. It is inspiring to know that, even now, members can come together to work on such critical issues. Bipartisan bills like this one may not attract headlines, but the policies and programs can change the lives of children and families.

This package continues previous investments in children and families, and it makes improvements on what lessons have been learned over the past 5 years. I am proud that the legislation continues to invest in the court improvement program that is making such a difference in West Virginia, and the country. Our judges are an essential partnership in the child welfare system because they decide when a child can return home safely or if adoption is the better permanency plan for a child. It is a difficult decision to make. Judges deserve specialized training in child development and trauma to help in their decision because this is not always provided at law school, but it is a critical factor in such cases. I am proud of our State training on trauma. The bill also continues the competitive grant program to combat substance abuse and to evaluate the grants so we make wise investments in the future. The bill invests in caseworker visits because such visits are the basics of good practice and essential for child safety and care.

As a former Governor, I support providing waiver authority for states to continue to try innovative programs. Under previous waivers, it became clear that kinship care was a good option for many children in the foster care system. I hope that our States will be creative in using this new opportunity to provide guidance for additional child welfare reform that is truly needed.

## RECOGNIZING OHIO'S GLENN RESEARCH CENTER

Mr. BROWN of Ohio. Mr. President, I rise today to honor the men and women of NASA Glenn Research Center in my home State of Ohio for their achievements in the design, build, and test of the new space environmental test capability for the Space Power Facility at Plum Brook Station. These new capabilities will advance the human exploration of space, ensure the safety of our astronauts, drive scientific advances and technology development, and enrich the lives of all people and inspire our next generation of explorers throughout the United States and the world.

Seventy years ago, during World War II, the United States sought sites for ordnance facilities to help defeat totalitarianism. In quiet Erie County, OH, between major highways and acres of farmland, the Army Corps of Engineers created Plum Brook, a facility that would first be home to a munitions factory, and for the last 50 years, Plum Brook Station has continued to serve our Nation as a one-of-a kind facility that has ensured the success of our Nation's space program.

Throughout its history, Plum Brook remained vital to our Nation's security and our Nation's exploration of space. The National Advisory Council for Aeronautics, NACA, the predecessor to the National Aeronautics and Space Administration, NASA, built a facility to test the nuclear power sources for airplanes and spacecraft that would be designed at Lewis Field—later to be NASA Glenn Research Center—in Cleveland, OH.

When President John F. Kennedy announced that the United States would push the boundaries of science and innovation to explore the heavens, Plum Brook Station became a world-class test site for the new spacecraft. A thermal vacuum chamber, called the Space Power Facility, was built to simulate the harsh space environment. At 100 feet wide and 122 feet high, it remains the largest thermal vacuum chamber in the world.

In 2007, as NASA began to develop a new path for human space exploration, the men and women of NASA Glenn at Lewis Field and Plum Brook Station rose to the challenge to develop a test capability that would push the boundaries of spacecraft testing. The new spacecraft will continue the United States' legacy of carrying American pioneers beyond Earth's orbit, but will experience launch and space environments that never before have been experienced. The Space Environmental Test Facility will allow NASA to test its new spacecraft to these new extremes—ensuring the safety of our Nation's astronauts and the success of our space exploration mission.

To keep our crews safe, the test capabilities of Plum Brook Station were expanded beyond that of the largest thermal vacuum chamber in the world. These include: a state-of-the-art sine-vibration table that has the largest capacity for payload size and weight in the world, the largest electromagnetic reverberant chamber in the world, and the most powerful acoustic facility in the world capable of simulating launch environments for developmental spacecraft. This facility is now the crown jewel of NASA's test capabilities.

I have had the privilege to meet many of the scientists, engineers, and technicians who made this achievement possible. They are dedicated and compassionate, and guided by the scientific patriotism that displays a Nation's pursuit in understanding the world in which we all live.

These pioneers of NASA Glenn will continue to push the boundaries of spaceflight—fueling technology advancements and inspiring our children to follow in the footsteps of great Ohioans like Neil Armstrong and John Glenn. The scientists and engineers of NASA Glenn will ensure the success of the next generation of pioneers.

Our Nation is defined by the spirit of discovery, the pioneers who pushed westward on land, navigated the oceans, and are now sending humankind into what was once a mere vision seen only through Galileo's eye. We are a nation of pioneers. And we all have a responsibility to safeguard that defining American spirit and to inspire a new generation of American explorers.

# ADDITIONAL STATEMENTS

## REMEMBERING ERNEST HOUSE, SR.

• Mr. BENNET. Mr. President, today I honor the life and memory of a prominent tribal leader and dedicated public servant in my home State of Colorado. The Honorable Ernest House Sr. served more than 30 years in tribal leadership, including four terms as tribal chairman of the Ute Mountain Ute Tribe in southwest Colorado. He was first elected to the Ute Mountain Ute Tribal Council in 1979 and elected chairman in 1982. Throughout his long tenure as a tribal council member and chairman, he actively and effectively worked for the betterment of the Ute Mountain Ute Tribe.

Mr. House Sr. was an unassuming, yet forceful leader on many issues important to the people of his tribe, including natural resources development, law enforcement and support for tribal business enterprises. His leadership on water issues helped to complete the critical Dolores and Animas-La Plata water projects in southwest Colorado that benefited not only his tribe, but also the entire region. He was a strong

advocate for keeping the Ute Mountain Tribal Park in pristine and undeveloped condition.

As the grandson of Chief Jack House, the last traditional chief of the Ute Mountain Ute Tribe, Ernest House Sr. was raised from a young age to be a leader of his tribe. And he proved himself equal to the task. In his years of leadership, he was widely respected for his ability to bring people together and get results for his tribe and the greater Four Corners community. Ernest House Sr. worked his entire life to move his tribe forward while still maintaining its traditional tribal identity and heritage. He urged young Native people to be proud of their tribal heritage.

Mr. House Sr. also served his country in the Army National Guard, the Signal Corps, and the Special Forces.

I ask you to join me in honoring the life and legacy of Mr. Ernest House Sr., a visionary leader who was dedicated to serving his tribe, his community, Indian country, the State of Colorado, and our country. My thoughts and prayers are with his family and the entire Ute Mountain Ute Tribe at this time of loss.●

## LITTLE ROCK 2011 RODEO TEAMS

● Mr. BOOZMAN. Mr. President, today I wish to honor the 314th Airlift Wing Air Mobility RODEO 2011 members who were awarded for excellence in their field at the Air Mobility Command RODEO 2011 at McChord Air Field.

In addition to winning the Moore Trophy for Best Air Mobility Wing, the team was recognized as the Best Airdrop Wing and maintainers and flyers also earned top honors for their maintenance skills, earning the Maintenance Skills Competition Award—C–130 maintenance and the Maintenance Skills Competition Award—overall winner. The C–130E team snagged the Best Overall Maintenance Team award, Best Team Overall—Maintenance and Operations—Best Overall Aircrew Team.

This outstanding crew, led by COL Mark Czelusta, excelled during the international air rodeo competition which draws the ''Best of the Best'' from air forces around the world. More than 40 teams and 2,500 people from the U.S. Air Force, Air Force Reserve, Air National Guard, and selected foreign countries participated in this competition.

The group put in hours of hard work and deservedly earned these awards. In true Arkansas spirit of teamwork COL Czelusta acknowledges this couldnt have been done without the help of the 19th Airlift Wing and the community.

The 19th Airlift Wing also took home accolades. Members of the team were recognized as the Best C–130 Airdrop Aircrew.

What is even more amazing is that these crews accomplished this after having a major destruction to the Little Rock Air Force base in late April when a tornado damaged three C–130 planes and blew roofs off and damaged buildings in the base's flight line area.

I am proud to represent the 314th Airlift Wing Air Mobility RODEO 2011 team and the 19th Airlift Wing for all of their accomplishments. We are grateful for their service and thank them for their dedication to success and the sacrifice they make to protect our freedoms.●

## TRIBUTE TO KEITH OLSEN

● Mr. JOHANNS. Mr. President, today I recognize Keith Olsen for the dedicated leadership he has provided for Nebraska agriculture.

Through his involvement in various State and national organizations, Keith has brought a renewed focus on supporting youth in agriculture. He has taken an active role in ensuring that the views of farmers and ranchers are communicated to policymakers in both Lincoln and Washington, DC.

Keith has been integral in the development of a vision for the University of Nebraska, the State's land-grant university. And, he has taken a leadership role in educating the public about modern agriculture practices.

Internationally, Keith has represented Nebraska farmers on trade missions around the world. He has promoted our food and agriculture exports in a number of countries, including Japan, Russia, Turkey, and Brazil.

Keith Olsen was born in Imperial, NE and was raised on the family farm near Venango. In high school, Keith was involved in FFA, and his children have been involved in 4–H and FFA. He served as a 4–H leader for 30 years. He graduated from Grant High School and the University of Nebraska at Lincoln, where he majored in agricultural economics.

After college, Keith returned to Perkins County to farm with his father. He married his wife Doris in 1969, and, at the age of 24, Keith and Doris took over the family farm. The Olsens have three sons—Craig, Jeff and Curtis. They are also the proud grandparents of seven. Now in its fourth generation, the Olsen farm is a no-till, dryland operation raising certified seed wheat, wheat, dry peas, and corn.

Keith has served on the Nebraska Farm Bureau Board of Directors since 1992 and was elected to the American Farm Bureau Federation Board of Directors in 2004. He was elected as first vice president of the Nebraska Farm Bureau Board in 1997 and has served as president since 2002.

Keith has been widely recognized for his support of agriculture, including youth and young farmers and ranchers. He received the 2010 Agricultural Youth Institute Award of Merit, the 2011 Nebraska FFA Honorary State FFA degree, and in 2004, he was elected to the Nebraska Hall of Agriculture Achievement.

As great of an ambassador as Keith has been for Nebraska agriculture, he is an even better man. His principled approach coupled with his kindness and compassion for others has earned him the respect of many—including me. I congratulate Keith on completing a very successful tenure as Nebraska Farm Bureau president and wish him and his family the very best.●

## TRIBUTE TO RICH WILSON

● Mr. KERRY. Mr. President, just a few days ago I received a special gift from a consummate mariner, Rich Wilson of Marblehead, MA, the skipper of the *Great American III*. The gift was a U.S. Yacht Ensign, the red, white and blue flag used to identify American licensed yachts since 1848. What made this particular Ensign so special is that Rich flew it aboard the *Great American III* on December 10, 2008, in the solo, nonstop, around-the-world sailing race known as the Vendee Globe.

Rich flew the Ensign on his 31st day at sea from France, just as he was entering the Indian Ocean bound for Cape Horn. Ninety days later, Rich and the 60-foot *Great American III* completed their 28,000-mile global trek from France to France, ninth among the 11 finishers of a race that began with 30 boats. Rich was the only American entry, the oldest skipper in the fleet at 58 years of age, and only the second American ever to finish the Vendee Globe in its six quadrennial runnings.

The Vendee Globe is widely regarded as the Mount Everest of the seas. But, in fact, it is even a greater challenge than climbing Mount Everest. Consider the fact that while 3,000 people have climbed Mount Everest, Rich was only the 46th person ever to sail alone around the world nonstop. Consider, too, the fact that some 500 astronauts have flown in space, and that further underscores just how rare and special Rich's accomplishment in the Vendee Globe truly is.

