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Senate

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

Eternal God, source of all goodness, teach us how to master ourselves that we may serve others. May this self mastery inspire our lawmakers to serve others by joining You in bringing deliverance to those in captivity because of life's painful circumstances. Support our Senators with Your strength, as You guide them with Your wisdom. May Your peace that surpasses all human understanding be with us all our days. Lord, unite our lawmakers in the common cause of justice, righteousness, and truth.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 11, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in morning business until 5:30 this evening. At 5:30 p.m., there will be three rollcall votes. The first vote will be on confirmation of the Triche-Milazzo nomination. That is a vote for a judge. We appreciate the cooperation we have gotten on that. The second vote will be on passage of S. 1619, the China currency legislation. The third vote will be on the cloture motion on the motion to proceed to S. 1660, the American Jobs Act.

Mr. CORKER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. I wonder if the——

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

Mr. REID. I have the floor. Does the Senator have a question?

Mr. CORKER. I would like to ask a question, if I could.

Mr. REID. I would be happy to yield to my friend for a question.

Mr. CORKER. Mr. President, it is my understanding that—first of all, I think most people in this body know it has been 995 days, and the free-trade agreements are just now coming to the floor. I had a very good conversation today with the majority leader, and I thank him so much for his courtesy. But it is my understanding, for all those who want to see the free-trade agreements ratified prior to the time the South Korea President comes on Thursday to make his joint address—for all those who want to see that passed and in hand in advance of that—if we were to get on the jobs bill, as I understand it, we would have to stay on the jobs bill for 30 hours. So by getting on the jobs bill, it would actually preclude us from being able to successfully pass those free-trade agreements in the time that all of us would like.

I would like for that to be verified by the leader, if that is possible.

Mr. REID. Mr. President, around here we can do anything by unanimous consent. The work the Republican leader and I went through—perhaps a little easier on his side than mine—to get the trade bills in the position they are in was fairly difficult, and it would take unanimous consent to get off a particular piece of legislation we are on to move forward on the trade bills. That is my understanding. As I have indicated, we are looking forward to the votes this evening, and I will be happy to be as cooperative as I can with everyone involved. But in direct response to my friend's question, I think it is pretty clear it would take unanimous consent to do that.

Mr. CORKER. Mr. President, my understanding is that unanimous consent would be very unlikely considering the fact there are a number of folks who actually do not want to see these trade agreements pass. The evidence is, if we were to get on the jobs bill—and I thank the leader for talking with me about this—it is very unlikely the free-trade agreements will pass in the time all of us would like to see prior to the President of South Korea being here.

I yield the floor and thank the majority leader for letting me have this dialog and for having the dialog we had on Thursday evening.

Mr. REID. Mr. President, I say through the Chair to my friend, I was happy to have that dialog. As we have

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

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indicated, if at some time we get on a jobs bill, we will have—as I have indicated, I appreciate the comments of a number of people in the press today. Specifically, I direct myself to Mr. JOHN CORNYN, the junior Senator from Texas. He and I have not always seen the same picture on legislative matters, but I thought his statements in the press were very constructive. He, in effect, said he would hope we could get on legislation and work on it the way we used to and that would be to have some agreement on how we move forward with amendments. The Republican leader and I are trying to do that.

UPCOMING VOTES

Mr. REID. Mr. President, this evening, the Senate will vote on legislation to end the unfair practice of currency manipulation by the Chinese Government. It is pretty clear by now that China undervalues its currency to give its own exports an unwarranted advantage in the global marketplace. This costs American jobs—lots of them. It costs lots of jobs by unjustly tilting the playing field against American manufacturers.

America's trade deficit with China has ballooned from $10 billion in 1990 to $273 billion today. It has cost 3 million American jobs already. Two million of those lost jobs came from the manufacturing sector.

American businesses do not need special advantages to compete. They just need an even playing field.

Tonight we have the opportunity to stop China from continuing to cheat American workers, pump $300 billion into our economy, and support 1.6 million Americans jobs.

This legislation has twice advanced in this Chamber with bipartisan supermajorities. Thirty-one Republicans voted to move this legislation to the Senate floor early last week. I urge each of them to stand firm in their support for this job-creating legislation—to stand with American workers rather than siding with China. I remind my Republican colleagues that those who revoke support of this important measure for the sake of partisan politics must answer, first of all, as we all do, to our constituents.

Today, the Senate will vote to proceed to the American Jobs Act, President Obama's plan to put Americans to work without adding a penny to the deficit. This legislation will also ask the richest Americans to contribute their fair share to get our economy back on track.

The President's plan will put construction crews back to work building the things that make our country stronger—roads, bridges, dams, sewers, water systems, and up-to-date schools where our children can get the best education possible.

There are schools in our country that are not wired for the Internet. The average school in America is a little more than 50 years old. Technology has changed a lot since those schools were constructed, but, sadly, our schools have not. This work is essential, and Americans are desperate for jobs it will create.

The American Jobs Act would also extend unemployment insurance for Americans who are still struggling to find work. Economists agree this boosts the economy because the long-term unemployed spend the money immediately on groceries, gas, and rent.

This legislation would cut taxes for middle-class families and businesses—something Republicans have long supported. The President's plan contains many ideas that Republicans have supported consistently over the years, especially when their party controlled Congress or the White House or both. Republicans oppose those ideas now, I guess, because they have a proven track record of creating jobs—all these programs—but I guess Republicans think if the economy improves, it might help President Obama. So they root for the economy to fail and oppose every effort to improve it, and they resist anything the President proposes, no matter its common sense, including this jobs plan to create 2 million jobs, containing many of the issues the Republicans have supported many times.

Americans have demanded Congress pass legislation to create jobs—and pass it now. Americans support our plan to fund job creation by asking people who make more than $1 million a year to contribute their fair share by a margin of 3 to 1. That is 75 percent. Mainstream Americans agree we cannot ask seniors and the middle class to go on shouldering the heaviest burden.

Today we will see whether Republicans have gotten the message or if they still put the wants of millionaires and billionaires ahead of the needs of seniors and middle-class families. The American people demand that the Republicans finally admit that putting America back to work will require shared sacrifice—especially from those who can best afford to be part of the solution.

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. MCCONNELL. Mr. 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.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

JOBS VOTE

Mr. MCCONNELL. Mr. President, a little later today, the Senate will vote on President Obama's second attempt to address our Nation's ongoing jobs crisis with a stimulus bill, and Republicans actually welcome the opportunity. If voting against another stimulus is the only way we can get Democrats in Washington to finally abandon this failed approach to job creation, then so be it.

The President has been calling for this vote for weeks, and, in my view, we cannot have it soon enough. In fact, on the previous bill, I kept trying to get a vote on the President's first version of the stimulus bill. We will be voting on the second sort of modified version of the stimulus bill this afternoon. This is a vote Republicans are anxious to have.

For nearly 5 years, Democrats have controlled the Senate. For the last 3 of those years, they have also controlled the White House. By proposing a second stimulus, Democrats are showing the American people they have no new ideas for dealing with our jobs crisis.

Today's vote is conclusive proof that Democrats' sole proposal is to keep doing what has not worked—along with a massive tax hike we know will not create jobs. So it is hard to overstate the importance of this vote.

The President's first stimulus was a legislative and economic catastrophe. Nearly 3 years after passage, we are still learning about its failures and its abuses. We knew it was a bailout for States. We knew all about the absurd projects it funded. Over the past few weeks, we have also learned that the Obama administration was doing the very thing with solar companies that it once rightly criticized many others for doing on Wall Street: gambling with other people's money; the Federal Government playing venture capitalist with our tax money.

But there is only one thing we need to know about the first stimulus to oppose the second one and it is this: $825 billion later, there are 1.7 million fewer jobs in this country than there were when the first stimulus was signed. That is the clearest proof it was a monstrous failure, and it is the surest proof we have that those who support the second stimulus are not doing so to create jobs.

As I see it, that is what today's vote boils down to. Everyone who votes for this second stimulus will have to answer a simple but important question: Why on Earth would we support an approach that we already know will not work?

Of course, the truth is most Democrats know just as well as I do that passing another stimulus and tax hike is a lousy idea, which is why the Democrats are having such a hard time convincing their colleagues to vote for it.

Here is what they have decided to do instead. Democrats have designed this bill to fail—they have designed their own bill to fail—in the hopes that anyone who votes against it will look bad for opposing a bill they mistakenly refer to as a ''jobs bill.''

That is not just my interpretation. The senior Senator from New York has

been out there telling reporters that what the Democrats are going for today is ''contrast.'' The senior Senator from New York said this is all about contrast—not about jobs, about contrast.

It does not seem to matter that this bill will not pass or that even if it did pass, American businesses would be stuck with a permanent tax hike. Forget about all of that. What matters most to the Democrats who control the Senate, according to the stories I have been reading, is that they have an issue to run on for next year. This whole exercise, by their own admission, is a charade that is meant to give Democrats a political edge in an election that is 13 months away.

Well, with all due respect to the senior Senator from New York, the American people don't want contrast, they want jobs. They want the Democrats who control the Senate to stop thinking about how they can improve their own political prospects 13 months from now and start thinking about how they can help other people's job prospects right now. They want Democrats to focus on job creation, not political preservation. So I have a better idea. How about we get this vote that Democrats already know will not pass behind us so we can focus on real job-creating legislation that we actually know is worthy of passing with bipartisan support. Republicans have been calling on Democrats to work with us on bipartisan job-creating bills for 3 years, and every once in a while we convince them.

Tomorrow, we will approve three free-trade agreements I have been calling on the President to approve since his first day in office. These agreements will not add a dime to the deficit, and they are expected by Democrats and Republicans to create tens of thousands of jobs. They will have strong bipartisan support, and they do not contain a single job-destroying tax hike.

Both parties also came together earlier this year to pass a patent reform bill President Obama and Democrats in Congress touted as a job creator, and Democrats and Republicans came together this summer to pass a highway bill extension, FAA extension, that will lead to just the kind of job creation that has bipartisan support. You don't hear much about any of this from the President. It gets in the way of his campaign strategy. But that does not mean Republicans cannot continue to urge the President to work with us, and that is just what we plan to do.

Over the next weeks and months, Republicans will continue to press our friends on the other side to work with us on legislation that will actually do something to create jobs in this country. Our first criteria for any proposal is that it would actually lead to more jobs, not fewer. I know that may seem crazy to some, but in our view it is not a jobs bill if it leads to fewer jobs. Our second criteria is that it does not add to the deficit. There is no reason we need to exacerbate one crisis in an effort to tackle another one.

Democrats like to point out that the second stimulus we will have a vote on today is ''paid for with tax hikes'' and that it contains a ''tax cut.'' What they do not tell you, of course, is the tax cut lasts for 13 months, while the tax hikes last forever. They hide the fact that over the next 5 years it will actually increase the deficit, by nearly $300 billion next year alone: Permanent tax increases, temporary tax cuts, increase the deficit by $300 billion next year alone.

Another thing the Democratic supporters of this bill fail to mention is that about four out of five of the people who would be hit with their new taxes are, in fact, businesses, including thousands of small businesses across the country—in other words, the very people Americans rely on to create new jobs. So the legislation we will be voting on today is many things, but it is not a jobs bill. Republicans will gladly vote against any legislation that makes it harder to create jobs right now.