The Vendee Globe is like no other event on this earth. It is a grueling contest largely unsullied by hype and commerce, a competition of men and women against each other but mostly against the ceaselessly moving sea, sometimes playful, sometimes terrifying, an immense power inspiring admiration, caution and, above all, respect.

But in the hands of Rich Wilson, the Vendee Globe also became a learning experience for students and newspaper readers throughout the world. As with his earlier long-distance ocean voyages, Rich shared his Vendee Globe experience through the online company he founded, www.sitesalive.com, a nonprofit that has produced 75 live, interactive, full-semester programs linking K–12 classrooms to adventures and expeditions worldwide. During the 2008–2009 Vendee Globe, sitesalive.com shared Rich's 15-part weekly series, written at sea from the *Great American*, with 250,000 students and 7 million readers.

Rich's goal was to excite students and engage students by connecting

them to a live ocean expedition. As Rich explains it the reasoning behind sitesalive.com: ''Excite a kid with dolphins, flying fish, and gales at sea, or with snakes, bugs, and bats in the rainforest, and they will pay attention, not knowing what will happen next. Then the science, geography, and math flow freely.''

Anyone who enjoyed high seas adventure novels like Moby-Dick and Treasure Island or anyone who marveled at National Geographic expeditions or the adventures of Jacques Cousteau on the *Calypso* can understand how Rich is making the world come alive for students. And anyone who has sailed, even within sight of the shore, or who has run a marathon or has hiked a mountain range can appreciate the skill, conditioning, and discipline it took for Rich to complete Vendee Globe.

I thank Rich for the Ensign, the memento from his great adventure, and I congratulate him, not only for completing his great voyage but also for sharing it online with millions of people around the world. And as he considers whether to enter the Vendee Globe again in 2012, I urge him to once again climb aboard the *Great American III* and set sail.●

## RECOGNIZING PRESENTATION COLLEGE

● Mr. THUNE. Mr. President, today I recognize Presentation College in Aberdeen, SD, as it celebrates its 60th anniversary on September 23 and 24.

Presentation College is an independent Catholic educational institution that has been sponsored by the Sisters of the Presentation of the Blessed Virgin Mary since 1951. The school, which is located on a scenic 100-acre campus in northern Aberdeen, originally started with female-only nursing and health sciences programs. In 1968, the institution became co-educational. Presentation College encourages its students to develop an understanding of life at all stages. The Christian environment of the school focuses on the principles and teachings of the church, while welcoming students from all faiths.

This small but proud school is also a division III member of NCAA athletics, and 2011 is an exciting year for the school as it marks the inaugural season for the first football team in the school's history. In both its athletic programs as well as with the general student population, Presentation College places a strong emphasis on developing their students into capable, active leaders who have the ability to affect positive change throughout the world.

Presentation College has experienced a number of changes over the years. From its inception as a nursing school to the community force it has become today, the school has built an impressive reputation over the last 60 years. As it celebrates this landmark event, I commend Presentation College on its commitment to improving the community of Aberdeen, providing academic excellence to students across the country, and standing as a pillar for the State of South Dakota.●

## REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM THAT WAS ESTABLISHED IN EXECUTIVE ORDER 13224 ON SEPTEMBER 23, 2001—PM 23

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2011.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks on September 11, 2001, in New York and Pennsylvania and against the Pentagon, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *September 21, 2011*.

## MESSAGE FROM THE HOUSE

At 11:07 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1852. An act to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

H.R. 2005. An act to reauthorize the Combating Autism Act of 2006.

H.R. 2189. An act to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.

H.R. 2646. An act to authorize certain Department of Veterans Affairs major medical facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs, and for other purposes.

H.R. 2944. An act to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2189. An act to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes; to the Committee on the Judiciary.

## MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1852. An act to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

H.R. 2005. An act to reauthorize the Combating Autism Act of 2006.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3314. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Chlorantraniliprole; Pesticide Tolerances; Correction'' (FRL No. 8888–3) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3315. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluazifop-P-butyl; Pesticide Tolerances'' (FRL No. 8889–1) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3316. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Biomass Crop Assistance Program; Corrections'' (RIN0560–AI13) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3317. A communication from the Assistant Secretary, Bureau of Political-Military

Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11–086, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–3318. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11–062, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–3319. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Vern M. Findley II, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–3320. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Duncan J. McNabb, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–3321. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to a proposed change to the Fiscal Year 2011 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

EC–3322. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to a proposed change to the Fiscal Year 2011 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

EC–3323. A communication from the Secretary of the Army, transmitting, pursuant to law, a report entitled ''Report to Congress on Implementation of Army Directive on Army National Cemeteries Program''; to the Committee on Armed Services.

EC–3324. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010'' (MB Docket No. 11–43) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3325. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Schools and Libraries Universal Services Support Mechanism'' ((RIN3060–AF85) (CC Docket No. 02–6)) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3326. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Energy Conservation Standards for Certain External Power Supplies'' (RIN1904–AB57) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Energy and Natural Resources.

EC–3327. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Energy Conservation Standards for Residential Refrigerators, Refrigerator-Freezers, and Freezers'' (RIN1904–AB79) received in the Office of the President of the Senate on September 19, 2011; to the Committee on Energy and Natural Resources.

EC–3328. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, and Virginia; 2002 Base Year Emission Inventory, Reasonable Further Progress Plan, Contingency Measures, Reasonably Available Control Measures, and Transportation Conformity Budgets for the Washington, DC 1997 8-Hour Moderate Ozone Nonattainment Area'' (FRL No. 9466–6) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Environment and Public Works.

EC–3329. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; North Carolina: Clean Smokestacks Act'' (FRL No. 9471–1) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Environment and Public Works.

EC–3330. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Requirements for Preconstruction Review, Prevention of Significant Deterioration'' (FRL No. 9466–5) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Environment and Public Works.

EC–3331. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Determination to Stay and Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District'' (FRL No. 9471–2) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Environment and Public Works.

EC–3332. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District, Ventura County Air Pollution Control District, and Placer County Air Pollution Control District'' (FRL No. 9468–2) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Environment and Public Works.

EC–3333. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Reporting of Greenhouse Gases: Changes to Provisions for Electronics Manufacturing (Subpart I) to Provide Flexibility'' (FRL No. 9469–3) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Environment and Public Works.

EC–3334. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Reporting of Greenhouse Gases: Petroleum and Natural Gas Systems: Revisions to Best Available Monitoring Method Provisions'' (FRL No. 9469–4) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Environment and Public Works.

EC–3335. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; Redesignation of the Indianapolis Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter'' (FRL No. 9469–6) received in the Office of the President of the Senate on September 20, 2011; to the Committee on Environment and Public Works.

## REPORTS OF COMMITTEES ON SEPTEMBER 20, 2011

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation to Subcommittee of Budget Totals for Fiscal Year 2012'' (Rept. No. 112–81).

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1280. A bill to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes (Rept. No. 112–82).

By Mrs. MURRAY, from the Committee on Appropriations, without amendment:

S. 1596. An original bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2012, and for other purposes (Rept. No. 112–83).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Ashton B. Carter, of Massachusetts, to be Deputy Secretary of Defense.

Air Force nomination of Col. Timothy J. Leahy, to be Brigadier General.

Navy nomination of Capt. Rebecca J. McCormick-Boyle, to be Rear Admiral (lower half).

Navy nomination of Capt. Raquel C. Bono, to be Rear Admiral (lower half).

Air Force nomination of Maj. Gen. Jan-Marc Jouas, to be Lieutenant General.

Army nomination of Maj. Gen. Patricia D. Horoho, to be Lieutenant General.

Navy nomination of Rear Adm. (lh) Douglas J. Venlet, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) David C. Johnson, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Donald E. Gaddis, to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Barry L. Bruner and ending with Rear Adm. (lh) Robert L. Thomas, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2011.

Navy nomination of Capt. Mark R. Whitney, to be Rear Admiral (lower half).

Navy nomination of Capt. Cindy L. Jaynes, to be Rear Admiral (lower half).

Air Force nomination of Maj. Gen. Judith A. Fedder, to be Lieutenant General.

Army nomination of Maj. Gen. Michael T. Flynn, to be Lieutenant General.

Air Force nomination of Brig. Gen. Scott M. Hanson, to be Major General.

Air Force nomination of Maj. Gen. Clyde D. Moore II, to be Lieutenant General.

Navy nomination of Vice Adm. Cecil E. D. Haney, to be Admiral.

Army nomination of Col. Robert F. Thomas, to be Brigadier General.

Air Force nomination of Brig. Gen. Allyson R. Solomon, to be Major General.

Air Force nomination of Col. Gary W. Keefe, to be Brigadier General.

Air Force nominations beginning with Colonel Frederik G. Hartwig and ending with Colonel Kenneth W. Wisian, which nominations were received by the Senate and appeared in the Congressional Record on August 2, 2011.

Air Force nominations beginning with Brigadier General Joseph G. Balskus and ending with Brigadier General Catherine S. Lutz, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2011.

Army nomination of Maj. Gen. James L. Terry, to be Lieutenant General.

Army nomination of Maj. Gen. William T. Grisoli, to be Lieutenant General.

Army nomination of Brig. Gen. Margaret W. Boor, to be Major General.

Army nomination of Col. Raphael G. Peart, to be Brigadier General.

Army nomination of Brig. Gen. Terry M. Haston, to be Major General.

Navy nomination of Rear Adm. Michael S. Rogers, to be Vice Admiral.

Navy nomination of Rear Adm. Frank C. Pandolfe, to be Vice Admiral.

Air Force nominations beginning with Colonel Randall R. Ball and ending with Colonel Dean L. Winslow, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2011. (minus 1 nominee: Colonel Edward E. Metzgar)

Army nomination of Maj. Gen. Raymond V. Mason, to be Lieutenant General.

Army nomination of Maj. Gen. Terry A. Wolff, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with David B. Barker and ending with Angela M. Yuhas, which nominations were received by the Senate and appeared in the Congressional Record on July 20, 2011.

Air Force nominations beginning with Mark W. Duff and ending with Bryan A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2011.

Air Force nominations beginning with Chad J. Carda and ending with Barry J. Van Sickle, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2011.

Air Force nomination of Christopher J. Oleksa, to be Colonel.

Air Force nomination of Arthur L. Bouck, to be Major.

Air Force nomination of Tamala L. Gulley, to be Major.

Air Force nomination of Michael H. Heuer, to be Colonel.

Army nominations beginning with Larry W. Dotson and ending with Damian K. Waddell, which nominations were received by the Senate and appeared in the Congressional Record on August 2, 2011.

Army nomination of Jack M. Markusfeld, to be Colonel.

Army nomination of Stephen R. Taylor, to be Major.

Army nomination of Hal D. Baird, to be Colonel.

Army nomination of James E. Orr, to be Colonel.

Army nominations beginning with Steven A. Chambers and ending with James P. Waldron, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2011.

Army nominations beginning with Susan M. Camoroda and ending with Gerson S. Valles, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2011.

Army nomination of Hyun S. Sim, to be Colonel.

Army nomination of Olga Betancourt, to be Major.

Army nomination of Michael C. Freidl, to be Major.

Army nomination of Natacha L. Miller, to be Major.

Army nomination of Benjamin D. Owen, to be Major.

Army nominations beginning with Heidi J. Cox and ending with Mark A. Rich, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Army nominations beginning with Colin A. Bitterfield and ending with Andreas W. Wooten, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Army nominations beginning with Richard J. Allinger and ending with Margaret A. Youngblood, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Army nominations beginning with Brian R. Benjamin and ending with Mark D. Young, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Army nominations beginning with Terese B. Acocella and ending with Gary L. Williamson, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Army nominations beginning with Michael D. Alperin and ending with David S. Williams, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Army nominations beginning with Clayton T. Abe and ending with Terrence A. Smith, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Army nominations beginning with George V. Hankewycz and ending with Henry K. Thomas, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Army nominations beginning with John F. Bowley and ending with Maureen E. Weber, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Army nomination of Kelly A. Cricks, to be Major.

Army nomination of Damian G. McCabe, to be Major.

Army nomination of John R. Pendergrass, to be Major.

Army nominations beginning with Robert D. Black and ending with Trudy A. Salerno, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2011.

Army nominations beginning with James A. Christensen and ending with Kathleen A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2011.

Army nominations beginning with Matthew J. Conde and ending with Victor M. Palomares, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2011.

Army nominations beginning with Lee A. Adams and ending with Mark A. Young, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2011.

Army nominations beginning with Kathie S. Clark and ending with Nancy L. Mclaughlin, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2011.

Army nominations beginning with Lynn R. Gaylord and ending with Vicki L. Nolin, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2011.

Army nominations beginning with Nathan W. Black and ending with Troy G. Danderson, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2011.

Marine Corps nominations beginning with Paul M. Aboud and ending with Richard M. Zjawin, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Marine Corps nomination of John L. Hyatt, Jr., to be Major.

Navy nomination of Paul E. Schoenbucher, Jr., to be Captain.

Navy nomination of John N. Desverreaux, to be Captain.

Navy nomination of David D. Dinkins, to be Lieutenant Commander.

Navy nomination of Kevin J. Oliver, to be Lieutenant Commander.

Navy nominations beginning with Michael Fortunato and ending with Matthew T. Wellock, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2011.

Navy nominations beginning with Joseph H. Adams II and ending with Jeremy S. Yarbrough, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2011.

Navy nominations beginning with Damon M. Armstrong and ending with Marisol C. Ziemba, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Navy nominations beginning with James P. Alderete II and ending with Seth T. Williams, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Navy nominations beginning with Saad M. Alaziz and ending with Michael A. Zundel, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Navy nominations beginning with Michael W. Bloomrose and ending with Christopher P. Toscano, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Navy nominations beginning with Hector Acevedo and ending with Jay Zulueta, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Navy nominations beginning with Javier Araujo and ending with Raymond C. Yau, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Navy nominations beginning with Thomas T. Cook and ending with Leroy C. Young, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Navy nominations beginning with Adnan S. Ahsan and ending with Rebecca L. Waldram, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

Navy nominations beginning with Fabio O. Austria, Jr. and ending with Donna L. Smoak, which nominations were received by the Senate and appeared in the Congressional Record on September 14, 2011.

By Mrs. BOXER for the Committee on Environment and Public Works.

*Kenneth J. Kopocis, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PRYOR (for himself and Mr. UDALL of New Mexico):

S. 1586. A bill to require the Secretary of Commerce to establish a Clean Energy Technology Manufacturing and Export Assistance Program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself and Mr. BARRASSO):

S. 1587. A bill to enable States to opt out of the Medicaid expansion-related provisions of the Patient Protection and Affordable Care Act; to the Committee on Finance.

By Mr. WEBB (for himself, Mr. BOOZMAN, Mr. CRAPO, Mr. JOHANNS, Mr. GRASSLEY, Mr. COBURN, Mr. TESTER, and Mr. COCHRAN):

S. 1588. A bill to protect the right of individuals to bear arms at water resources development projects administered by the Secretary of the Army, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG:

S. 1589. A bill to extend the authorization for the Coastal Heritage Trail in the State of New Jersey; to the Committee on Energy and Natural Resources.

By Mrs. MCCASKILL:

S. 1590. A bill to require the Administrator of the Small Business Administration to develop a new classification system for small business size determinations and to promulgate rules to eliminate the nonmanufacturer exception to small business size determinations, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mrs. GILLIBRAND (for herself, Mr. KIRK, Mr. LEVIN, and Mr. JOHANNS):

S. 1591. A bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. GILLIBRAND:

S. 1592. A bill to amend the Consolidated Farm and Rural Development Act to expand eligibility for Farm Service Agency loans; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND:

S. 1593. A bill to amend the Food and Nutrition Act of 2008 to require State electronic benefit transfer contracts to treat wireless program retail food stores in the same manner as wired program retail food stores; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND:

S. 1594. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to carry out a conservation program under which the Secretary shall make payments to assist owners and operators of muck land to conserve and improve the soil, water, and wildlife resources of the land; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself, Mr. BARRASSO, Mr. RISCH, Ms. AYOTTE, Mr. WICKER, Mr. RUBIO, Mr. COATS, Mr. INHOFE, Mrs. HUTCHISON, Mr. ROBERTS, Mr. DEMINT, Mr. BLUNT, Mr. CHAMBLISS, and Mr. COBURN):

S. 1595. A bill to prohibit funding for the United Nations in the event the United Nations grants Palestine a change in status from a permanent observer entity before a comprehensive peace agreement has been reached with Israel; to the Committee on Foreign Relations.

By Mrs. MURRAY:

S. 1596. An original bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2012, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BROWN of Ohio (for himself, Mr. DURBIN, Mr. MERKLEY, Mr. SANDERS, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. WHITEHOUSE, and Mr. AKAKA):

S. 1597. A bill to provide assistance for the modernization, renovation, and repair of elementary school and secondary school buildings in public school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida (for himself, Mr. SANDERS, Mr. BLUMENTHAL, and Mr. ROCKEFELLER):

S. 1598. A bill to amend the Commodity Exchange Act to prevent excessive speculation in commodity markets and excessive speculative position limits on energy contracts, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

## ADDITIONAL COSPONSORS

S. 58

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 58, a bill to amend title XVIII of the Social Security Act to provide for patient protection by establishing safe nurse staffing levels at certain Medicare providers, and for other purposes.

S. 89

At the request of Mr. VITTER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 89, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 102

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 164

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 672

At the request of Mr. ROCKEFELLER, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 798

At the request of Mr. TESTER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 798, a bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1025

At the request of Mr. LEAHY, the names of the Senator from Nevada (Mr. HELLER) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1094

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr.

NELSON) was added as a cosponsor of S. 1094, a bill to reauthorize the Combating Autism Act of 2006 (Public Law 109–416).

S. 1119

At the request of Mr. INOUYE, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1119, a bill to reauthorize and improve the Marine Debris Research, Prevention, and Reduction Act, and for other purposes.

S. 1214

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1214, a bill to amend title 10, United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions.

S. 1219

At the request of Mr. BARRASSO, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Indiana (Mr. COATS) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 1219, a bill to require Federal agencies to assess the impact of Federal action on jobs and job opportunities, and for other purposes.

S. 1223

At the request of Mr. FRANKEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1223, a bill to address voluntary location tracking of electronic communications devices, and for other purposes.

S. 1231

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1231, a bill to reauthorize the Second Chance Act of 2007.

S. 1251

At the request of Mr. COBURN, the names of the Senator from North Carolina (Mr. BURR), the Senator from Nebraska (Mr. JOHANNS), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1273

At the request of Mr. CASEY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1273, a bill to amend the Fair Labor Standards Act with regard to certain exemptions under that Act for direct care workers and to improve the systems for the collection and reporting of data relating to the direct care workforce, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1324

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. BINGAMAN) was withdrawn as a cosponsor of S. 1324, a bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes.

S. 1361

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1361, a bill to reduce human exposure to endocrine-disrupting chemicals, and for other purposes.

S. 1369

At the request of Mr. CRAPO, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1369, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 1392

At the request of Ms. COLLINS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1460

At the request of Mr. BAUCUS, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1472

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1472, a bill to impose sanctions on persons making certain investments that directly and significantly contribute to the enhancement of the ability of Syria to develop its petroleum resources, and for other purposes.

S. 1477

At the request of Mr. ROBERTS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1477, a bill to require the Administrator of the Federal Aviation Administration to prevent the dissemination to the public of certain information with respect to noncommercial flights of private aircraft owners and operators.

S. 1494

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1494, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1514

At the request of Mr. TESTER, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from Massachusetts (Mr. KERRY), the Senator from Vermont (Mr. LEAHY) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1514, a bill to authorize the President to award a gold medal on behalf of the Congress to Elouise Pepion Cobell, in recognition of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice.

S. 1528

At the request of Mr. JOHANNS, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1528, a bill to amend the Clean Air Act to limit Federal regulation of nuisance dust in areas in which that dust is regulated under State, tribal, or local law, to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, and for other purposes.

S. 1535

At the request of Mr. BLUMENTHAL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1535, a bill to protect consumers by mitigating the vulnerability of personally identifiable information to theft through a security breach, providing notice and remedies to consumers in the wake of such a breach, holding companies accountable for preventable breaches, facilitating the sharing of post-breach technical information between companies, and enhancing criminal and civil penalties and other protections against the unauthorized collection or use of personally identifiable information.

S. 1538

At the request of Ms. COLLINS, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1538, a bill to provide for a time-out on certain regulations, and for other purposes.

S. 1539

At the request of Mr. CORNYN, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Kansas (Mr. ROBERTS), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Indiana (Mr. COATS), the Senator from Idaho (Mr. RISCH) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 1539, a bill to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

S. 1578

At the request of Mr. TOOMEY, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S.

1578, a bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

S. 1585

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1585, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. RES. 201

At the request of Mr. BROWN of Massachusetts, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. Res. 201, a resolution expressing the regret of the Senate for the passage of discriminatory laws against the Chinese in America, including the Chinese Exclusion Act.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself and Mr. UDALL of New Mexico):

S. 1586. A bill to require the Secretary of Commerce to establish a Clean Energy Technology Manufacturing and Export Assistance Program, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. PRYOR. Mr. President, I rise today with Senator TOM UDALL to introduce the Clean Energy Technology Manufacturing and Export Assistance Act of 2011. Recently, the United States Council for International Business, which represents America's top global companies, joined with an array of leading U.S. business groups in urging ramped-up efforts to promote U.S. clean energy exports.

Global demand, particularly in rapidly-growing markets such as Brazil, China, India and Russia, will be especially critical in expanding America's clean energy technology industries and driving U.S. leadership of a 21st Century clean energy economy. According to a report by the Economic Policy Institute, the U.S. trade deficit with China in clean energy products more than doubled from 2008 to 2010 and was estimated to cost more than 8,000 U.S. jobs in 2010.

The purpose of the bill is to authorize the Department of Commerce International Trade Administration to establish a Clean Energy Technology Manufacturing and Export Assistance Program to ensure that United States clean energy technology firms, including clean energy technology parts suppliers and engineering and design firms, have the information and assistance they need to be competitive and create clean energy technology sector jobs in the United States.