The President's advisers have said they are counting on a do-nothing Congress. That is why we will be voting for legislation today that is designed to fail. If you ask me, this is a pretty sad commentary on the state of the Democratic Party in Washington.

I think the American people deserve better. I think the 16.5 percent of Americans who are looking for work or who stopped looking for work deserve better. I think the 4.5 million Americans who have been out of work for more than a year deserve better. I think the nearly 15 percent of young Americans who cannot find work right now deserve better. Americans deserve more than a clumsy political stunt. They deserve better than the same well-rehearsed talking points we have been hearing from Democrats over the past few weeks. Above all, they deserve a different approach to this crisis than the one they have gotten from Democrats over the past few years. For nearly 3 years, Democrats in Congress have done virtually everything the President asked of them—everything he asked of them. And I would remind everyone that they owned the government the first 2 years of the Obama administration. They got everything they wanted. They passed his health care bill. They passed his financial regulations bill. They passed his stimulus. They waved through all the regulations, the bailouts, and the massive spending bills. And what did we get? A bad economy became worse; record deficits and debt; a first ever credit downgrade; and 1.7 million fewer jobs. Democrats may have run out of ideas, but Republicans are ready to work with them on a new approach. It is why we are here. And we are ready to act.

I yield the floor.

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 until 5:30, with Senators permitted to speak therein for up to 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

JOBS AGENDA

Mr. CORKER. Mr. President, I rise to talk a little bit about the conversation we just had on the floor.

There is no question that in the State of Tennessee and all across our country, I think the biggest item on anybody's mind is our economy and people having jobs in each of our States.

I still believe the very best thing we can do to create a sound economy is for this deficit committee to do what it needs to do in November and December and for us to show the American people we have the ability to deal with the big structural issues our country faces. I believe that with all my heart.

I don't think there is a business in our country today that is looking for some sugary stimulus bill that will be here and gone, leaving us with lots of debt and increased taxes down the road. I believe that.

I guess I am disappointed that again we are in a situation, just as we were last Thursday night, where we are really not here to solve problems—neither side, candidly—we are here to have some political stunt take place.

I do want to say to my friends on both sides of the aisle that there are numbers of people here who have worked hard to get the free-trade agreements in the place they need to be, and I think we are all expecting them to pass tomorrow. I think all of us who support these three free-trade agreements that have been languishing for 995 days—by the way, that includes lots of Senators on both sides of the aisle. I think what we just heard the leader say—that if we were to get on this jobs bill, as he is advocating we get on today, the likelihood of us actually taking up these free-trade agreements and passing them tomorrow is almost nil. I mean it is not going to happen. We know there are people who oppose the free-trade agreements, and I doubt very seriously that we are going to see a unanimous consent to move off a jobs bill that everyone knows is really for show on to something that is serious, such as the free-trade agreements that some people oppose.

So I have had lots of conversations with Senators on both sides of the aisle over the course of the last 72 hours regarding the need for us to have a real

debate on jobs. I hope that at some point we will actually have a real debate on a real jobs bill that people really want to pass. I would say that to make that happen, that would actually mean the Republican leader and the Democratic leader would actually have to sit down and craft a piece of legislation on which there is common ground. Of course, that is not what is happening, and we know that. And for all of us who have things we have done in life that are productive, and we have chosen to come serve our country in this way—we have the ability to be productive in other ways—for all of us to come up here and to watch this continual charade taking place in this body is disappointing. It burns up a lot of time, and we accomplish nothing for the American people.

So, candidly, I want to have a debate on jobs. I know that, again, moving to the jobs bill tonight would negate the opportunity for the only thing we could do recently to actually create jobs, which is passing these three free-trade agreements, and what they will do is enhance American manufacturers' ability to make and sell things overseas, enhance farmers across our country and their ability to sell their goods overseas. It is a one-way positive street for us because these countries already have low trade tariff barriers in our own country. So it lowers those barriers for us into their country.

I am going to vote against proceeding to the jobs bill. I am disappointed that we cannot do things—we know we have a Republican House, and we know that to pass something that is good for this country, it requires a negotiation between all of the players. So each time we bring up these bills that are totally crafted in partisan ways, we know all we are doing is wasting time.

I do have one glimmer of hope; that is, this deficit reduction committee. The fact is that this committee was put together with six Republicans and six Democrats, so this committee has the ability to do some things that no one can blame the other side for. I mean we are talking about something that is totally split.

I will say one other thing. This committee was put together and solely conceived by leadership in the Senate and the House. So we had four people, the leaders of the House and Senate, who conceived of this supercommittee, and they are the ones who appointed the members to this supercommittee. They decided who the members of this committee were going to be. They set it up purposefully so that it was equally balanced—six and six. Candidly, the success of this committee is totally in the hands of our leadership. So it appears to me that for the first time in a long time, we actually have within leadership's hands totally the ability to pass something that is great for our country, and anything short of getting to the $1.5 trillion that is laid out in this legislation is totally a failure.

What I am sure of is that since this was totally set up in a bipartisan way by leadership on the Republican and Democratic side in both the House and Senate and they choose the members, there is no question in my mind that this is going to be successful or, candidly, be viewed by many as a failure—failure of leadership, candidly. So I am certain we are going to get to $1.5 trillion, and I am hopeful, as are a number of Republicans and Democrats within the Senate—I think we have a list of over 40—that we are actually going to get to a $3 trillion reduction in the deficit, that we are going to go big or, as some have said, we end up with something that is qualitatively equal to that. Many of us know that trying to get $3 trillion in savings over a 10-year period might be difficult. I still hope it happens. I still think it can happen. I think there are numbers of people in this body who have worked to make that happen.

But some people have said: Well, maybe we can get some major reforms to Medicare and other kinds of programs in the second 10, and maybe qualitatively that is equally as good. I am certainly willing to look as one Senator at all of those things. It is a waste of time to be bringing up totally partisan bills in this body, knowing that to become law they have to pass the House of Representatives, which means anybody who brings up something in this body today that is totally partisan knows that in advance. That is discouraging to me, discouraging to waste time talking about something we know is never going to become law for campaigns for House Members, Senate Members, and the President to run on.

But at least I am hopeful that in November and December we are going to have something big happen because, again, this is totally in the hands of bipartisan leadership, who totally appointed the Members, who totally are working with this group.

Again, Mr. President, to me, that is the best stimulus we can possibly create for this country. It is for small businesses and big businesses, for Republicans and Democrats all across this country to see that this body actually has the ability to do something to create some stability in this country and actually tackle the No. 1 issue that can continue to dissipate our country's standard of living, which is our inability to deal with debt.

To me, that is the greatest job stimulus we can deal with. There are all kinds of regulatory issues and American energy issues and others that, to me, we can take up in a true jobs bill. It is my hope we will do that soon. All I had to hear today, in addition to knowing this is a partisan effort which, again, I hate to see ever taking place on this floor—the fact is, for any Senator who wants to see the three free-trade agreements that have been languishing, any Senator on the Democratic side, any Senator on the Republican side who wants to see the three free-trade agreements passed into law tomorrow as has been planned, anybody who wants to see that happen must vote no on the jobs bill being debated because, as the majority leader stated today, if we begin to debate the jobs bill, that means we cannot, without unanimous consent—which we know will not happen in this body—pivot and go to the trade agreements.

In addition to the fact that I know this is not a serious effort—although I would love to debate jobs—and the fact that I know if we get on this bill we cannot pass these free-trade agreements in time, I certainly plan to vote no on proceeding to them and hope at a date when we want to take up a true jobs bill, we will have a vigorous debate in this body and actually have the ability to pass something that will create jobs.

I yield the floor and 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. LIEBERMAN. Mr. 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.

UPCOMING VOTES

Mr. LIEBERMAN. Mr. President, I come to the floor to speak about two of the votes we will be casting at approximately 5:30 this afternoon, and to explain how I am going to vote and why. On the first, the legislation regarding China's currency policy, I am going to vote no, and I want to explain why.

Managing our economic, military, and diplomatic relations with China is going to be one of the great challenges of this century. China is obviously a rising power today, though not one without problems, as I will get to in a moment. We have come to a point—China and the United States—where we not only interact and sometimes bump up against each other militarily, diplomatically, and economically, we also, in many ways, have become dependent on one another. What each of us does has an effect on the other, and often a significant effect. That is why I say one of the great challenges of this century will be to manage our relations with China in a way that is certainly beneficial and protective to the United States but, hopefully, to China, from its perspective, as well.

I say this as background to what I want to say about China's currency policy. I am troubled by China's currency policy. China has obviously kept its currency too low. It is undervalued, and that has resulted in products being made in China selling elsewhere at a price that is lower than other manufacturers can compete with, including American manufacturers that are directly in conflict with China. So we are right to be upset about that policy. Our government has been expressing its frustration, its anger, to the Chinese

Government. We have been negotiating, cajoling. I must say, in acknowledgment of reality, that the Chinese have slowly allowed their currency to rise approximately 30 percent in value over the last 6 years, but it should be allowed to rise more.

On the other hand, I do want to say, in fairness, that China's currency policy does have effects that are not all bad for everybody in the United States. The fact its currency is undervalued means some of the products it brings into our country sell at a lower cost, and that is obviously particularly important to middle-income and lower income families who are out buying products that otherwise would cost more. So I understand this legislation to be an expression of anger at the Chinese Government and an attempt to pressure the Chinese Government to more rapidly allow its currency to rise.

I would say, as I understand it, the legislation before us is intended as a warning shot across China's bow, as it were. But China may, from its perspective, see this as an attempt to make a direct attack, a direct hit on its bow, and it may be tempted to retaliate economically. And of course the worst result would be that we would end up in a mutually damaging trade war.

In some sense, it is no surprise we are considering legislation such as this now—though I think at any time we would be concerned about China's currency policy—because throughout history, during times of economic recession, such as the one we are in now—a recession that we are fighting to come out of and another recession we worry we are about to go into—nations have repeatedly become protectionist in their economic and trade policies. But history also shows most of the time that protectionist policy makes the economic problems worse, not better.

Today—and here I get back to what I said about China being a rising power but not one without problems—China's economy, in its way, is also fragile. It is dealing with a bubble in real estate values that is growing. As the papers today indicate, its banks are losing their credibility, inflation is rising, and unemployment is rising. So it would be foolish for China to get into a trade war with us in response to legislation such as this. China, in fact, may be more vulnerable in a trade war than we are. But China's vulnerability economically today carries great risk for the United States and the world. If a trade war sends China's economy into a recession or worse, the resultant economic instability would seriously hamper prospects for the global economic recovery that everybody hopes for, and of course it would greatly dampen our hopes for an American economic recovery and creation of more jobs here at home.

Bottom line: I think the risks this proposal will aggravate the current global and American economic problems which concern us most are greater than the rewards of again trying to force China to allow its currency to rise more rapidly, and that is why I will vote against the China currency legislation when it comes before us later this afternoon.

I also want to speak about the American Jobs Act, which will come before us for a cloture vote. We are, obviously, hearing of Americans—related to what I have just talked about—going through what I think is the most difficult economic period in our history since the Great Depression of the 1930s. Unemployment hovers at around 9 percent, which translates into millions and millions of people out of work, and millions more who are worried they are going to be next to lose their jobs. Confidence in our future among the American people, among critical decision-makers and businesses, is at a real low. Confidence in our national government is low and falling. Anger at our rising national debt is high and rising. The American people are demanding we do something, particularly to protect the jobs they have and create new jobs if they have already lost them.