The Commerce Department is the leading agency to promote clean energy exports for the President's newly established Trade Promotion Coordinating Committee within his National Export Initiative. Specifically, the bill requires the International Trade Administration to assist U.S. Clean Tech firms with export assistance to help them navigate foreign markets to export their goods and services abroad, enhance U.S. Clean Tech Manufacturing firms by requiring ITA to promote policies that will reduce production costs and encourage innovation, investment, and productivity in the clean energy technology sector, and to develop and implement a National Clean Energy Technology Export Strategy.

Arkansas is becoming a national leader in clean energy technology. Several companies—LM Windpower, Nordex, and Mitsubishi Power Systems—have established wind turbine manufacturing plants in Arkansas. Arkansas Power Electronics International, Inc. is a small business dedicated to developing and marketing state-of-the-art technology in power electronics systems, electronic motor drives, and power electronics packaging. BlueInGreen, a Fayetteville company, makes energy efficient products to improve and maintain water quality. Silicon Solar Solutions, an Arkansas-based startup, is commercializing its large grain polysilicon technology company. All of these companies will benefit by having a focused clean energy trade and export program established within the International Trade Administration.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 644. Mr. KYL submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table.

SA 645. Mr. KYL submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, supra.

SA 646. Mr. KYL submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 647. Mr. KYL submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 648. Mr. MERKLEY (for himself, Mr. ENZI, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 649. Mr. BROWN, of Ohio (for himself, Ms. SNOWE, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 650. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 651. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, supra; which was ordered to lie on the table.

SA 652. Mr. REID (for Mrs. MURRAY) proposed an amendment to the bill S. 633, to prevent fraud in small business contracting, and for other purposes.

SA 653. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table.

SA 654. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 2832, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 644.** Mr. KYL submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, line 23, insert ''but not more than 10 percent'' after ''not less than 5 percent''.

**SA 645.** Mr. KYL submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; as follows:

Strike section 221 and insert the following:

**SEC. 221. REPEAL OF TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.**

(a) IN GENERAL.—Notwithstanding section 233 or any other provision of this subtitle—

(1) effective October 1, 2011, chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is repealed; and

(2) no technical assistance or grants may be provided under that chapter on or after that date.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by striking the items relating to chapter 3 of title II.

**SA 646.** Mr. KYL submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, between lines 5 and 6, insert the following:

**SEC. 234. REPEAL OF TRADE ADJUSTMENT ASSISTANCE.**

Effective January 1, 2015—

(1) chapters 2, 3, 4, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) are repealed; and

(2) the table of contents for the Trade Act of 1974 is amended by striking the items relating to chapters 2, 3, 4, 5, and 6 of title II.

**SA 647.** Mr. KYL submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr.

CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, between lines 2 and 3, insert the following:

**SEC. 217. IMPOSITION OF FEE ON FIRMS THAT BENEFIT FROM TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.**

(a) ESTABLISHMENT.—Not later than January 1, 2012, the Secretary of Labor shall establish a system to impose a fee on a fiscal year basis on firms described in subsection (b) to recoup the costs incurred by the Federal Government of providing benefits under and administering trade adjustment assistance for workers under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(b) FIRMS DESCRIBED.—

(1) IN GENERAL.—Except as provided in paragraph (2), a firm described in this paragraph is a firm from which a group of workers is totally or partially separated on or after the date of the enactment of this Act if that group of workers is subsequently certified under section 222 of the Trade Act of 1974 (19 U.S.C. 2272) as eligible to apply for trade adjustment assistance under chapter 2 of title II of that Act (19 U.S.C. 2271 et seq.) as a result of the workers' separation from that firm.

(2) EXCEPTION FOR FIRMS IN BANKRUPTCY.—The fee imposed under subsection (a) shall not be imposed on a firm that has filed for bankruptcy protection under title 11, United States Code.

(c) TOTAL AMOUNT OF FEE.—The Secretary of Labor shall determine the amount of fees to be imposed under subsection (a) so that the amount of fees collected equals the amount expended by the Federal Government in the fiscal year preceding the fiscal year in which the fees are imposed to provide benefits under and administer trade adjustment assistance for workers under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(d) IMPOSITION OF FEE.—The Secretary of Labor shall impose the fee under subsection (a) on a firm described in subsection (b)—

(1) for each fiscal year during which any worker separated from the firm receives trade adjustment assistance under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) or remains eligible to apply for such assistance; and

(2) based on the number of workers described in paragraph (1) separated from the firm.

(e) USE OF FEES.—Any fees collected pursuant to subsection (a) shall be deposited in the general fund of the Treasury and used to offset the costs of providing benefits under and administering trade adjustment assistance for workers under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(f) TERMINATION.—This section shall terminate on the date that is one year after the date on which all expenditures by the Federal Government to provide benefits under or administer trade adjustment assistance for workers under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) have terminated.

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**SA 648.** Mr. MERKLEY (for himself, Mr. ENZI, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE ____—MISCELLANEOUS**

**SEC. __01. MANDATORY DISCLOSURE BY THE UNITED STATES IF MEMBERS OF THE WORLD TRADE ORGANIZATION FAIL TO DISCLOSE SUBSIDIES UNDER THE AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.**

(a) IN GENERAL.—The United States Trade Representative shall—

(1) review each notification of subsidies submitted under Article 25 of the Agreement on Subsidies and Countervailing Measures by a member of the World Trade Organization with which the United States maintains a material and persistent trade deficit;

(2) identify any such member that, for 2 consecutive years—

(A) fails to submit such a notification; or

(B) omits information or includes inaccurate information in such a notification that is material with respect to the totality of the subsidies of the member; and

(3) notify the Committee on Subsidies and Countervailing Measures under Article 25 of the Agreement on Subsidies and Countervailing Measures of the subsidies of a member identified under paragraph (2) not later than 180 days after—

(A) in the case of a member identified under paragraph (2)(A), the date on which the second notification not submitted by the member was required to be submitted; or

(B) in the case of a member identified under paragraph (2)(B), the date of the submission of the second notification in which the information was omitted or the inaccurate information was included, as the case may be.

(b) AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES DEFINED.—The term ''Agreement on Subsidies and Countervailing Measures'' means the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

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**SA 649.** Mr. BROWN of Ohio (for himself, Ms. SNOWE, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE __—FUNDAMENTALLY UNDERVALUED CURRENCY**

**SEC. __01. SHORT TITLE.**

This title may be cited as the ''Currency Reform for Fair Trade Act''.

**SEC. __02. CLARIFICATION REGARDING DEFINITION OF COUNTERVAILABLE SUBSIDY.**

(a) BENEFIT CONFERRED.—Section 771(5)(E) of the Tariff Act of 1930 (19 U.S.C. 1677(5)(E)) is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) in clause (iv), by striking the period at the end and inserting '', and''; and

(3) by inserting after clause (iv) the following new clause:

''(v) in the case in which the currency of a country in which the subject merchandise is produced is exchanged for foreign currency obtained from export transactions, and the currency of such country is a fundamentally undervalued currency, as defined in paragraph (37), the difference between the amount of the currency of such country provided and the amount of the currency of such country that would have been provided if the real effective exchange rate of the currency of such country were not undervalued, as determined pursuant to paragraph (38).''.

(b) EXPORT SUBSIDY.—Section 771(5A)(B) of the Tariff Act of 1930 (19 U.S.C. 1677(5A)(B)) is amended by adding at the end the following new sentence: ''In the case of a subsidy relating to a fundamentally undervalued currency, the fact that the subsidy may also be provided in circumstances not involving export shall not, for that reason alone, mean that the subsidy cannot be considered contingent upon export performance.''.

(c) DEFINITION OF FUNDAMENTALLY UNDERVALUED CURRENCY.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end the following new paragraph:

''(37) FUNDAMENTALLY UNDERVALUED CURRENCY.—The administering authority shall determine that the currency of a country in which the subject merchandise is produced is a 'fundamentally undervalued currency' if—

''(A) the government of the country (including any public entity within the territory of the country) engages in protracted, large-scale intervention in one or more foreign exchange markets during part or all of the 18-month period that represents the most recent 18 months for which the information required under paragraph (38) is reasonably available, but that does not include any period of time later than the final month in the period of investigation or the period of review, as applicable;

''(B) the real effective exchange rate of the currency is undervalued by at least 5 percent, on average and as calculated under paragraph (38), relative to the equilibrium real effective exchange rate for the country's currency during the 18-month period;

''(C) during the 18-month period, the country has experienced significant and persistent global current account surpluses; and

''(D) during the 18-month period, the foreign asset reserves held by the government of the country exceed—

''(i) the amount necessary to repay all debt obligations of the government falling due within the coming 12 months;

''(ii) 20 percent of the country's money supply, using standard measures of M2; and

''(iii) the value of the country's imports during the previous 4 months.''.

(d) DEFINITION OF REAL EFFECTIVE EXCHANGE RATE UNDERVALUATION.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677), as amended by subsection (c) of this section, is further amended by adding at the end the following new paragraph:

''(38) REAL EFFECTIVE EXCHANGE RATE UNDERVALUATION.—The calculation of real effective exchange rate undervaluation, for purposes of paragraph (5)(E)(v) and paragraph (37), shall—

''(A)(i) rely upon, and where appropriate be the simple average of, the results yielded from application of the approaches described in the guidelines of the International Monetary Fund's Consultative Group on Exchange Rate Issues; or

''(ii) if the guidelines of the International Monetary Fund's Consultative Group on Exchange Rate Issues are not available, be based on generally accepted economic and econometric techniques and methodologies to measure the level of undervaluation;

''(B) rely upon data that are publicly available, reliable, and compiled and maintained by the International Monetary Fund or, if the International Monetary Fund cannot provide the data, by other international organizations or by national governments; and

''(C) use inflation-adjusted, trade-weighted exchange rates.''.

**SEC. __03. REPORT ON IMPLEMENTATION OF TITLE.**

(a) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Comptroller General of the United States

shall submit to Congress a report on the implementation of the amendments made by this title.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include a description of the extent to which United States industries that have been materially injured by reason of imports of subject merchandise produced in foreign countries with fundamentally undervalued currencies have received relief under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.), as amended by this title.

**SEC. __04. APPLICATION TO GOODS FROM CANADA AND MEXICO.**

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act of 1993 (19 U.S.C. 3438), the amendments made by section __02 of this title shall apply to goods from Canada and Mexico.

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**SA 650.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE _____—ITC REPORT**

**SEC. ___01. SHORT TITLE.**

This title may be cited as the ''Quantifying the Effects of Failure to Act on Trade Act''.

**SEC. ___02. ITC REPORT.**

(a) IN GENERAL.—

(1) FAILURE TO ACT ON AGREEMENT.—Not later than 2 years after the date that the President enters into a trade agreement, the International Trade Commission shall submit a report described in subsection (b) to Congress, if —

(A) legislation to implement the agreement has not been submitted to Congress;

(B) a bill to implement the agreement has not been considered by either House of Congress; or

(C) the agreement has not entered into force with respect to the United States.