It is in that context the President proposed the American Jobs Act—a series of interesting ideas aimed at creating jobs that will cost almost $½ trillion. So what am I going to do on this one? On this one, I am going to vote against the filibuster of the American Jobs Act, because I believe our country and our constituents need and deserve a debate here in the Senate on what each of us, all of us, think we should do to get our economy moving again. It should be an open debate, without an effective limit on amendments, with many ideas being offered as to what we should do, and hopefully that will lead us to some consensus. So I am going to vote against filibuster in the hope we will bring about such a debate.

But I must say, if cloture is granted and the filibuster is ended, I will seek to amend the American Jobs Act down to a very few of its constituent parts that I think are worth their cost. If a vote were called on the American Jobs Act as it is now—in other words, if the tree were filled and that is what happened—I would vote against the American Jobs Act, and I want to explain why.

The bottom line here is I don't believe the potential in this act for creating jobs justifies adding another $½ trillion to our almost $15 trillion national debt. In fact, I think the most important thing we can do to improve our economy, reduce unemployment, and create jobs is to bring our national debt under control. The best way to do that is to adopt a tough, comprehensive, balanced debt reduction plan, such as the one recommended by the bipartisan Simpson-Bowles commission.

The Budget Control Act, which we adopted over the summer to deal with the debt ceiling, created a so-called supercommittee, the Joint Special Committee, and that committee of 12 now gives us another chance to deal with our debt in a constructive and bipartisan way.

We all know it is not going to be easy, but the American Jobs Act would make the task of the Joint Special Committee even more difficult because it spends almost $½ trillion we don't have, $½ trillion the act now proposes to raise with a surtax on people making more than $1 million a year.

I don't have any objection to a tax increase of that kind. But if we use it for the American Jobs Act, it is not going to be there to be used by the Joint Special Committee as part of an overall bipartisan debt reduction plan. We desperately need to have some sources of revenue, along with spending cuts, to adopt the kinds of reductions in our debt that the country's future urgently needs.

Let me come back to what I said a moment ago and try to explain briefly why I believe these two great problems we have, our limping economy, our persistent level of high unemployment and our national debt, come together and, more explicitly, why I believe that reducing our debt is actually the best thing we can do to create jobs.

The jobs we need are going to come from the private sector. Government in our system economically never has created the jobs itself. It shouldn't. It can't, anymore, because we don't have the money to do so. The jobs always will come where most people have been employed in our country, and that is in the private sector.

If you chart corporate investment on the same graph as job creation, you will see the two lines follow each other almost exactly. This is a chart prepared by the Bureau of Economic Analysis at the Bureau of Labor Statistics of the Federal Government. Over the last 50 years, beginning in 1961 and going to 2011, it charts two things. The gray line is investment in real equipment and software spending, and the purple line is private employment numbers.

When I saw this, I thought it was a stunning chart and very compelling, because you can see that corporate and private business investment is almost exactly along the same line. There is a little bit of a digression here because jobs fell more than investment, but investment was falling and jobs fell at the same time for 50 years.

I think the single most significant predictor of job growth in our country is business investment. So we have to ask ourselves, how could we stimulate that kind of business investment today. Because that is what we need, we need these jobs. I regret to say I don't believe we can do it with the mix that is in the American Jobs Act. It seems to me like a kind of ministimulus. The stimulus of $800 billion that was adopted a few years ago, which I supported, I think made the economy better than it otherwise would have been, but it didn't give the economy what the President said he hoped and we all hoped it would give,

which was a jolt. This American Jobs Act, which is kind of a ministimulus that will cost $½ trillion, is less likely, for obvious mathematical reasons, to give the economy the jolt. But it will cost $½ trillion we won't have and will have to find somewhere to raise.

To me, what we have got to do is restore confidence in people in the business sector to invest. That is what is missing today in our economy. They don't have confidence in our economic future. They don't have confidence in our government—us. They don't have confidence that we will work together to reduce our debt, to create some predictability for them in the years ahead.

That is why I say the best thing we can do to restore the confidence of the business community necessary for them to begin investing again—they have got the money; they are just not spending it because they are nervous about the future—is for us to come together, hopefully led by the Joint Special Committee, in a bipartisan debt reduction program. It is not this American Jobs Act. I know it has been put forward with good intentions, but I don't think it does the job we need it to do for America, and I know it will cost another $½ trillion we desperately need to reduce our debt which will do the job we need it to do to create new jobs for our fellow Americans.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Virginia.

Mr. WEBB. Mr. President, first, let me say there is a great deal the Senator from Connecticut just said that we are in nearly full agreement on. I find it ironic that we are probably going to cancel ourselves out on these two votes later in the day, for essentially the same reasons that the Senator just gave. I thank the Senator for his comments, and particularly on this second piece of legislation which I have been struggling with and in exactly the same way the Senator from Connecticut has.

I wish to begin my comments today by expressing my strong support for the majority leader in terms of how he handled a very difficult discussion on Thursday night.

I think we can all agree that the Senate at times has become quite dysfunctional over the past couple of years. I was very interested to hear Senator CORKER's comments. He and I arrived at the Senate at the same time, and I empathize with a lot of the comments he was making, although I guess looking for accountability depends on which end of the telescope you are looking through.

For me, looking at the situation we faced on Thursday night, we have to start with the reality that these were not serious amendments that were being offered at the end of the debate of this piece of legislation. They in many ways epitomize the paralysis of serious debate here in this body and how it affects all of our ability to get serious things done. Only one of those nine proposals was germane, and that was the proposal from my good friend Senator HATCH. They were not relevant. This is what the majority leader is being faced with time and again. We are talking about one amendment on the bill with respect to China currency that wanted to talk about the regulation of nuisance dust. We had another one that wanted to talk about the use of pesticides in navigable waters, and another one that wanted to talk about EPA regulation on cement manufacturing. There may be a time and a place for that kind of discussion; but if you look at the impact of this type of—and I have to agree with the majority leader's characterization—this type of dilatory conduct, it prevents responsible, germane legislation from moving forward.

I will give you one example from my own attempt to amend this bill, and that was the amendment I offered last week that would have prohibited American companies from transferring intellectual property and technologies that were developed with the assistance of the American taxpayer to such countries as China that require technology transfer as a matter of doing business there. That amendment is not going to get a vote. I believe that amendment is something that most people in this body and most Americans would want to see passed. But because we have been in this state of paralysis, these types of issues have been deflected off the screen, off the debate on the Senate floor, and now we are moving forward with a bill that doesn't have these sorts of issues in it. I am going to vote for this bill, by the way.

With respect to the jobs bill, I wish to make a couple of comments here, first associating with some of the comments that Senator LIEBERMAN made. But also, there is an issue here with respect to economic fairness and the disparity in this country between top and bottom that I don't think is being properly debated in the context of this bill.

In the end, as Senator LIEBERMAN pointed out, I strongly believe the way to bring good jobs back is to improve our economy in the private sector, and that means more capital investment.

Winston Churchill once said something to the effect that, You can't tax your way out of an economic downturn any more than you can pick up a bucket if you are standing in it.

There is a lot of money out there. The Senator from Connecticut mentioned that. We can't control whether that money is going to be invested, but we can work to incentivize conduct that might encourage investment. I think people on both sides need to set aside the partisan debate that is going on looking into next year's election and work toward that end.

At the same time, there are two difficulties I have with this legislation. The first is the timing. Senator LIEBERMAN was very eloquent in his concerns about the timing of this bill, with the supercommittee working on these issues in a larger context, getting ready to report out within the next month or so. Senator CORKER made a very valid point that I hadn't thought about, and that is that we have worked—and I have been one of those who has worked—to bring these free-trade agreements to fruition. We have a very short window with the President of South Korea arriving this week and hopefully having a free-trade agreement passed by the time he makes his presentation to a joint session of the Congress.

But there is another issue, and that is the pay-for. We are talking about this millionaire surcharge, this 5.6 percent that would be put on top of these other tax increases for the ''millionaires.'' But in many cases, this isn't even a tax on the wealthiest Americans it is designed to reach.

Let me preface what I am going to point out here by saying I believe I have been one of the loudest and most consistent voices on the issue of economic fairness and executive compensation in this body. I raised it in every speech during my Senate campaign. I put it on the table nationally when I responded to President Bush's State of the Union Address in 2007. I put the issue of the disparity in executive compensation from when I graduated from college when a CEO was making 20 times what the average worker makes, to today, when it is about 400 times. I introduced a windfall profits tax after it became clear that the money we put into TARP was going to be used to unjustly reward executives from the companies that had been bailed out by our taxpayers. This was a very narrowly focused bill that said, If your company got $5 billion or more, you could get your compensation, you could get a $400,000 bonus, and anything after that you had to share with the people who bailed you out because they were bailing out the economy. I couldn't get a vote.

Let's be fair. I couldn't get a vote because neither side wanted a vote. People don't want to take a vote on something that is that directly related to how they finance their campaigns. That is the honest truth. I didn't get a vote on it, but I think my record on this issue is absolutely clear.

One thing I have stated from the first moment I ran for office is that I do not believe we should raise taxes on ordinary earned income. When this proposal was first put in front of the American people, there was a part of it in the pay-for that was called the Warren Buffet rule. But what I just said is the Warren Buffett rule—and it has been misrepresented in this debate. Warren Buffett has the same position.

My understanding of his position, and I have read it very carefully, is that we should not tax ordinary earned income. In fact, he made a clarification about a week ago. This is Warren Buffett on the Warren Buffett rule:

My program would be on the very high incomes that are taxed very low. Not just high incomes. Somebody making $50 million a year playing baseball, his taxes won't change. If they make a lot of money and they pay a very low tax rate, like me, it would be changed by a minimum tax.

How do we do that, and does it matter? It matters a whole lot because we are not talking about this distinction when we are addressing issues of fairness in society, the true nature of what has happened at the very top in this country.

The proposal of the President looks good at first glance; it sounds good on a TV bite. But in all respect to the people who put it forward, I do not believe it is smart policy, and it does not go where the real economic division lies in our country. This is what Warren Buffett is talking about.

If we look at the top .1 percent of our taxpayers, the very top, two-thirds of the money they take in is from capital gains and dividends. Only one-third is from wages.

What does that mean with respect to this surcharge we are going to put down? This is what the surcharge on earned income for millionaires will do: It will bring the tax on ordinary earned income from 35 percent—first, under the assumption of 39 percent, which is the failure to renew the Bush tax cuts—and then to 45.2 percent, someone making wages.

Who is in this category? Very few people. Let's say someone is an athlete, as Warren Buffett mentioned, and they have 3 or 4 years in their career where they can make the money. They are going to get their income, because it is ordinary earned income, taxed at 45 percent of everything they make, just for the Federal taxation, at the same time that capital gains tax, which is where two-thirds of the top .1 percent of our earners make their money, is going to stay at 15 percent. That is what Warren Buffett is talking about.

He is sitting here saying: I make my money off of stock sales, basic transactions where I get capital gains, and I am at 15 percent. My secretary is paying double what I am. The people who have ordinary earned income are going to pay three times the rate of what somebody is making on capital gains, and that is two-thirds of what the people at the very top make.

If we went after capital gains—let's just say, notionally, let's say we allow the Bush tax cuts to expire on capital gains but keep them on ordinary earned income. This margin would be 35 percent of ordinary income versus 20 percent. What would that do? According to the Joint Committee on Taxation, over 5 years they could recoup $402 billion. That is almost as much as this other surcharge could make over 10 years in order to pay for this legislation.

Most important, we are going into issues of fairness that we have been trying to bring to the table; that is, to truly focus on those at the very top who have benefitted the most from what has happened in what is frequently becoming a fractured economic society.

I am going to vote the exact opposite way the Senator from Connecticut is going to vote, but I think he and I share many of the same concerns. It is just how we get there. If people are ready to discuss capital gains, moving it back up to what it was, from 15 to 20 percent—if we are willing to discuss capital gains, I will know we are serious. If we are not willing to discuss capital gains, I think we have seen this movie before.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. AYOTTE. I ask unanimous consent to engage in a colloquy with Senator JOHN MCCAIN.

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

DEFENSE AUTHORIZATION

Ms. AYOTTE. Mr. President, I rise today to talk about the state of affairs and where we are in the Senate, particularly with regard to the Defense authorization bill. Right now in the Senate—I am a freshman Member of this body—it has been over 2 years since we passed a budget. We have only passed one appropriations bill. Last week, the Democrats changed the rules in the Senate because they did not want to vote on amendments.

For the first time in my lifetime, the Defense authorization bill is not being brought to the floor by the majority leader. This is at a time when we are engaged in two wars and the threats to us and our allies from the Islamist terrorists remain. In fact, today authorities broke up an alleged plot to bomb the Israeli and Saudi Arabian Embassies in Washington and to assassinate the Saudi Arabian Ambassador to the United States. At a time such as this, when there is nothing more important we can do in the Senate than to ensure the national security of the American people, the majority leader is refusing to bring forward the Defense authorization bill to this floor because he objects to one provision in it addressing detainees.

I am concerned that this is no longer the most deliberative body in the world. I am new here, and I am often asked what has surprised me most as a new Senator, and I have to say, honestly, how few votes I have taken since I have been in the Senate. In fact, the number of votes I have taken in the Senate since I have been here is far below what we took last year and what we took the year before.

What could be more important than voting on the Defense authorization bill when our country faces issues such as these in terms of our national security?

I would ask my distinguished colleague from Arizona, who is a senior Member of this body, whether he has seen the Senate like this. Is this how the Senate is supposed to operate?

Mr. MCCAIN. I would like to respond to my colleague—by the way, I noticed she said it would be the first time in her lifetime that we had not passed a Defense authorization bill. It would not be the first time in my lifetime since it has been 41 years.

I would say to my friend and colleague, who has played a very important and essential role on many issues before the Armed Services Committee, not only because of the military background of her family, including a husband who is a distinguished A–10 pilot, but also as a former attorney general of her State, you are very familiar with many of the detainee issues.

I would like to say to my colleague that it was her amendments that were passed in the committee concerning detainee treatment that became part of the legislation. I believe the legislation in that section was passed by a vote of 25 to 1 in the committee. It is not as if there were sharp divisions between both sides of the aisle on the issue of detainee treatment. Yet apparently that seems to be the objection of the administration not only to the bill but even to taking up the bill for consideration before the full Senate, as the Senator from New Hampshire has pointed out, for the first time in 41 years.

I would like to explore with her for a second this whole issue of detainee treatment. Just in the last week or so, we were able to kill one of the leading al-Qaida operatives. I think that action was supported by the majority of opinion in America, thanks to passage of legislation after 9/11 including the fact that the President had a finding that this individual was a terrorist. Yet somehow the President's counterterrorism expert seems to say that under our legislation, we would never be able to turn the page on Guantanamo—and I quote from his speech at Harvard—and he went on to say:

> Our counterterrorism professionals would be compelled to hold all captured terrorists in military custody.

First of all, I would ask my colleague, isn't there a national security waiver the President could exercise if he wanted to in the legislation? Second of all, is it not true that you would have to be a designated member of al-Qaida before you would be required to be held in military custody?

So my question is, Is Mr. Brennan misinformed or simply contradicting what is actually the case in the legislation we passed by a unanimous vote through the Senate Armed Services Committee?

Ms. AYOTTE. Senator MCCAIN, first of all, is absolutely right. This was an

overwhelmingly bipartisan vote in support of the detainee provisions, according to Senator REID, and that is why they are not being brought forward to the floor.

In my view, the President's counterterrorism adviser, Mr. Brennan, has it wrong. I am not sure he has read this legislation based on the objections he has raised because we are giving the President authority to detain, which is very important authority which he can exercise based on the national security of this country.

In order to have military custody, you have to be a member of al-Qaida or an affiliated force and planning an attack against us or our coalition partners. That is where the military custody comes in place, and I think that is very important because, of course, if you are a member of al-Qaida and you are planning an attack against the United States of America or our coalition partners, it seems to me that is a very appropriate instance for military custody given that we remain at war with al-Qaida and that the threats from al-Qaida are still very grave to our country, as demonstrated by——

Mr. MCCAIN. So the statement Mr. Brennan made in his speech on September 16 at Harvard Law School saying that our counterterrorism professionals would be compelled to hold all captured terrorists in military custody is not correct?

Ms. AYOTTE. I am really concerned that Mr. Brennan, again, has not read this legislation because that statement is not correct. As the Senator knows—he worked very hard on a compromise with the chairman of the Armed Services Committee, Chairman LEVIN, and Senator GRAHAM, and in that compromise provision that we passed in a very strong, overwhelmingly bipartisan vote to have military custody, you have to be a member of al-Qaida and planning an attack against us or our coalition partners. It is limited to a very narrow category of very dangerous individuals. It isn't every single terrorist who is encountered.

The important issue is that when you read Mr. Brennan's speech, did you see anywhere in his speech to Harvard where he talked about this topic where he ever mentioned what is happening with those who have been released from Guantanamo?

Mr. MCCAIN. It is interesting that he didn't because those who have been released, the latest number I have is about a 20-percent, roughly—and I don't know if the Senator from New Hampshire has different information, but at least one out of every five has returned to the fight and some of them in leadership positions of al-Qaida, which is, obviously, unacceptable.

Mr. President, I ask for an additional 3 minutes for the Senator from New Hampshire and myself.

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

Mr. MCCAIN. I just want to mention very quickly—because in some respects, the Senator from New Hampshire comes from a military family—that it is so important that we care for the men and women in the form of pay raises, in the form of housing, in the form of benefits, in the form of all of the things that are Congress's obligation to the men and women who are serving in the military. Now we are telling those men and women: Well, because of one provision in this legislation, which should be resolved through debate and amendments and votes, we are not going to take up the bill that authorizes the men and women the things that are necessary and vital for the men and women fighting in two wars.

Ms. AYOTTE. Senator MCCAIN is absolutely right. It is outrageous that one provision that was a bipartisan provision is holding up the authorization from coming forward when it addresses things such as pay raises for our military. It addresses services for our wounded warriors. It addresses military construction that is needed for our soldiers. Those are very important issues. To hold this up at a time when we are at war, at a time when our soldiers need to know we are fully behind them, does a huge disservice to our country. This is an issue that, if there are problems with the detainee issues, should be debated on the floor. The American people deserve to know.

Guantanamo Director Clapper testified before the Intelligence Committee that the recidivism rate now is 27 percent for those reengaging in the battle, detainees whom we have released who are encountering our soldiers and our coalition partners, trying to harm Americans. So to not bring forward the Defense authorization bill, A, to help our soldiers and, most importantly, to do what is right for them, but also, B, to have a rigorous debate over this very important issue of protecting our soldiers from those detainees who have gone back and making sure we are protecting them and that we have a place to put those who are captured now, seems to me to be a disservice to this body and to our country.

Mr. MCCAIN. I thank the Senator from New Hampshire, who has played a very important role in the Armed Services Committee, particularly on the issue of detainee treatment, which is important to the American people. As she just mentioned, one out of four returns to the fight. It is a badge of courage and legitimacy and leadership now in al-Qaida for someone who has been released from Guantanamo.

I hope the majority leader and our colleagues would agree that we could sit down and bring this bill to the floor, have votes, amendments, and then let the men and women who are serving and those who have served, including our wounded warriors, know we care enough to pass legislation that is vital to their ability to defend this Nation and to make sure they are properly equipped and properly compensated.

I thank the Senator from New Hampshire.

Ms. AYOTTE. I thank very much the Senator from Arizona. No one has been more dedicated to our military through his own service and the service of his family but also as a ranking member of the Armed Services Committee who has worked across the aisle to bring forward this Defense authorization bill. I would share in his comments, and I hope the majority leader will bring this forward. It is so important for our country.

I yield the floor.

GULF OILSPILL

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. As the Senator from Arizona is in the back of the Chamber, I just want to say this Senator appreciates his long public service and his dedication to this country.

Mr. President, as one of the Senators from a State that borders the Gulf of Mexico, naturally we have been quite concerned in the followup to the Deepwater Horizon oilspill. You will remember that was an oilspill that at first BP said: Oh, it was only 1,000 barrels a day. It was not until Senator BOXER, the chairman of the environment committee, and I were able to wrangle the actual streaming video from 5,000 feet below the surface and put it up on my Web site that the scientists could then calculate how much oil was coming out. It was not anywhere close to 1,000 barrels a day. In fact, it ended up being 50,000 barrels of oil a day that was gushing into the Gulf of Mexico. As a result of that total number of days, almost 5 million barrels of oil has gushed into the gulf, we can expect some serious economic and environmental consequences and particularly the consequences on the critters.

It is hard to go down to 5,000 feet and get data, because of the pressure there, about what is happening to the critters. But we have an opportunity to find out what is happening by where all that oil seeped in toward shore, onto the beaches and into the estuaries. Of course, the estuaries that were closest to the oil spill were the ones along the coastline of Louisiana and a lot of those marshes.

What I have learned in public service is that when we are addressing a problem, if it is a problem of this enormous consequence to not only the livelihoods of people who live up and down the gulf, whether their livelihoods be tourism, as so much of our State of Florida was affected, or whether it be the health of the actual critters themselves and, therefore, the livelihoods of a lot of people because of the shrimping and the fishing industry, which is major, coming from the gulf—what I have learned over my years in public service is what we have to do is dig down and start relying on science to inform us as to what is at the root of

the problem and how we go about solving the problem. I can tell my colleagues that even though they shut off the oil gushing in, the spill is not over yet. So we are going to have to do the kind of informed planning as to what we are going to do to address this environmental disaster, and science is the key to developing a plan.

We got a pretty good indication from former Gov. Ray Mabus, who is now our Secretary of the Navy and whom the President had tapped to head the task force on what is the best way to address the damage. Based on Governor Mabus's recommendations, the President then issued an Executive order, and it established an ecosystem restoration task force comprised of the relevant Federal agencies and each Gulf Coast State.