(2) FOLLOW UP REPORT.—The International Trade Commission shall update the report required by paragraph (1) each year thereafter, if legislation to implement the agreement has not been submitted to Congress, a bill to implement the agreement has not been considered by either House of Congress, or the agreement has not entered into force.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall contain the following:

(1) A quantitative analysis of the impact on United States businesses and individuals caused by the delay in the implementation of the agreement. The analysis shall examine all relevant factors impacting United States businesses and individuals, including—

(A) lost market shares for United States exports in foreign markets resulting from new trade agreements implemented between the country with respect to which the trade agreement was entered into and any other country, and market shares lost for United States exports resulting from any other factor;

(B) how the delay in implementing the agreement is affecting the advancement of United States trade objectives, described in the Bipartisan Trade Promotion Authority Act of 2002 (or any subsequent trade promotion authority); and

(C) how the delay in implementing the agreement is affecting the protection of intellectual property rights of United States businesses operating in foreign markets.

(2) The impact on employment in the United States resulting from the delay in implementing the agreement.

(3) An estimate of the probable impact on United States businesses, in terms of exports, profitability, and employment, if the trade agreement does not enter into force by the end of the calendar year following the date of the Commission report

(c) APPLICABILITY.—The International Trade Commission shall submit the report required by this section with respect to—

(1) any trade agreement entered into on or after the date of the enactment of this Act; and

(2) any trade agreement entered into before the date of the enactment of this Act if such agreement has not entered into force with respect to the United States by June 30, 2012.

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**SA 651.** Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 633 submitted by Mr. CASEY (for himself, Mr. BROWN of Ohio, and Mr. BAUCUS) to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

On page 5 of the amendment, between lines 6 and 7, insert the following:

**SEC. 212. REQUIREMENT THAT TO BE ELIGIBLE FOR TRADE ADJUSTMENT ASSISTANCE WORKERS BE LAID OFF BECAUSE OF IMPORTS FROM, OR A SHIFT IN PRODUCTION TO, A COUNTRY WITH WHICH THE UNITED STATES HAS A FREE TRADE AGREEMENT IN EFFECT.**

Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended by section 211 of this Act, is further amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—A group of workers shall be certified by the Secretary as eligible to apply for adjustment assistance under this chapter pursuant to a petition filed under section 221 if the Secretary determines that—

''(1) a significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated; and

''(2)(A)(i) the sales or production, or both, of such firm have decreased absolutely;

''(ii)(I) imports from a country with which the United States has a free trade agreement in effect of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

''(II) imports from such a country of articles like or directly competitive with articles—

''(aa) into which one or more component parts produced by such firm are directly incorporated, or

''(bb) which are produced directly using services supplied by such firm,

have increased; or

''(III) imports of articles directly incorporating one or more component parts produced in such a country that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased; and

''(iii) the increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

''(B)(i)(I) there has been a shift by such workers' firm to a country with which the United States has a free trade agreement in effect in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; or

''(II) such workers' firm has acquired from such a country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm; and

''(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.''.

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(No material received for amendment 652 at time of printing. It will be printed in the next issue of the RECORD.)

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**SA 653.** Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE ____—PREFERENTIAL DUTY TREATMENT FOR PHILIPPINES**

**SEC. ___01. SHORT TITLE.**

This title may be cited as the ''Save Our Industries Act of 2011'' or the ''SAVE Act''.

**SEC. ___02. FINDINGS; PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) The United States and the Republic of the Philippines (in this title referred to as the ''Philippines''), a former colony, share deep historical and cultural ties. The Philippines holds enduring political and security significance to the United States. The 2 countries have partnered very successfully in combating terrorism in Southeast Asia.

(2) The United States and the Philippines maintain a fair trading relationship that should be expanded to the mutual benefit of both countries. In 2010, United States exports to the Philippines were valued at $7,375,000,000, and United States imports from the Philippines were valued at $7,960,000,000.

(3) United States textile exports to the Philippines were valued at just over $48,000,000 in 2010, consisting mostly of industrial, specialty, broadwoven, and nonwoven fabrics. The potential for export growth in this area can sustain and create thousands of jobs.

(4) The Philippines' textile and apparel industries, like that of their counterparts in the United States, share the same challenges and risks stemming from the end of the textile and apparel quota system and from the end of United States safe-guards that continued to control apparel imports from the People's Republic of China until January 1, 2009.

(5) The United States apparel fabrics industry is heavily dependent on sewing outside the United States, and, for the first time, United States textile manufacturers would have a program that utilizes sewing done in an Asian country. In contrast, most sewing of United States fabric occurs in the Western Hemisphere, with about two-thirds of United States fabric exports presently going to countries that are parties to the North American Free Trade Agreement and the Dominican Republic-Central America-United States Free Trade Agreement. Increased demand for United States fabric in Asia will increase opportunities for the United States industry.

(6) Apparel producers in the Western Hemisphere are excellent at making basic garments such as T-shirts and standard 5-pocket jeans. However, the needle capability does not exist to make high fashion, more sophisticated garments such as embroidered T-shirts and fashion jeans with embellishments. Such apparel manufacturing is done almost exclusively in Asia.

(7) A program that provides preferential duty treatment for certain apparel articles of the Philippines will provide a strong incentive for Philippine apparel manufacturers

to use United States fabrics, which will open new opportunities for the United States textile industry and increase opportunities for United States yarn manufacturers. At the same time, the United States would be provided a more diverse range of sourcing opportunities.

(b) PURPOSES.—The purposes of this title are—

(1) to encourage higher levels of trade in textiles and apparel between the United States and the Philippines and enhance the commercial well-being of their respective industries in times of global economic hardship;

(2) to enhance and broaden the economic, security, and political ties between the United States and the Philippines;

(3) to stimulate economic activity and development throughout the Philippines, including regions such as Manila and Mindanao; and

(4) to provide a stepping stone to an eventual free trade agreement between the United States and the Philippines, either bilaterally or as part of a regional agreement.

**SEC. ___03. DEFINITIONS.**

In this title:

(1) CLASSIFICATION UNDER THE HTS.—The term ''classification under the HTS'' means, with respect to an article, the 6-digit subheading or 10-digit statistical reporting number under which the article is classified in the HTS.

(2) DOBBY WOVEN FABRIC.—The term ''dobby woven fabric'' means fabric, other than jacquard fabric, woven with the use of a dobby attachment that raises or lowers the warp threads during the weaving process to create patterns including, stripes, and checks and similar designs.

(3) ENTERED.—The term ''entered'' means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(4) HTS.—The term ''HTS'' means the Harmonized Tariff Schedule of the United States.

(5) KNIT-TO-SHAPE.—An article is ''knit-to shape'' if 50 percent or more of the exterior surface area of the article is formed by major parts that have been knitted or crocheted directly to the shape used in the article, with no consideration being given to patch pockets, appliqués, or the like. Minor cutting, trimming, or sewing of those major parts shall not affect the determination of whether an article is ''knit-to-shape''.

(6) WHOLLY ASSEMBLED.—An article is ''wholly assembled'' in the Philippines or the United States if—

(A) all components of the article pre-existed in essentially the same condition as the components exist in the finished article and the components were combined to form the finished article in the Philippines or the United States; and

(B) the article is comprised of at least 2 components.

(7) WHOLLY FORMED.—A yarn is ''wholly formed in the United States'' if all of the yarn forming and finishing operations, starting with the extrusion of filaments, strips, film, or sheet, and including slitting a film or sheet into strip, or the spinning of all fibers into yarn, or both, and ending with a finished yarn or plied yarn, takes place in the United States.

**SEC. ___04. TRADE BENEFITS.**

(a) ELIGIBLE APPAREL ARTICLE.—For purposes of this section, an eligible apparel article is any one of the following:

(1) Men's and boys' cotton shirts, T-shirts and tank tops (other than underwear T-shirts and tank tops), pullovers, sweatshirts, tops, and similar articles classifiable under subheading 6105.10, 6105.90, 6109.10, 6110.20, 6110.90, 6112.11, or 6114.20 of the HTS.

(2) Women's and girls' cotton shirts, blouses, T-shirts and tank tops (other than underwear T-shirts and tank tops), pullovers, sweatshirts, tops, and similar articles classifiable under subheading 6106.10, 6106.90, 6109.10, 6110.20, 6110.90, 6112.11, 6114.20, or 6117.90 of the HTS.

(3) Men's and boys' cotton trousers, breeches, and shorts classifiable under subheading 6103.10, 6103.42, 6103.49, 6112.11, 6113.00, 6203.19, 6203.42, 6203.49, 6210.40, 6211.20, 6211.32 of the HTS.

(4) Women's and girls' cotton trousers, breeches, and shorts classifiable under subheading 6104.19, 6104.62, 6104.69, 6112.11, 6113.00, 6117.90, 6204.12, 6204.19, 6204.62, 6204.69, 6210.50, 6211.20, 6211.42, or 6217.90 of the HTS.

(5) Men's and boys' cotton underpants, briefs, underwear-type T-shirts and singlets, thermal undershirts, other undershirts, and similar articles classifiable under subheading 6107.11, 6109.10, 6207.11, or 6207.91 of the HTS.

(6) Men's and boys' manmade fiber underpants, briefs, underwear-type T-shirts and singlets, thermal undershirts, other undershirts, and similar articles classifiable under subheading 6107.12, 6109.90, 6207.19, or 6207.99 of the HTS.

(7) Men's and boys' manmade fiber shirts, T-shirts and tank tops (other than underwear T-shirts and tank tops), pullovers, sweatshirts, tops, and similar articles classifiable under subheading 6105.20, 6105.90, 6110.30, 6110.90, 6112.12, 6112.19, or 6114.30 of the HTS.

(8) Women's and girls' manmade fiber shirts, blouses, T-shirts and tank tops (other than underwear T-shirts and tank tops), pullovers, sweatshirts, tops, and similar articles classifiable under subheading 6106.20, 6106.90, 6110.30, 6110.90, 6112.12, 6112.19, 6114.30, or 6117.90 of the HTS.

(9) Men's and boys' manmade fiber trousers, breeches, and shorts classifiable under subheading 6103.43, 6103.49, 6112.12, 6112.19, 6112.20, 6113.00, 6203.43, 6203.49, 6210.40, 6211.20, or 6211.33 of the HTS.

(10) Women's and girls' manmade fiber trousers, breeches, and shorts classifiable under subheading 6104.63, 6104.69, 6112.12, 6112.19, 6112.20, 6113.00, 6117.90, 6204.63, 6204.69, 6210.50, 6211.20, 6211.43, or 6217.90 of the HTS.

(11) Men's and boys' manmade fiber shirts classifiable under subheading 6205.30, 6205.90, or 6211.33 of the HTS.

(12) Cotton brassieres and other body support garments classifiable under subheading 6212.10, 6212.20, or 6212.30 of the HTS.

(13) Manmade fiber brassieres and other body support garments classifiable under subheading 6212.10, 6212.20, or 6212.30 of the HTS.

(14) Manmade fiber swimwear classifiable under subheading 6112.31, 6112.41, 6211.11, or 6211.12 of the HTS.

(15) Cotton swimwear classifiable under subheading 6112.39, 6112.49, 6211.11, or 6211.12 of the HTS.

(16) Men's and boys' manmade fiber coats, overcoats, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6101.30, 6101.90, 6112.12, 6112.19, 6112.20, or 6113.00 of the HTS.

(17) Women's and girls' manmade fiber coats, overcoats, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6102.30, 6102.90, 6104.33, 6104.39, 6112.12, 6112.19, 6112.20, 6113.00, or 6117.90 of the HTS.

(18) Gloves, mittens, and mitts of manmade fibers classifiable under subheading 6116.10, 6116.93, 6116.99, or 6216.00 of the HTS.