In the meantime, what we have done is worked with our colleagues in trying to figure out how to fund this important work. For this work, for this Senator, science is one of the key components. I can tell my colleagues from my experience in doing Everglades restoration in the State of Florida, if we don't have the science first to determine what to do, then we don't know how to do it; we waste a lot of money and a lot of time in the process. The science will help us make sure we accomplish what we are planning to do. Then our efforts are going to pay off. In other words, when a patient is sick, the doctor is first going to determine what is wrong and then will figure out the treatment options and then will monitor the patient's progress. Similarly, in this case, to get the best outcome for restoring the gulf, we must use the same scientific framework.

Why am I harping on this? Nine gulf coast Senators—minus only one gulf coast Senator—and all five State Senators signed up as cosponsors of this legislation headed by MARY LANDRIEU. When we filed this RESTORE Act, to take care of the money—in fact, most of the money is from the fine the Department of the Interior is going to level under the already existing law of the Oil Pollution Act—whatever that fine turns out to be, we have filed legislation to direct that money that comes from the fine. Naturally, some of it is for environmental restoration. Some of it is for economic restoration. Some of it is for planning for the future. A lot of it we hope will be going into the determination of science. Even though some economic development will come out of this legislation that passed unanimously out of the environment committee just a few weeks ago—even though economic development is going to be part of it—we have to know if we, in fact, are achieving our goal. The science is the key to that.

So just this week I met with two scientist professors at Louisiana State University. I will not say what the outcome was of what happened in the football stadium that afternoon when the University of Florida met with Louisiana State University, but that morning I met with these two LSU professors who received a RAPID grant from the National Science Foundation. In their research on what are called killifish, Dr. Whitehead and Dr. Galvez found that even in areas where the visible oil has disappeared, these little fish—about that large—and their embryos sustained long-term genetic damage.

Let me show my colleagues what I am talking about. The killifish is a small egg-laying fish found in the Gulf of Mexico. They spawn from March to October in shallow water in the marsh grass beds. Killifish, which when adult are about that long, are a popular bait fish and they eat a lot of mosquito larvae, so they become part of Mother Nature's natural pest control. So in April of 2010, when the Deepwater Horizon began to gush the oil, it was in the midst of killifish spawning season. When the oil continued to flow all summer, inching ever closer to the marshes, the killifish were exposed to it. Here is the proof.

The LSU researchers set minnow traps near the oiled areas off Louisiana in an area close to a barrier island between Barataria Bay and the Gulf of Mexico. This is what that particular marshy area looked like. We can see all the oil on the surface in this photograph. The problem is not the oil on the surface. When it gets into the marshes and gets into the grasses, this oil will eventually sink all the way through the water column and then it gets mixed up in the sediment. These small fish that are part of the natural chain of fisheries out in the gulf will root around down in that sediment.

I wish to show my colleagues now the gill tissue of healthy killifish. This is the tissue taken from the gills that were not exposed to the oiled marsh. The LSU professors had set these traps in six different locations, from Louisiana all the way to Alabama, where the oil had come in. It went, of course, as far as on into Florida, but they set these six locations. They found the area outside this area near Barataria Bay was where there was very little exposure. So this is a cross-section of some of the gills of killifish. Remember, for a fish, its gill is like our lungs. It oxygenates the blood and it removes the carbon dioxide. It is like us breathing, except it is a fish that is breathing. This gill tissue looks as though it has the main trunk and the branches coming off and they are evenly spaced. This was outside the area where we found a lot of the oil down in the sediment, as in the previous picture of where that marsh was off Louisiana. What this healthy tissue does is it provides a lot of surface area for oxygen to enter into the fish's bloodstream.

Let me show my colleagues the slide that shows the gill tissue of a killifish from the marsh where all the oil was. The reddish brown we see is the staining used by the researchers. There is a protein that will react to the uptake of oil and show where there has been exposure. That is the reddish brown we see on these branches coming off the trunks. We can see just how dark it has stained.

Look at something else on this exposed tissue of the fish's gill. Look how disorganized and warped these branches now look. Compare that to the symmetrical shape of what we saw on the healthy fish. This, of course, is going to interfere with oxygen and carbon dioxide and the ion transfer in the bloodstream of these fish, and it is going to make it harder for the fish to breathe.

So in an area that is as economically and ecologically important as the gulf, this information is crucial to determining the extent of the harm. The gulf provides almost one-third of the Nation's gross domestic product—about one-third of the seafood—one-third of the Nation's seafood is coming from areas that are being exposed.

I asked the professors: Does that mean we can't eat the fish? They said there is no evidence it is harmful to eat the fish. But what it is showing is that when their ability to breathe starts being incumbered, it means these fish are not going to live or they are going to be significantly reduced in size or the population is going to be significantly reduced. If that is happening to this little fish called the killifish, can we imagine what is happening to the whole food chain?

I talked to one of the owners of one of the major New Orleans restaurants. I said: Tell me about your fishing. Tell me about your shrimpers. He said that some of the shrimpers off Louisiana are having to go 200 miles away in order to get their catch of shrimp. Naturally, that is having an economic effect because they are having to spend all that much extra time and money and fuel to get their catch of shrimp.

In a region that is so economically and ecologically important as the gulf, as a producer of one-third of all this Nation's seafood, you can see we potentially have a problem. Historically, we do not know much about the gulf. It is, on the average, a mile and a half deep. Where the Deepwater Horizon spilled, it is a mile deep. As the oil hit, we began to realize we did not have good baseline data about the resources that are in jeopardy. So moving forward, science is going to have to be a priority. We have to know the extent of the impacts so the American people do not pay for BP or Transocean's actions. Why should the American taxpayer pay for this? We have to find out how best to restore the gulf so it can continue to be the source of the environmental and economic wealth it has historically been to this country.

There are a number of us here who are going to continue to press for baseline data collection, long-term monitoring, and innovative research to inform gulf coast restoration. I hope our colleagues are going to join us in the first step toward that, which is the passage of the RESTORE Act, which has

come out of the Environment Committee, which is bipartisan, supported by almost all the Senators from the gulf, and for which we need to allocate defined money so it will go to good uses instead of, under current law, being poured into the Oil Spill Liability Trust Fund.

We are going to have the opportunity in the coming weeks to pass it in the Senate, send it to the House, and see if we can get our colleagues there to make a strong and bold step for letting science inform us as we try to restore the health of the gulf.

It is somewhat providential that my colleague from Alabama has come to the floor, probably to speak on another subject. But I would point out to the Senate he is a cosponsor of the RESTORE Act to try to restore the health of the Gulf of Mexico and to understand the changes I have just talked about, some of the initial research that has come from—sourced by, funded by—the National Science Foundation. I thank the Senator from Alabama for his cosponsorship, along with our other colleagues from the gulf coast.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank my colleague from Florida and appreciate his work on this issue. We have had a bipartisan effort. I was pleased Chairman BOXER, at the Environment and Public Works Committee, of which I am a member, joined with us in moving the legislation forward. I think it is time for us to do that now while we have an opportunity to make a decision that is fair to all parties. I believe this legislation is a thoughtful way to do it that would make the gulf a more healthy place. I thank the Senator for his leadership.

CHINA CURRENCY LEGISLATION

Mr. SESSIONS. Mr. President, I am here to share a few thoughts as we move to the final vote on the China currency legislation that I believe we must pass. I find it difficult, almost impossible, to believe there is a universal acceptance of the fact that the manipulation of currency by the Chinese Government—their efforts to keep their currency low, tied directly to the U.S. currency, regardless of the economic forces in the world that would argue for and set a different relationship between those currencies—the net result of that has been to damage the American economy, and I do not think anybody disputes it.

In fact, some of my colleagues in this body who have opposed the legislation out of fear of a trade war or something else have all acknowledged that the currency factors set by China are not good. They all acknowledge it adversely impacts the economy of the United States and costs American jobs. It is not right. It is just not right, and we are losing jobs dramatically.

The Federal Reserve Chairman—I would ask us to ask ourselves: Is Mr. Bernanke, the Chairman of the Federal Reserve, a protectionist? Is he somebody who does not believe in trade? Is he somebody who is trying to stop trade? I do not think so. This is what he said last week on the question of jobs in his testimony before the House:

> Right now, our concern is that the Chinese currency policy is blocking what might be a more normal recovery . . . in the global economy.

Blocking a normal recovery from a recession. He goes on to say:

> It is to some extent hurting the recovery.

That is the Federal Reserve Chairman. So I do not understand the thought that somehow—when we say we have an obligation to our constituents to defend their legitimate interests on the world's stage in a global economy, to make sure the global economy, where trade is so valuable to us, is conducted in a fair way—it is not a fair system and it has been going on for over a decade. Our leaders—former Presidents, President Obama—all of them, when the chips are down, do not do anything significant to confront this problem. They just allow it to continue, and we are hemorrhaging jobs. Maybe more than a million jobs have been lost as to this one currency manipulation alone. I think it is unhealthy for the country.

I am worried about the middle class in America. I do not believe you can have a middle class in America without a vibrant manufacturing base. Many of those supporting free trade say we are going to become a service economy. But I do not see people working in the service industries making the kind of $50,000, $60,000, $70,000 a year salaries that people do in major manufacturing companies. They just do not. There are various benefits from some of those jobs, and some of the people enjoy it, and it fits their skill level and what they want to do, and it is fine to say that. But to acknowledge we no longer are going to be a manufacturing nation does not make sense to me.

I believe we have no choice but to develop a sustained, effective policy to raise this question in a way that it cannot be avoided, and to confront our trading partners—China—with this manipulation and to say we wish to have a great, positive relationship here, we are not afraid to trade, we are not trying to hamper your economy, we think the world would be better if China's economy is healthy and growing, but not at our expense, not in a way that unfairly places American manufacturing at a disadvantage.

When your currency is 25 to 30 percent under value, it means that when we export a product, the product costs 30 percent more in China than it would otherwise have cost if the currency were right. China is not going to buy it if it costs 30 percent more. If you import a product from China—manufactured in China—to the United States, not only do they have an advantage of lower wages, but they have a 30-percent, a 25-percent currency advantage. We are just going to say: ''Oh, this is just the way of the world. There is nothing we can do about it. We believe in free trade''?

Well, as I have said, I believe in trade. I believe in good trade. My record I think will indicate that. But I have told my constituents—and I think most of us in the Senate and in the House talking to our constituents—we say we believe in trade, but we believe in fair trade. We believe in defending our workers from unfair competition. We will stand up and take our lumps and we will take our gains in a fair competition. But we do not sit by and let our workers lose their jobs, have our plants close as a result of an unwillingness on behalf of the government in Washington to defend their interests. How much common sense is that?

Mr. Bernanke, the Wall Street Journal, all the others—the Club for Growth—they all acknowledge this is an unfair trade practice. They all acknowledge it hurts us. But they say we cannot do anything about it. Well, we will keep on talking. We will let the administration keep talking and maybe they can work this thing out. But it has been going on for years and it has not been worked out, for reasons I am not able to understand.

A major American manufacturer can decide that: Well, China has lower wages and now they have a 30-percent advantage in currency, why, we could close our plant here in New Mexico or we could close our plant in Alabama or Ohio and we will move it to China, and we will make that product over there, and we can import it with a 30-percent currency advantage on top of labor, and we will make more money that way.

I think that is how decisions are being made in this country right now. They are being made in that fashion. If you are a stockholder in one of those companies, you would say: That makes common sense to me. But I am not here as a stockholder in a company. I am here as a U.S. Senator, representing 4 million Alabama constituents, really representing the interests of the United States of America, and I do not think it is good for America. It might be good for this company or that company, but it is not good for America. I do not think—in fact, I am confident it is not. It has to end, and we need to defend aggressively on the world stage the legitimate interests of American manufacturing and American workers. We have not done that. It has caused a lot of frustration out there and it has caused a lot of job loss, in my opinion.

Well, they say, if you stand up here and you tell the Chinese, look, you have had 9 percent growth last year and are looking for another 9 percent growth this year—you are the No. 2 economy now in the whole world—if we tell them a lot of this has been the result of taking advantage of U.S. trade policy, and they have to stop, this will somehow make them mad and this will

make them angry and they will commence a trade war against us. That is what the argument basically is.

And they say: Oh, you remember during the Depression the Smoot-Hawley Tariff Act. That created a tariff war around the world and helped prolong the Depression. And it did. Well, let me tell you, this is not the Smoot-Hawley Tariff Act. It is not. First of all, the United States was a major exporting juggernaut in the 1930s, and we placed tariffs on goods coming into our country to try to give an advantage to our folks, and others retaliated, and we, as an exporting nation, ended up losing more than they did. It was stupid policy and it redounded to our disadvantage.

It was a worldwide tariff we placed on all products. Hopefully, there will not be any tariffs imposed under this legislation. Hopefully, as the process goes forward our Chinese trading partners will begin to retreat from their indefensible position, and it will not happen. But, again, it is only targeted where we have major currency manipulation.

It is not a worldwide tariff, No. 1; and, No. 2, as Mr. Gordon Chang, writing in Forbes magazine, noted, indisputably: China is the exporting juggernaut in today's world. We are the world's biggest importer.

I don't guess there has ever been in the history of the world a larger trade imbalance than between the United States and China. We import, they export. So as he noted, in a trade tariff situation, which is bad for everybody, I acknowledge the nation that is hurt the worst is the exporting nation. That would be China.

So why would China, despite their bluster, why would they create a real trade war with the United States? One-third of their exports or more go to the United States. This is a huge part of their growing economy, and I am happy that China is making financial progress. I sincerely hope they will be able to continue to do so, but it cannot be done at our expense.

So I would say the Smoot-Hawley argument is not a good one. Neither is the fact that China would execute a trade war with the United States. It just makes no sense for them to do so. They would be cutting off their noses to spite their faces.

One thing that is good in a manufacturing economy is that we sell products and we bring home wealth. If we can manufacture and we can export that product, we can bring home wealth, and that wealth can be used to purchase other foreign products and bring those into the country. It is the kind of thing that can, if properly conducted, benefit the entire world.

I tease my free-trade colleagues—those for whom free trade is a religion—that they believe that trade, once it breaks out in the world, peace will abound and cancer will be cured. That is all we have to do is eliminate all trade barriers. But the trade barriers are not being eliminated. That is the problem.

One of the biggest trade barriers we have is the currency manipulation by China. It is by far—they do a lot of things. They steal our manufacturing copyrights and secrets and techniques in violation of international law. They subsidize domestic manufacturing in many different ways. If we want to do business in China, we have to partner with a Chinese company and give them half the company. They block the sale of rare earth minerals around the world. They do all kinds of things that are not the kinds of things good trading partners ought to be doing, not to mention their foreign policy which buddies up with North Korea, Iran and other rogue nations.

China needs to be participating positively in the world community, not trying to take advantage of other countries, making bucks off them, and trying to do things that seem, at times, for no other purpose than to frustrate the legitimate interests of the United States and the world community.

So China has some problems. It is time for them to get straight. I urge them to do so. They cannot continue currency manipulation. That is destroying jobs in the United States, and we will not have it. When we have this vote that will be coming up before long, I think it will be more than just a normal vote around here. I believe it will be a vote that says to the whole world: The United States is waking up. We are free traders, all right, but not any trade agreement is going to be good in the future. If you are not complying with your promises under trade agreements, we are going to hold you accountable. We will do what it takes to hold you to the agreement, and we will not trade with you if you manipulate the trade rules. We insist that the world economy operate on a fair and lawful basis, that is healthy for us.

If we do this right, we can do it in a way that is not protectionist, not antitrade, but creates the foundations for even more and healthier, better trade for the whole world. That is my vision of where we are today. I think we should move forward and pass this legislation. I urge my colleagues in the House to do likewise. In the long run we will benefit.

I thank my Republican colleague, Senator GRAHAM, and others on this side who voted for it, and Senator SCHUMER and Senator BROWN and Senator STABENOW and others on the Democratic side who have been leaders in this effort. I believe it is time for the President to get the message. I think it is time for Wall Street to get the message. I think it is time for the American people to get focused that there are some decisions being made now—without protectionism, without nativism, but legitimate public interests that will create jobs in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

AMERICAN JOBS ACT

Ms. KLOBUCHAR. Mr. President, I rise today to speak in support of the American Jobs Act. Rarely is our economy discussed these days without mention of the 14 million Americans who are currently out of work and searching for a job. But as you know, I am from your home State. This is not just a statistic. It is real people—people who are struggling, people who have had their hours cut, people who may have worked at a job for a very long time and, poof, it is gone away. That is what this is about.

Two years after the recession officially ended, unemployment is still stubbornly high, at 9.1 percent—9.1 percent. When we factor in those who are working part time because they cannot find a full-time job, that number goes much higher, up toward 16 percent.

Now, my home State, the State of Minnesota, is much better. We have an unemployment rate of 7.2 percent. But there are still too many people out of work or who are struggling with reduced hours at their jobs. While no group of workers has been spared by the high rates of long-term unemployment, the hardest hit have been older workers, those with a high school diploma, and then those I am sure you have seen in the construction trades. They have been hit very hard.

We also have had issues with our timber industry in northern Minnesota. We have had some trouble in our iron ore mines, but they are bouncing back. The biggest problem I have heard of is for those in the construction industry.

It is my firm belief that the role of Congress is to promote the interests of the American people, and the American people have said loudly and clearly that we need to focus on initiatives that stimulate job creation—in particular, private sector job creation. In fact, the majority of Americans want us to pass the American Jobs Act that we are debating today.

When Americans are asked about specific provisions in the bill, that message is even clearer: 74 percent say they support providing money to State governments to allow them to hire teachers and first responders; 65 percent say they support cutting the payroll tax for all American workers; 64 percent say they support increased spending to build and repair roads, bridges, and schools.

Of course, no one knows that better than me and my State. I live just a few blocks from that bridge that collapsed in the middle of a summer day. I said that day: A bridge should not just fall down in the middle of America. But that is what happened. So, obviously, people in my State understood the need to continue funding bridges and roads.

Fifty-eight percent of Americans say they support cutting the payroll taxes

for all American businesses. But passing this bill is not the right thing to do just because it is popular. It is the right thing to do because it will have a positive impact on our economy.

Economists from across the political spectrum agree that steps taken in this legislation would increase economic activity and add jobs. According to Mark Zandi, chief economist of Moody's:

> The plan would add 2 percent points to GDP growth next year, add 1.9 million jobs, and cut the unemployment rate by a percentage point.

That is an economist's words, not mine. It would accomplish this by initiating targeted measures, many of which have garnered overwhelming bipartisan support in the past. The employee payroll tax cut that would be extended under the American Jobs Act was originally introduced by my friends, Senator SCHUMER and Senator HATCH. It was ultimately included in the HIRE Act, which ultimately passed the Senate by a 68-to-29 vote early in 2010. Just over a year ago it was extended again. This time, 139 House Democrats and 138 House Republicans joined to support it. In the Senate, 37 Republican Senators joined 43 Democratic Senators in voting for the extension.

Cutting the payroll tax for all American businesses is another idea that has gained strong bipartisan support. In fact, it has been the centerpiece of several jobs packages put forward by my colleagues on the other side of the aisle.

We all know the neglected state of our Nation's infrastructure. Crumbling infrastructure just does not threaten public safety, as it did in Minnesota when that bridge collapsed, it also weakens our economy. Congestion and inefficiencies in our transportation network limit our ability to get goods to market.

We all know one of the main ways we are going to get out of this downturn is with exports. Well, to truly have the kind of exports we want to see in this country, we have to be able to get our products on a truck or get them on a train and get them to a port and get them across the sea or get them on an airplane. The only way we are going to do that is if we have a transportation system that matches the economic system we want to have.

The congestion, the inefficiencies in transportation exacerbate the divide between urban and rural America. They constrain economic development and competitiveness. They reduce productivity as workers idle in traffic.

Americans spend a collective 4.2 billion hours a year stuck in traffic—4.2 billion hours a year stuck in traffic—at a cost to the economy of $78.2 billion or $710 per motorist. Think about that, over $700 per motorist simply because of people waiting in line on our highways.

What better way to get our struggling economy back on track than to build the 21st-century transportation network our economy demands, while creating jobs in the construction industry, which, as I mentioned, has been one of the hardest hit industries. The American Jobs Act would establish the infrastructure bank as a new financing authority to help address some of our Nation's most important transportation projects. Roads, freight rail, and water projects in my State of Minnesota and across the Nation would benefit from access to loans and loan guarantees from this public-private partnership.

This approach has bipartisan support in the Senate, as do the other proposals I discussed. In March of this year, U.S. Chamber of Commerce President Tom Donohue endorsed the idea saying this:

> A national infrastructure bank is a great place to start securing the funding we need to increase our mobility, create jobs and enhance our global competitiveness.

So pieces of this bill have been supported by the chamber; pieces of this bill have been supported by my Republican colleagues. In fact, the major provisions of this bill have been supported on a bipartisan basis. There are other great ideas in this bill as well, such as an extension of the bonus depreciation, which would allow businesses to continue to immediately write off the cost of investments in new property and equipment.

I have to say this was the one thing—when I met with our small businesses over the last few years, this was the one thing they kept mentioning, that this was very helpful for them and would create an incentive for them to invest in equipment.

This bill includes a returning heroes tax credit for veterans, which would provide a tax credit up to $9,600 to encourage companies to hire unemployed veterans. At a time when the percentage of unemployed veterans of Iraq stands at 11.7 percent, the importance of a provision such as this is clear. There is no reason that those people who have served our country should have to come back to the United States and not have a job. When they signed up to serve our country, there wasn't a waiting line. When they come back to America and they need a job or they need college or they need health care, there should not be a waiting line. I am glad this provision is included in the bill to create an incentive to hire returning veterans. The post-9/11 time period is most important when you look at the unemployment rate.

With our economy struggling and 14 million Americans still out of work, Minnesotans want Congress to put the politics aside and come together to move our economy forward. It is time to step forward and show some leadership, and it is time for us to work together to show the American people that Washington isn't broken—that, instead, we are willing to put aside politics to do what we were elected to do, to do what is right for America.

I urge my colleagues to vote for this important piece of legislation that would put Americans to work and help our struggling economy get back on track.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, we are in morning business, right?

The PRESIDING OFFICER. That is correct.

CHINA'S CURRENCY POLICY

Mr. BROWN of Ohio. Mr. President, in an hour or so, the Senate will be voting on our currency bill, S. 1619, the bipartisan bill I am a prime sponsor on, along with Senators SCHUMER, GRAHAM, and SESSIONS, and a host of other Senators in both parties, including Senators STABENOW, SNOWE, COLLINS, and HAGAN.