(b) DUTY-FREE TREATMENT FOR CERTAIN ELIGIBLE APPAREL ARTICLES.—

(1) DUTY-FREE TREATMENT.—Subject to paragraphs (2) and (3), an eligible apparel article shall enter the United States free of duty if the article is wholly assembled in the United States or the Philippines, or both, and if the component determining the article's classification under the HTS consists entirely of—

(A) fabric cut in the United States or the Philippines, or both, from fabric wholly formed in the United States from yarns wholly formed in the United States;

(B) components knit-to-shape in the United States from yarns wholly formed in the United States; or

(C) any combination of fabric or components knit-to-shape described in subparagraphs (A) and (B).

(2) DYEING, PRINTING, OR FINISHING.—An apparel article described in paragraph (1) shall be ineligible for duty-free treatment under such paragraph if any component determining the article's classification under the HTS comprises any fabric, fabric component, or component knit-to-shape in the United States that was dyed, printed, or finished at any place other than in the United States.

(3) OTHER PROCESSES.—An apparel article described in paragraph (1) shall not be disqualified from eligibility for duty-free treatment under such paragraph because it undergoes stone-washing, enzyme-washing, acid-washing, permapressing, oven baking, bleaching, garment-dyeing, screen printing, or other similar processes in either the United States or the Philippines.

(c) KNIT-TO-SHAPE APPAREL ARTICLES.—A knit-to-shape apparel article shall enter the United States free of duty if it is wholly assembled in the Philippines and if the component determining the article's classification under the HTS consists entirely of components knit-to-shape in the Philippines from yarns wholly formed in the United States.

(d) DE MINIMIS RULES.—

(1) IN GENERAL.—An article that would otherwise be ineligible for preferential treatment under this section because the article contains fibers or yarns not wholly formed in the United States or in the Philippines shall not be ineligible for such treatment if the total weight of all such fibers or yarns is not more than 10 percent of the total weight of the article.

(2) ELASTOMERIC YARNS.—Notwithstanding paragraph (1), an article described in subsection (b) or (c) that contains elastomeric yarns in the component of the article that determines the article's classification under the HTS shall be eligible for duty-free treatment under this section only if such elastomeric yarns are wholly formed in the United States or the Philippines.

(3) DIRECT SHIPMENT.—Any apparel article described in subsection (b) or (c) is an eligible article only if it is imported directly into the United States from the Philippines.

(e) SINGLE TRANSFORMATION RULES.—Any of the following apparel articles that are cut and wholly assembled, or knit-to-shape, in the Philippines from any combination of fabrics, fabric components, components knit-to-shape, or yarns and are imported directly into the United States from the Philippines shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the articles are made:

(1) Except for brassieres classified in subheading 6212.10 of the HTS, any apparel article that is of a type listed in chapter rule 3(a), 4(a), or 5(a) for chapter 62 of the HTS, as such chapter rule is contained in paragraph 9 of section A of the Annex to Proclamation 8213 of the President of December 20, 2007, (as

amended by Proclamation 8272 of June 30, 2008, or any subsequent proclamation by the President).

(2) Any article not described in paragraph (1) that is any of the following:

(A) Baby garments, clothing accessories, and headwear classifiable under subheading 6111.20, 6111.30, 6111.90, 6209.20, 6209.30, 6209.90, or 6505.90 of the HTS.

(B) Women's and girls' cotton coats, over coats, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6102.20, 6102.90, 6104.19, 6104.32, 6104.39, 6112.11, 6113.00, 6117.90, 6202.12, 6202.19, 6202.92, 6202.99, 6204.12, 6204.19, 6204.32, 6204.39, 6210.30, 6210.50, 6211.20, 6211.42, or 6217.90 of the HTS.

(C) Cotton dresses classifiable under subheading 6104.42, 6104.49, 6204.42, or 6204.49 of the HTS.

(D) Manmade fiber dresses classifiable under subheading 6104.43, 6104.44, 6104.49, 6204.43, 6204.44, or 6204.49 of the HTS.

(E) Men's and boys' cotton shirts classifiable under statistical reporting number 6205.20.1000, 6205.20.2021, 6205.20.2026, 6205.20.2031, 6205.20.2061, 6205.20.2076, 6205.90, or 6211.32 of the HTS.

(F) Men's and boys' cotton shirts not containing dobby woven fabric classifiable under statistical reporting number 6205.20.2003, 6205.20.2016, 6205.20.2051, 6205.20.2066 of the HTS.

(G) Manmade fiber pajamas and sleepwear classifiable under subheading 6107.22, 6107.99, 6108.32, 6207.22, 6207.99, or 6208.22 of the HTS.

(H) Women's and girls' wool coats, overcoats, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6102.10, 6102.30, 6102.90, 6104.31, 6104.33, 6104.39, 6117.90, 6202.11, 6202.13, 6202.19, 6202.91, 6202.93, 6202.99, 6204.31, 6204.33, 6204.39, 6211.20, 6211.41, or 6117.90 of the HTS.

(I) Women's and girls' wool trousers, breeches, and shorts classifiable under subheading 6104.61, 6104.63, 6104.69, 6117.90, 6204.61, 6204.63, 6204.69, 6211.20, 6211.41, or 6217.90 of the HTS.

(J) Women's and girls' cotton shirts and blouses classifiable under subheading 6206.10, 6206.30, 6206.90, 6211.42, or 6217.90 of the HTS.

(K) Women's and girls' manmade fiber shirts, blouses, shirt-blouses, sleeveless tank styles, and similar upper body garments classifiable under subheading 6206.10, 6206.40, 6206.90, 6211.43, or 6217.90 of the HTS.

(L) Women's and girls' manmade fiber coats, jackets, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6202.13, 6202.19, 6202.93, 6202.99, 6204.33, 6204.39, 6210.30, 6210.50, 6211.20, 6211.43, or 6217.90 of the HTS.

(M) Cotton skirts classifiable under subheading 6104.19, 6104.52, 6104.59, 6204.12, 6204.19, 6204.52, or 6204.59 of the HTS.

(N) Manmade fiber skirts classifiable under subheading 6104.53, 6104.59, 6204.53, or 6204.59 of the HTS.

(O) Men's and boys' manmade fiber coats, overcoats, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6201.13, 6201.19, 6201.93, 6201.99, 6210.20, 6210.40, 6211.20, or 6211.33 of the HTS.

(P) Women's and girls' manmade fiber slips, petticoats, briefs, panties, and underwear classifiable under subheading 6108.11, 6108.22, 6108.92, 6109.90, 6208.11, or 6208.92 of the HTS.

(Q) Gloves, mittens, and mitts of cotton classifiable under subheading 6116.10, 6116.92, 6116.99, or 6216.00 of the HTS.

(R) Other men's or boys' garments classifiable under statistical reporting number 6211.32.0081 of the HTS.

(f) REVIEW AND REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall, not later than 3 years after the date of the enactment of this Act, and every 3 years thereafter, review the effectiveness of this section in supporting the use of United States fabrics and make recommendations necessary to improve or expand the provisions of this section to ensure support for the use of United States fabrics.

(2) RECOMMENDATIONS.—After the second review required under paragraph (1), the Comptroller General shall make a determination regarding whether this section is effective in supporting the use of United States fabrics and recommend to Congress whether or not this section should be renewed.

(g) ENFORCEMENT.—Preferential treatment under this section shall not be provided to textile and apparel articles that are imported from the Philippines unless the President certifies to Congress that the Philippines is meeting the following conditions:

(1) A valid original textile visa issued by the Philippines is provided to U.S. Customs and Border Protection with respect to any article for which preferential treatment is claimed. The visa issued is in the standard 9-digit format required under the Electronic Visa Information System (ELVIS) and meets all reporting requirements of ELVIS.

(2) The Philippines is implementing the Electronic Visa Information System (ELVIS) to assist in the prevention of transshipment of apparel articles and the use of counterfeit documents relating to the importation of apparel articles into the United States.

(3) The Philippines is enforcing the Memorandum of Understanding between the United States of America and the Republic of the Philippines Concerning Cooperation in Trade in Textile and Apparel Goods, signed on August 23, 2006.

(4) The Philippines agrees to provide, on a timely basis at the request of U.S. Customs and Border Protection, and consistently with the manner in which the records are kept in the Philippines, a report on exports from the Philippines of apparel articles eligible for preferential treatment under this section, and on imports into the Philippines of yarns, fabrics, fabric components, or components knit-to-shape that are wholly formed in the United States.

(5) The Philippines agrees to cooperate fully with the United States to address and take action necessary to prevent circumvention as provided in Article 5 of the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(6) The Philippines agrees to require Philippines producers and exporters of articles eligible for preferential treatment under this section to maintain, for at least 5 years after the date of export, complete records of the production and the export of such articles, including records of yarns, fabrics, fabric components, and components knit-to-shape and used in the production of such articles.

(7) The Philippines agrees to provide, on a timely basis, at the request of U.S. Customs and Border Protection, documentation establishing the country of origin of articles eligible for preferential treatment under this section, as used by that country in implementing an effective visa system.

(8) The Philippines is to establish, within 60 days after the date of the President's certification under this paragraph, procedures that allow the Office of Textiles and Apparel of the Department of Commerce (OTEXA) to obtain information when fabric wholly formed in the United States is exported to the Philippines to allow for monitoring and verification before the imports of apparel articles containing the fabric for which preferential treatment is sought under this section reach the United States. The information provided upon export of the fabrics shall include, among other things, the name of the importer of the fabric in the Philippines, the 8-digit HTS subheading covering the apparel articles to be made from the fabric, and the quantity of the apparel articles to be made from the fabric for importation into the United States.

(9) The Philippines has enacted legislation or promulgated regulations to allow for the seizure of merchandise physically transiting the territory of the Philippines and that appears to be destined for the United States in circumvention of the provisions of this title.

(h) CUSTOMS PROCEDURES.—

(1) IN GENERAL.—

(A) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipments as defined in paragraph (2), then the President shall deny for a period of 5 years all benefits under this section to such exporter, any successor of such exporter, and any other entity owned or operated by the principal of the exporter.

(B) PENALTIES FOR IMPORTERS.—If the President determines, based on sufficient evidence, that an importer has engaged in transshipments as defined in paragraph (2), then the President shall deny for a period of 5 years all benefits under this section to such importer, any successor of such importer, or any entity owned or operated by the principal of the importer.

(2) DEFINITION OF TRANSSHIPMENT.—For purposes of paragraph (1) and subsection (g), transshipment has occurred when preferential treatment for an apparel article under this section has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, cutting, or assembly of the article or of any fabric, fabric component, or component knit-to-shape from which the apparel article was cut and assembled. For purposes of this paragraph, false information is material if disclosure of the true information would have meant that the article is or was ineligible for preferential treatment under this section.

(i) PROCLAMATION AUTHORITY.—The President shall issue a proclamation to carry out this section not later than 60 days after the date of the enactment of this title. The President shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives in preparing such proclamation.

**SEC. ___05. EFFECTIVE DATE.**

This title shall apply to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date on which the President issues the proclamation required by section ___04(i).

**SEC. ___06. TERMINATION.**

(a) IN GENERAL.—The preferential duty treatment provided under this title shall remain in effect for a period of 7 years beginning on the effective date provided for in section ___05.

(b) GSP ELIGIBILITY.—The preferential duty treatment provided under this title shall terminate if and when the Philippines becomes ineligible for designation as a beneficiary developing country under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.).

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**SA 654.** Mr. INOUYE submitted an amendment intended to be proposed by

him to the bill H.R. 2832, to extend the Generalized System of Preferences, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE __—MODIFICATION OF TONNAGE TAX**

**SEC. ___. MODIFICATION OF THE APPLICATION OF THE TONNAGE TAX ON VESSELS OPERATING IN THE DUAL UNITED STATES DOMESTIC AND FOREIGN TRADES.**

(a) IN GENERAL.—Subsection (f) of section 1355 of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended to read as follows:

''(f) EFFECT OF OPERATING A QUALIFYING VESSEL IN THE DUAL UNITED STATES DOMESTIC AND FOREIGN TRADES.—For purposes of this subchapter—

''(1) an electing corporation shall be treated as continuing to use a qualifying vessel in the United States foreign trade during any period of use in the United States domestic trade, and

''(2) gross income from such United States domestic trade shall not be excluded under section 1357(a), but shall not be taken into account for purposes of section 1353(b)(1)(B) or for purposes of section 1356 in connection with the application of section 1357 or 1358.''.

(b) REGULATORY AUTHORITY FOR ALLOCATION OF CREDITS, INCOME, AND DEDUCTIONS.—Section 1358 of the Internal Revenue Code of 1986 (relating to allocation of credits, income, and deductions) is amended—

(1) by striking ''in accordance with this subsection'' in subsection (c) and inserting ''to the extent provided in such regulations as may be prescribed by the Secretary'', and

(2) by adding at the end the following new subsection:

''(d) REGULATIONS.—The Secretary shall prescribe regulations consistent with the provisions of this subchapter for the purpose of allocating gross income, deductions, and credits between or among qualifying shipping activities and other activities of a taxpayer.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1355(a)(4) of the Internal Revenue Code of 1986 is amended by striking ''exclusively''.

(2) Section 1355(b)(1)(B) of such Code is amended by striking ''as a qualifying vessel'' and inserting ''in the transportation of goods or passengers''.

(3) Section 1355 of such Code is amended—

(A) by striking subsection (g), and

(B) by redesignating subsection (h) as subsection (g).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on September 21, 2011, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 21, 2011 at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Dually-Eligible Beneficiaries: Improving Care While Lowering Costs.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 21, at 10 a.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 21, 2011, at 10 a.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 21, 2011, at 2:30 p.m., to conduct a hearing entitled ''Transforming Wartime Contracting: Recommendations of the Commission on Wartime Contracting.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. CASEY. Mr. President, I ask unanimous consent that the committee on Veterans' Affairs be authorized to meet during the session of the Senate on September 21, 2011, in room SDG–50 in the Dirksen Senate Office Building beginning at 10 a.m.

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

SUBCOMMITTEE ON ANTITRUST, COMPETITION, POLICY, AND CONSUMER RIGHTS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, be authorized to meet during the session of the Senate, on September 21, 2011, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Power of Google: Serving Consumers or Threatening Competition?''

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

SUBCOMMITTEE ON CRIME AND TERRORISM

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Terrorism, be authorized to meet during the session of the Senate, on September 21, 2011, at 11 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Countering Terrorist Financing: Progress and Priorities.''

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. CASEY. Mr. President, I ask unanimous consent that the Subcommittee on Nationals Parks be authorized to meet during the session of the Senate on September 21, 2011, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

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

## PRIVILEGES OF THE FLOOR

Mr. WYDEN. Mr. President, I ask unanimous consent that Joseph Scovitch and Danielle Dellerson, Finance Committee staff, be granted the privilege of the floor during consideration of the Generalized System of Preferences Act.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that John Cole, a fellow in the office of Senator PRYOR, be granted the privilege of the floor for the duration of the consideration of H.R. 2832, the Generalized System of Preferences Act.

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

## TAIWAN OBSERVER STATUS IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 115, S. Con. Res. 17.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 17) expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

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

Mr. REID. Mr. President, I know of no further debate on this resolution.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on the adoption of the concurrent resolution.

The concurrent resolution (S. Con. Res. 17) was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 17

Whereas the Convention on International Civil Aviation, signed in Chicago, Illinois, on December 7, 1944, and entered into force April 4, 1947, approved the establishment of the International Civil Aviation Organization (ICAO), stating ''The aims and objectives of the Organization are to develop the principles and techniques of international

air navigation and to foster the planning and development of international air transport so as to . . . meet the needs of the peoples of the world for safe, regular, efficient and economical air transport'';

Whereas, following the terrorist attacks of September 11, 2001, the ICAO convened a high-level Ministerial Conference on Aviation Security that endorsed a global strategy for strengthening aviation security worldwide and issued a public declaration that ''a uniform approach in a global system is essential to ensure aviation security throughout the world and that deficiencies in any part of the system constitute a threat to the entire global system,'' and that there should be a commitment to ''foster international cooperation in the field of aviation security and harmonize the implementation of security measures'';

Whereas, the 37th ICAO Assembly in October 2010 adopted a Declaration on Aviation Security largely in response to the attempted sabotage of Northwest Airlines Flight 253 on December 25, 2009, which established new criminal penalties for the use of civil aircraft as a weapon, the use of dangerous materials to attack aircraft or other targets on the ground, and the unlawful transport of biological, chemical, and nuclear weapons and related materials, along with extradition arrangements that facilitate cooperation among nations in apprehending and prosecuting those who have undertaken these and other criminal acts;

Whereas, on October 8, 2010, the Department of State praised the 37th ICAO Assembly on its adoption of the Declaration on Aviation Security, but noted that ''because every airport offers a potential entry point into this global system, every nation faces the threat from gaps in aviation security throughout the world—and all nations must share the responsibility for securing that system'';

Whereas the Taipei Flight Information Region, under the jurisdiction of Taiwan, ROC, covers an airspace of 176,000 square nautical miles and provides air traffic control services to over 1,350,000 flights annually, with the Taiwan Taoyuan International Airport recognized as the 8th and 18th largest airport by international cargo volume and number of international passengers, respectively;

Whereas exclusion from the ICAO since 1971 has impeded the efforts of the Government of Taiwan to maintain civil aviation practices that comport with evolving international standards, due to its inability to contact the ICAO for up-to-date information on aviation standards and norms, secure amendments to the organization's regulations in a timely manner, obtain sufficient and timely information needed to prepare for the implementation of new systems and procedures set forth by the ICAO, receive technical assistance in implementing new regulations, and participate in technical and academic seminars hosted by the ICAO;

Whereas the United States, in the 1994 Taiwan Policy Review, clearly declared its support for the participation of Taiwan in appropriate international organizations, in particular, on September 27, 1994, with the announcement by the Assistant Secretary of State for East Asian and Pacific Affairs that, pursuant to the Review and recognizing Taiwan's important role in transnational issues, the United States ''will support its membership in organizations where statehood is not a prerequisite, and [the United States] will support opportunities for Taiwan's voice to be heard in organizations where its membership is not possible''; and

Whereas ICAO rules and existing practices have allowed for the meaningful participation of noncontracting countries as well as other bodies in its meetings and activities through granting of observer status: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that—

(1) meaningful participation by the Government of Taiwan as an observer in the meetings and activities of the International Civil Aviation Organization (ICAO) will contribute both to the fulfillment of the ICAO's overarching mission and to the success of a global strategy to address aviation security threats based on effective international cooperation;

(2) the United States Government should take a leading role in garnering international support for the granting of observer status to Taiwan in the ICAO for the purpose of such participation; and

(3) the Department of State should provide briefings to or consult with Congress on any efforts conducted by the United States Government in support of Taiwan's attainment of observer status in the ICAO.

## SMALL BUSINESS CONTRACTING FRAUD PREVENTION ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business be discharged from further consideration of S. 633 and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 633) to prevent fraud in small business contracting, and for other purposes.

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

Mrs. MURRAY. Mr. President, I rise today to address the Department of Veterans Affairs' role in S. 633, the Small Business Contracting Fraud Prevention Act of 2011.

As introduced, S. 633 contains a provision that would require the Department of Veterans Affairs, through its Center for Veterans Enterprise, to verify the status of any small business seeking to be registered as a veteran-owned or service-disabled veteran-owned small business. S. 633 would also require the head of each Federal agency to confirm the status of any service-disabled veteran-owned small business before permitting that business to compete for Federal sole-source or set-aside contracts.

I agree that governmentwide verification of veteran-owned and service-disabled veteran-owned small business status is an important step towards fraud prevention. But we must ensure that enactment of S. 633 does not add to the backlog of veterans currently awaiting verification of their small businesses, and that veterans' businesses are not unfairly delayed in their ability to compete for contracts.

I am pleased that Senators LANDRIEU and SNOWE have agreed to my amendment to S. 633. Under my amendment, the verification provisions in S. 633 would not take effect until the Department of Veterans Affairs first certifies it possesses the necessary resources and capacity to undertake the new requirements imposed by S. 633. This means that the Department gets to set the timeline for implementing the provisions so that implementation is done right.

Mr. REID. Mr. President, I ask unanimous consent that the Murray amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 652) was agreed to, as follows:

(Purpose: To delay the effective date of the veterans contracting provisions)

On page 10, beginning on line 8, strike ''Not later than 1 year after the date of enactment of this Act, the'' and insert ''The''.

On page 10, between lines 15 and 16, insert the following:

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (b) and the requirements under subsection (c) shall take effect on the date on which the Secretary of Veterans Affairs (referred to in this subsection as the ''Secretary'') publishes in the Federal Register a determination that the Department of Veterans Affairs has the necessary resources and capacity to carry out the additional responsibility of determining whether small business concerns registered with the VetBiz database of the Department of Veterans Affairs are owned and controlled by a veteran or a service-disabled veteran, as the case may be, in accordance with subsection (g) of section 4 of the Small Business Act (15 U.S.C. 633), as added by subsection (b).

(2) TIMELINE.—If the Secretary determines that the Secretary is not able to publish the determination under paragraph (1) before the date that is 1 year after the date of enactment of this Act, the Secretary shall, not later than 1 year after the date of enactment of this Act, submit a report containing an estimate of the date on which the Secretary will publish the determination under paragraph (1) to the Committee on Small Business and Entrepreneurship and the Committee on Veterans' Affairs of the Senate and the Committee on Small Business and the Committee on Veterans' Affairs of the House of Representatives.

The bill (S. 633), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 633

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Small Business Contracting Fraud Prevention Act of 2011''.

**SEC. 2. DEFINITIONS.**

In this Act—

(1) the term ''8(a) program'' means the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(2) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(3) the terms ''HUBZone'' and ''HUBZone small business concern'' and ''HUBZone map'' have the meanings given those terms in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act; and

(4) the term ''recertification'' means a determination by the Administrator that a

business concern that was previously determined to be a qualified HUBZone small business concern is a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)).