I thank my colleagues for the vote last week of well in excess of 60 bipartisan votes, allowing us to consider this measure. I am struck by some of my colleagues who dismiss this bill as a ''message'' bill. There are opponents of the bill, and there are always people who don't want to stand up to China. I think they are undercutting our ability to stop the hemorrhaging of our manufacturing jobs. That is their decision to make. Again, I am struck by how some of my colleagues dismiss this as a message bill. I don't know what a message bill means to anybody outside of Washington. I know this bill is a jobs bill. I was talking to an anchor on MSNBC, who said we lost almost 3 million jobs to China in the last decade, most of them manufacturing jobs. This is legislation that will stand up to the Chinese and say: You are not going to game the currency system or export from China into our market and have a 25-, 30-, 35-percent subsidy, and you are not going to put up a tariff using currency as that tariff, by and large, in effect, to add 25, 30, 35 percent to the cost of an American good sold into China.

This legislation is all about jobs in industries that have been holding on for their life, such as paper, steel, tires, and aluminum. But it is not just paper, steel, and tires; it is no longer a trade deficit in T-shirts and bicycles. This trade deficit, which has more than tripled in the last decade, is now almost $800 million a day. That means every day companies buy $800 million more in Santa Fe and in Dayton than we sell to China. We buy $800 million more than we sell. We cannot keep doing that.

This trade deficit has risen through the economic food chain all the way to advanced technology products. It is not just tires and steel, as important as they are to many workers in this country; it is also jobs in solar, wind, and clean energy components manufacturing, and in the auto supply chain. Those are millions of jobs in our country. What this legislation means in so many ways is that we can be competitive on all fronts with China, Germany, and Japan. We can compete on productivity. We have skilled workers and

world class infrastructure. But how do you compete against a 25-, 30-percent subsidy? How can workers in Findlay who make tires or in Chillicothe who make paper or in Defiance who make engines compete with $1 billion in subsidies? As a leader in this effort, Senator MERKLEY noted currency manipulation is a 20- to 30-percent tax on our exports. If a company in Albuquerque or Atlanta or Ashtabula makes a product and sends it to China, it costs 25, 30 percent more because they put a currency tariff on that product.

I find it hard to believe that some of my colleagues—about 30 of them—would want to continue this tax on our exporters. It is, pure and simple, a tariff and a tax on our exporters trying to sell products into the Chinese market.

Senator FEINSTEIN spoke about the compelling image she saw from her San Francisco home. Looking out at the San Francisco Bay, she counted the cargo ships departing for Asia, half filled with mostly scrap paper and other scrap, while the incoming ships are filled with goods. That tells you that we buy $800 million a day more from China than we sell to China. It is not because our workers are not productive or that our companies are not efficient or because our scientists and researchers aren't the most innovative in the world; it is because China has a 25-, 30-, 35-percent tax on our products and a subsidy on their products. That is pure and simple.

For a State such as mine, trying to get a foothold on clean energy technology research and production, the race against China will only accelerate in the coming years. That is why it is imperative that we not sit idly by while China subsidizes its exports through its currency regime. This is no message bill. This is level-the-playing-field legislation.

Let me speak about some other charges that have been made. Some of my colleagues note that China's currency has increased about 30 percent in recent years. No doubt the RMB has appreciated about 30 percent. Since the Senate acted in 2005, the Chinese currency, the RMB, has appreciated about 30 percent. But as the Peterson Institute for International Economics has shown—which is not an anti-free trade, pro-fair trade, liberal, progressive, socialist organization; it is a middle-of-the-road, mostly free trade organization, staffed by sort of elite economists in the Northeast—Even the Peterson Institute for International Economics has shown that the RMB is more undervalued than a year ago because of China's rapid growth in the past few years, as well as inflation and productivity. The Peterson Institute estimates that China's currency manipulation increased from 24.2 percent in 2010 to 28.5 percent in 2011, despite the fact that China's real exchange rate appreciated over the past year. That means it is getting worse. If we want to call it a message bill, it may work with some in this institution but not with the American public. This is getting worse and worse for our manufacturers. I will tell you about one, the Bennett brothers in Brunswick, Ohio, who came to me. I was talking to them in northeast Ohio a couple weeks ago. They run a family company that has been around for about 35 years in northeast Ohio. This company is called Automation Tool and Dye. They were about to have a million dollar sale to an American company looking for their product and, at the last minute, the Chinese came in and undercut them by 20 percent. Why? Because they got a 25-percent, 30-percent subsidy bonus because of their currency.

The point is that China is massively and increasingly intervening in its currency. The International Monetary Fund knows it. The IMF has estimated that China's global current account surplus—the broadest measure of its trade balance—will more than double from $305 billion in 2010 to $852 billion in 2016. The problem is getting worse.

If one thing is clear since the Senate voted in 2005 to slap tariffs on Chinese goods, it is this: The RMB is pegged to American political pressure. If we can predict anything, we know that if we take the pressure off, China will get worse. If we can predict another thing, we know that if this passes and begins to work its way through the House to the President's desk, the Chinese will respond by significantly appreciating their currency.

Some of my colleagues wring their hands, saying we might set off a trade war, and that this is the second coming of Smoot-Hawley. The facts are clear that this is very different. When Smoot-Hawley was enacted by Congress, in those days the United States had a trade surplus. So countries around the world were angered that while we had a trade surplus we were enacting Smoot-Hawley, more tariffs. Today, we have one of the largest trade deficits in world history, so we are in a very different position.

As Senator SESSIONS said, when he heard this criticism that we might set off a trade war, we have been in a trade war for a long time. The Chinese seem to be doing very well. They have declared a trade war. That is why they subsidize water, paper, steel, capital, and land. This features spies, features theft of intellectual property, and that 30-percent stealth subsidy that gets applied to every export China sends to the United States. So we are already in a trade war. The only difference is that today on the floor of the Senate we have taken a big step toward abandoning the failed tactics of unilateral disarmament.

Workers in my State know that we have been waving the white flag in this trade war. I remind my friends that the United States has more leverage than any of China's trading partners, as China is overly dependent on access to our market to maintain its own exports and jobs.

This isn't Smoot-Hawley, as some want you to believe. This legislation does not mandate sanctions against China or any other nation. It does not slap an across-the-board tariff on Chinese imports tomorrow as China has effectively done to ours. In fact, if this bill becomes law, the duties would apply to less than 3 percent of Chinese imports.

When you think about this, of all Chinese exports, about one-third come to the United States. If Senator DURBIN is in business in Chicago, and he has a company—or he has a customer in his company who buys one-third of all of their goods, he is going to be good to that customer. He will not declare war on them. The Chinese won't declare economic trade war on us, because we buy so many of their exports.

I will close with this. If China is found to be manipulating its currency, this bill sets in motion a series of steps to place pressure on the Chinese Government to stop rigging the exchange rate in its favor. It is simple.

According to a recent New York Times op-ed by C. Fred Bergsten of the Peterson Institute:

> To be sure, some American corporations will fret that these actions would needlessly antagonize the Chinese and threaten a trade war. . . . I believe these fears are overblown. The real threat to the world trading system is protectionist policies, including undervalued currencies, of other countries, and the vast trade imbalances that result.

As Presidential contender Mitt Romney put it, taking action to remove protectionist market distortions would not result in a "trade war," but failing to act will mean the United States has accepted "trade surrender."

We can vote yes today and it will mean we will stand up to the Chinese and, more importantly, it will be a victory for American workers, and especially American small manufacturers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

IRAN SANCTIONS

Mr. KIRK. Mr. President, I want to talk briefly about the breaking news today that the Justice Department and Attorney General Eric Holder announced that a plan was conceived, sponsored, and directed from Iran to conduct bombings in Washington, DC, and potentially also in Buenos Aires, Argentina. This is from a government that Secretary of State Clinton designated as a state sponsor of terror. It is what I would think of as a very audacious, forward-leaning plan to attack the United States, its people, and foreign embassies in the Nation's capital.

Tomorrow, in the Senate Banking Committee, we will meet with our Under Secretary of the Treasury, a very able man named David Cohen. I urge the administration to look at what is the most effective sanction currently pending on our docket against the terrorists in Iran.

Earlier this year, we had 92 Senators—just about the entire Senate—

sign a letter to the President calling for the Treasury Department to execute a strategy to collapse the Central Bank of Iran.

These are the pay masters of the Iranian Revolutionary Guard Corps and the intelligence service of Iran—the MOIS—that appear to be involved in the plot that the Attorney General revealed today. It is that action—to cut the Central Bank of Iran off from the central payment backbone of the Federal Reserve; obviously, to do it in cooperation with Saudi and Israeli officials, and given indications from London, from Paris, and from Berlin, probable action by our NATO allies as well—to cripple Iran's currency, to make sure what is called Bank Markazi has no access to the payment mechanisms of the West that will lead to a collapse of its currency.

I applaud David Cohen for designating at least five individuals as sponsors of terror who were part of the Iranian Revolutionary Guard's force—Quds Force—but I think this doesn't go far enough. With the Attorney General of the United States directly blaming the Government of Iran for this bomb plot against targets in the capital city of the United States, it is clear, with overwhelming bipartisan support and 92 Senators behind the effort to collapse the Central Bank of Iran, that would be an effective nonmilitary way to address what is clearly an utterly irresponsible and largely out of control IRGC and MOIS, who were seeking to attack American targets.

With that, I yield the floor.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. DURBIN. Before speaking on the issue of the bombing, let me commend my colleague from Illinois for speaking out on this Iranian plot, state-sponsored Iranian plot, to destroy the Saudi and Israeli Embassies in Washington, DC. It is an outrage that they would reach this far, obviously, into the United States. We know they have backed terrorism forever, as my colleague said, having been recognized by our government as a state sponsor of terrorism. We need to heighten the sanctions on Iran and make it clear this type of action will not be countenanced.

Many of us still recall it is only a few days after the 10th anniversary of 9/11, the last time terrorists decided they would strike in the United States. Regardless of whether the Embassy is for the United States, it is in the United States. Being here, it is protected property of our Nation.

I would say to the administration—to back my colleague from Illinois—let's look for every available means to let the Iranians know this conduct is not only unacceptable but we will do everything we can to disable them from any further actions along these lines through sanctions.

THE AMERICAN JOBS ACT

Mr. DURBIN. Mr. President, this afternoon, the Republican leader of the Senate came to the floor to talk about a vote we will have later this afternoon. It is a vote which is historically important. We all know the state of our economy. We are in a position now with 14 million Americans out of work, 9.1 percent unemployment and private-sector jobs going up so slowly, it isn't getting us back into the kind of economic progress we need. We listen monthly as the unemployment statistics come out, and we are reminded of the weakness of our economy. We have to do something. The choices are to allow this economy to languish or decline or to step up and do something.

President Obama has decided he needs to lead on this issue and bring together Democrats and Republicans for that purpose. He spoke to a joint session of Congress which we all attended. It was widely reported. He said: I am going to put my best ideas on the table, and I invite the Republicans to do the same. We cannot stand idly by and do nothing.