**SEC. 3. FRAUD DETERRENCE AT THE SMALL BUSINESS ADMINISTRATION.**

Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''Whoever'' and all that follows through ''oneself or another'' and inserting the following: ''A person shall be subject to the penalties and remedies described in paragraph (2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain for any person'';

(ii) by amending subparagraph (A) to read as follows:

''(A) prime contract, subcontract, grant, or cooperative agreement to be awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36;'';

(iii) by striking subparagraph (B);

(iv) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(v) in subparagraph (C), as so redesignated, by striking '', shall be'' and all that follows and inserting a period;

(B) in paragraph (2)—

(i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(ii) by inserting after subparagraph (B) the following:

''(C) be subject to the civil remedies under subchapter III of chapter 37 of title 31, United States Code (commonly known as the 'False Claims Act');''; and

(C) by adding at the end the following:

''(3)(A) In the case of a violation of paragraph (1)(A), (g), or (h), for purposes of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the amount that the Federal Government paid to the person that received a contract, grant, or cooperative agreement described in paragraph (1)(A), (g), or (h), respectively.

''(B) In the case of a violation of subparagraph (B) or (C) of paragraph (1), for the purpose of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the portion of any payment by the Federal Government under a prime contract that was used for a subcontract described in subparagraph (B) or (C) of paragraph (1), respectively.

''(C) In a proceeding described in subparagraph (A) or (B), no credit shall be applied against any loss or damages to the Federal Government for the fair market value of the property or services provided to the Federal Government.'';

(2) by striking subsection (e) and inserting the following:

''(e) Any representation of the status of any concern or person as a small business concern, a HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain any prime contract, subcontract, grant, or cooperative agreement described in subsection (d)(1) shall be made in writing or through the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto.'';

and

(3) by adding at the end the following:

''(g) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans—

''(1) in order to allow any person to participate in any program of the Administration; or

''(2) in relation to a protest of a contract award or proposed contract award made under regulations issued by the Administration.

''(h)(1) A person that submits a request for payment on a contract or subcontract that is awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36, shall be deemed to have submitted a certification that the person complied with regulations issued by the Administration governing the percentage of work that the person is required to perform on the contract or subcontract, unless the person states, in writing, that the person did not comply with the regulations.

''(2) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person—

''(A) uses the services of a business other than the business awarded the contract or subcontract to perform a greater percentage of work under a contract than is permitted by regulations issued by the Administration; or

''(B) willfully participates in a scheme to circumvent regulations issued by the Administration governing the percentage of work that a contractor is required to perform on a contract.''.

**SEC. 4. VETERANS INTEGRITY IN CONTRACTING.**

(a) DEFINITION.—Section 3(q)(1) of the Small Business Act (15 U.S.C. 632(q)(1)) is amended by striking ''means a veteran'' and all that follows and inserting the following: ''means—

''(A) a veteran with a service-connected disability rated by the Secretary of Veterans Affairs as zero percent or more disabling; or

''(B) a former member of the Armed Forces who is retired, separated, or placed on the temporary disability retired list for physical disability under chapter 61 of title 10, United States Code.''.

(b) VETERANS CONTRACTING.—Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

''(g) VETERAN STATUS.—

''(1) IN GENERAL.—A business concern seeking status as a small business concern owned and controlled by service-disabled veterans shall—

''(A) submit an annual certification indicating that the business concern is a small business concern owned and controlled by service-disabled veterans by means of the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto; and

''(B) register with—

''(i) the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation, or any successor thereto; and

''(ii) the VetBiz database of the Department of Veterans Affairs, or any successor thereto.

''(2) VERIFICATION OF STATUS.—

''(A) VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall determine whether a business concern registered with the VetBiz database of the Department of Veterans Affairs, or any successor thereto, as a small business concern owned and controlled by veterans or a small business concern owned and controlled by service-disabled veterans is owned and controlled by a veteran or a service-disabled veteran, as the case may be.

''(B) FEDERAL AGENCIES GENERALLY.—The head of each Federal agency shall—

''(i) for a sole source contract awarded to a small business concern owned and controlled by service-disabled veterans or a contract awarded with competition restricted to small business concerns owned and controlled by service-disabled veterans under section 36, determine whether a business concern submitting a proposal for the contract is a small business concern owned and controlled by service-disabled veterans; and

''(ii) use the VetBiz database of the Department of Veterans Affairs, or any successor thereto, in determining whether a business concern is a small business concern owned and controlled by service-disabled veterans.

''(3) DEBARMENT AND SUSPENSION.—If the Administrator determines that a business concern knowingly and willfully misrepresented that the business concern is a small business concern owned and controlled by service-disabled veterans, the Administrator may debar or suspend the business concern from contracting with the United States.''.

(c) INTEGRATION OF DATABASES.—The Administrator for Federal Procurement Policy and the Secretary of Veterans Affairs shall ensure that data is shared on an ongoing basis between the VetBiz database of the Department of Veterans Affairs and the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (b) and the requirements under subsection (c) shall take effect on the date on which the Secretary of Veterans Affairs (referred to in this subsection as the ''Secretary'') publishes in the Federal Register a determination that the Department of Veterans Affairs has the necessary resources and capacity to carry out the additional responsibility of determining whether small business concerns registered with the VetBiz database of the Department of Veterans Affairs are owned and controlled by a veteran or a service-disabled veteran, as the case may be, in accordance with subsection (g) of section 4 of the Small Business Act (15 U.S.C. 633), as added by subsection (b).

(2) TIMELINE.—If the Secretary determines that the Secretary is not able to publish the determination under paragraph (1) before the date that is 1 year after the date of enactment of this Act, the Secretary shall, not later than 1 year after the date of enactment of this Act, submit a report containing an estimate of the date on which the Secretary will publish the determination under paragraph (1) to the Committee on Small Business and Entrepreneurship and the Committee on Veterans' Affairs of the Senate and the Committee on Small Business and the Committee on Veterans' Affairs of the House of Representatives.

**SEC. 5. SECTION 8(a) PROGRAM IMPROVEMENTS.**

(a) REVIEW OF EFFECTIVENESS.—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end the following:

''(22) Not later than 3 years after the date of enactment of this paragraph, and every 3 years thereafter, the Comptroller General of the United States shall—

''(A) conduct an evaluation of the effectiveness of the program under this subsection, including an examination of—

''(i) the number and size of contracts applied for, as compared to the number received by, small business concerns after successfully completing the program;

''(ii) the percentage of small business concerns that continue to operate during the 3-year period beginning on the date on which the small business concerns successfully complete the program;

''(iii) whether the business of small business concerns increases during the 3-year period beginning on the date on which the small business concerns successfully complete the program; and

''(iv) the number of training sessions offered under the program; and

''(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding each evaluation under subparagraph (A).''.

(b) OTHER IMPROVEMENTS.—In order to improve the 8(a) program, the Administrator shall—

(1) not later than 90 days after the date of enactment of this Act, begin to—

(A) evaluate the feasibility of—

(i) using additional third-party data sources;

(ii) making unannounced visits of sites that are selected randomly or using risk-based criteria;

(iii) using fraud detection tools, including data-mining techniques; and

(iv) conducting financial and analytical training for the business opportunity specialists of the Administration;

(B) evaluate the feasibility and advisability of amending regulations applicable the 8(a) program to require that calculations of the adjusted net worth or total assets of an individual include assets held by the spouse of the individual; and

(C) develop a more consistent enforcement strategy that includes the suspension or debarment of contractors that knowingly make misrepresentations in order to qualify for the 8(a) program; and

(2) not later than 1 year after the date on which the Comptroller General submits the report under section 8(a)(22)(B) of the Small Business Act, as added by subsection (c), issue, in final form, proposed regulations of the Administration that—

(A) determine the economic disadvantage of a participant in the 8(a) program based on the income and asset levels of the participant at the time of application and annual recertification for the 8(a) program; and

(B) limit the ability of a small business concern to participate in the 8(a) program if an immediate family member of an owner of the small business concern is, or has been, a participant in the 8(a) program, in the same industry.

**SEC. 6. HUBZONE IMPROVEMENTS.**

(a) PURPOSE.—The purpose of this section is to reform and improve the HUBZone program of the Administration.

(b) IN GENERAL.—The Administrator shall—

(1) ensure the HUBZone map is—

(A) accurate and up-to-date; and

(B) revised as new data is made available to maintain the accuracy and currency of the HUBZone map;

(2) implement policies for ensuring that only HUBZone small business concerns determined to be qualified under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) are participating in the HUBZone program, including through the appropriate use of technology to control costs and maximize, among other benefits, uniformity, completeness, simplicity, and efficiency;

(3) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding any application to be designated as a HUBZone small business concern or for recertification for which the Administrator has not made a determination as of the date that is 60 days after the date on which the application was submitted or initiated, which shall include a plan and timetable for ensuring the timely processing of the applications; and

(4) develop measures and implement plans to assess the effectiveness of the HUBZone program that—

(A) require the identification of a baseline point in time to allow the assessment of economic development under the HUBZone program, including creating additional jobs; and

(B) take into account—

(i) the economic characteristics of the HUBZone; and

(ii) contracts being counted under multiple socioeconomic subcategories.

(c) EMPLOYMENT PERCENTAGE.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (5), by adding at the end the following:

''(E) EMPLOYMENT PERCENTAGE DURING INTERIM PERIOD.—

''(i) DEFINITION.—In this subparagraph, the term 'interim period' means the period beginning on the date on which the Administrator determines that a HUBZone small business concern is qualified under subparagraph (A) and ending on the day before the date on which a contract under the HUBZone program for which the HUBZone small business concern submits a bid is awarded.

''(ii) INTERIM PERIOD.—During the interim period, the Administrator may not determine that the HUBZone small business is not qualified under subparagraph (A) based on a failure to meet the applicable employment percentage under subparagraph (A)(i)(I), unless the HUBZone small business concern—

''(I) has not attempted to maintain the applicable employment percentage under subparagraph (A)(i)(I); or

''(II) does not meet the applicable employment percentage—

''(aa) on the date on which the HUBZone small business concern submits a bid for a contract under the HUBZone program; or

''(bb) on the date on which the HUBZone small business concern is awarded a contract under the HUBZone program.''; and

(2) by adding at the end the following:

''(8) HUBZONE PROGRAM.—The term 'HUBZone program' means the program established under section 31.

''(9) HUBZONE MAP.—The term 'HUBZone map' means the map used by the Administration to identify HUBZones.''.

(d) REDESIGNATED AREAS.—Section 3(p)(4)(C)(i) of the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

''(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or''.

**SEC. 7. ANNUAL REPORT ON SUSPENSION, DEBARMENT, AND PROSECUTION.**

The Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

(1) the number of debarments from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of debarments that were based on a conviction; and

(B) the number of debarments that were fact-based and did not involve a conviction;

(2) the number of suspensions from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of suspensions issued that were based upon indictments; and

(B) the number of suspensions issued that were fact-based and did not involve an indictment;

(3) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report that were based upon referrals from offices of the Administration, other than the Office of Inspector General;

(4) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report based upon referrals from the Office of Inspector General; and

(5) the number of persons that the Administrator declined to debar or suspend after a referral described in paragraph (8), and the reason for each such decision.

## ORDERS FOR THURSDAY, SEPTEMBER 22, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Thursday, September 22; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

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

## PROGRAM

Mr. REID. Following morning business, the Senate will resume consideration of H.R. 2832. At a time to be determined tomorrow, there will be up to five votes on amendments to trade adjustment assistance and passage of the bill. In addition, we await action in the House on the continuing resolution.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:13 p.m., adjourned until Thursday, September 22, 2011, at 9:30 a.m.