So the President put his proposal forward. It was clear what he wanted to do, and he reminded the Republicans that many of the things he proposed were actually ideas they had proposed in the past. Then we waited and we waited. At the end of the day, I am afraid when this vote is taken, we will find few, if any, Republican Senators will support any effort to try to create jobs in the United States, as President Obama has proposed.

The President has made his position clear. Those of us who will vote in support of the President's plan have made our positions clear. But the position on the other side of the aisle is becoming increasingly clear as well, and it comes down to two things: First, the Republicans will not countenance, approve or even consider $1 more in taxes for the wealthiest people in America. For them, that is unacceptable. It is better to do nothing than to impose $1 more in taxes on people making over $1 million a year. They have said that consistently, at every level of the Republican Party.

That position doesn't reflect the feeling of Republicans in America, with 59 percent of them believing the President is right. It is not unfair to ask those who are making over $1 million a year to share the burden and sacrifice of moving the economy forward. Independents feel strongly about it, and obviously Democrats do as well. The only Republicans who don't share that belief happen to serve in the Senate, and they believe $1 more in taxes to pay for the President's jobs programs—if it came from the accounts of people making over $1 million a year—is unfair. So we know they are clear on that position.

But there is a second position the Republicans have taken that is equally clear. They are prepared to oppose any ideas coming from the Obama administration, even ideas they have conceived and voted for in the past. I asked my staff to take a look at some of the proposals of President Obama in his jobs bill, which will come up later this afternoon, to see what the record on the Republican side has been, and it is interesting.

Senator MCCONNELL and 32 of his Republican colleagues supported President Bush's Economic Stimulus Act of 2008. It included tax rebates for individuals, which we find in the Obama plan; tax cuts for small business, which we find in the Obama plan—and no offset, incidentally. It wasn't paid for. It added directly to the deficit. Senator MCCONNELL and 32 of his Republican colleagues voted for that because it had President Bush's name associated with it. I am afraid most, if not all of them, will vote against this proposal because President Obama has brought it forward.

Republicans have supported a payroll tax consistently in the past. Here is what Senator MCCONNELL said on FOX News in January of 2009:

> If you want a quick answer to the question of what would I do, I'd have a payroll tax holiday for a year or two that would put taxes in the hands of everybody who has a job, whether they pay income taxes or not. And, of course, businesses pay the payroll tax too, so it would be both a business tax cut and individual tax cut immediately.

That is the centerpiece of President Obama's jobs plan. It is a plan that was criticized on the floor this morning by Senator MCCONNELL. The approach the President is taking is exactly what Senator MCCONNELL said when he was speaking in the bosom of the lodge at FOX News in January of 2009. Republicans have supported Federal help to States. I will not go through the list, but they have in the past.

Incidentally, it used to be dogmatic when it came to building infrastructure in America—roads and highways and bridges and ports and airports. It was a bipartisan issue. When the President puts it in his jobs bill, it is rejected. You know what the Republicans say about the President's jobs bill? We have tried all this before and it didn't work, so let's not try it again. So they are summarily rejecting payroll tax cuts they have supported in the past for families, they are rejecting tax cuts for businesses to hire the unemployed—even unemployed veterans, which they have supported in the past; they are rejecting the notion we need to build America's infrastructure for the future of our economy; and they have basically said, when it comes to trying to make this economy move forward, the only thing they want to do is to pass a trade agreement.

We will consider three of those trade agreements tomorrow. At least two, maybe all of them, are likely to pass. How quickly do the Republicans think there will be a turnaround in the economy if we start increasing our trade with Korea, Colombia or Panama? It may increase trade but certainly not in the near term and certainly not to the

benefit of 14 million Americans who are currently unemployed.

It comes down to this. We are going to have a vote later this afternoon. It is going to be a vote on President Obama's jobs proposal. He has spoken to it clearly in a joint session of Congress. He has taken his case to the American people. He has included provisions which the Republicans have historically supported but that I am afraid they are going to walk away from on this. The Republican approach to this is to do nothing—absolutely nothing. Protect millionaires from tax increases and don't give President Obama a victory.

I will say this. This is not about a victory for President Obama. It is a victory for unemployed people across America that we would do something specific, something direct, and something that would have a measurable impact in creating jobs. I am troubled the Republican approach, as Senator MCCONNELL described it, is one of ''just say no.''

That is the Republican answer to the weakness of our economy. He talks about the tax hike that is included in our bill. That tax hike is a surtax—on those making over $1 million in income—of 5.6 percent. It is not too much a sacrifice to ask from those who are most well off in America.

When the Senator from Kentucky comes and tells us the earlier stimulus bill failed, I would say to him: Remember, over 40 percent of that bill consisted of tax cuts, something most Republicans usually support. It also invested in America in ways that will pay off for years to come. For example, the stimulus bill paid for and built a new terminal at the Peoria National Airport—a terminal that created jobs today and will serve that community for decades to come. That stimulus bill also led to the creation of an intermodal center in Bloomington, in downstate Illinois, a proposal that will create jobs now for construction and build for transportation in that community for decades to come.

So for that stimulus to be dismissed as not creating results, I am afraid Senator MCCONNELL needs to journey a little north of Kentucky, and we will show him results in Illinois and all across the United States.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CHINA'S CURRENCY POLICY

Mr. SCHUMER. Mr. President, I thank my colleague from Illinois for his remarks. In a few minutes, we are going to vote on a bill that could actually change the course of how we trade with China. For a decade, getting worse every year, China has taken advantage of America in every way. Currency is at the top of the list, but it has been the theft of intellectual property, it has been the subsidy of indigenous Chinese businesses, it has been monopolizing things such as rare earth, and it has been excluding American products from China when those products would have a competitive advantage. For the first time, this body, in a bipartisan way, has the ability to say enough is enough. Uncle Sam is no longer Uncle Sap. We are going to create fair trade with China.

This relates to our future because it no longer is competition over shoes or clothing or furniture—labor-intensive businesses. It is competition over the most high-end things we do. Our companies can win and create jobs here in America if China plays by the rules and plays fairly. But everyone who has been up close and seen the way the Chinese operate know that will not happen by persuasion, by multilateral talks, by wishing it were so or even by the healing of time. It will only happen if America stands up for itself—for fairness, for equal treatment. For the first time, we have the opportunity to get that to happen.

Some say this is a symbolic bill. It is not. If we pass this bill by a bipartisan majority, I will tell everybody what will happen. The House will vote on something—hopefully strong—and we will have a conference committee with something going to the President's desk. Long before that occurs—long before that occurs—the Chinese will begin to step back from their unfair trade policies. So we can indeed win the trade argument with China.

Some say it will create a trade war. We are already in a trade war, and we are losing. We are getting our clocks cleaned. But we can stop it, and this is the opportunity.

Mr. President, every one of us has spoken to companies that make high-end products throughout our States, and that China competes unfairly and takes jobs and wealth away from America, we know that. No one disputes that. No one disputes that they manipulate currency. No one disputes that they take jobs and wealth unfairly from America. The issue is what to do about it.

Some say talk to the Chinese. We have done that for 7 years. Some say have multilateral agreements. We have tried that; China just doesn't listen. The only way to get China to change its policies is by requiring them to do so by putting in place a system that says: If you don't, the consequences will be worse for you than if you do. That is how China operates. Unfortunately, my belief is the new leadership in China, without any reformers on the executive committee of the Politburo, will get worse, not better, unless we, together, Democrats and Republicans, say to China: Enough is enough.

American workers have said enough is enough. American businesses have said enough is enough. When is the Congress, when is this government going to say enough is enough instead of just twiddling our thumbs and hoping and praying China might change out of the goodness of their hearts? Well, the time is now. This is a unique opportunity not simply to have a symbolic vote. Believe me, this is not at all political to me. Senator GRAHAM and I have tried to keep this a bipartisan issue religiously for 7 years. To me, this is something that relates to the very future of our country, like educating our kids, like creating jobs so that the next generation has a better opportunity than this, like the greatness of America itself.

We are in a tough world. We know that. But America always wins in a tough world. We compete and we survive. The only way we won't is if the deck continues to stay stacked against us. My colleagues, even up the playing field. This legislation will start us on the road to doing that so that our children and our grandchildren will have a better future than they will if we continue the present policies and let China take industry after industry unfairly away from us.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

SENATOR COBURN

Mr. REID. Mr. President, I just learned that my friend, Senator TOM COBURN, has undergone surgery to treat prostate cancer. The junior Senator from Oklahoma is expected to make a full recovery. His cancer was in the early stages, and he should be back to work in a few weeks. Senator COBURN has battled cancer twice before, and he has beaten the disease twice before. Those of us who know TOM COBURN know with certainty that this fighter will beat it again.

My thoughts are with Senator COBURN and his family, and I wish him a complete and speedy recovery. I understand how difficult a cancer diagnosis can be on the patient as well as the family. The entire Senate community is pulling for Senator COBURN, his wife Carolyn, and their three children and five grandchildren.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GRASSLEY. I would like to take a few moments before we have a vote this afternoon to discuss a serious concern I have about the original stimulus package, and I want the Senate to consider my remarks and my research as we consider the President's latest modified so-called jobs bill—in actuality, stimulus bill No. 2. I want to ensure the taxpayers' money is spent responsibly on programs that create viable, long-term jobs, not lost to waste, fraud, and abuse. The marching orders for the stimulus funding under the Obama administration have been ''spend now, chase later.'' But when governments spend money quickly, it

leads to massive waste, fraud, and abuse.

President Obama promised us he would use ''the new tools that the Recovery Act gives us to watch the taxpayers' money with more vigor and transparency than ever'' before. He also said that ''if a Federal agency proposes a project that will waste that money,'' he would ''put a stop to it.'' It is past time for the President to live up to his words because we all know, up to now, that certainly hasn't been the case. I will give several examples.

A year ago, I asked the Department of Labor to explain why $500 million in green job training grants had been spent when the Department had just asked the public to help them define just what a green job is. Now, over a year later, the Department of Labor's inspector general issued an audit report showing that the President's promises are much different from reality. The reality is that only 8,000 program participants found employment—only 10 percent of the promised results. The reality is that $300 million still remains unspent in the program. The reality is that this money won't be spent or produce the jobs before the grants expire. But instead of learning from this failure and using this money for more effective job training, the administration continues to push good money after bad into so-called green jobs, which I don't think has actually even yet been defined to this very day.

The administration left much of stimulus 1 oversight to the inspector general offices of the respective departments but has largely disregarded their findings and recommendations. I strongly support efforts of our inspectors general and am extremely frustrated that the administration ignores rather than enforces the recommendations of the various inspectors general.

Thanks to the audit work performed by these IGs, I have also questioned the administration's ability to track stimulus funding after it was distributed to the first recipients. For instance, the Department of Education provided $1.7 billion to the State of New York even though the inspector general reported that the State has ''serious internal deficiencies'' that would make tracking the money extremely difficult.

The Housing and Urban Development Office of Inspector General released a series of reports that questioned why additional funding was given to troubled housing authorities with significant financial and management problems. HUD Secretary Donovan stated that these housing authorities needed that money to improve their inventory and make needed upgrades.

The weatherization program has also been fraught with waste. The inspector general found that in many cases contractors never did the work, and some work was so shoddy that it endangered the health and safety of the owners.

I continue to raise strong concerns about the Department of Energy's failure to monitor State and territory programs.

I am not aware that the administration has ever demanded any of the taxpayers' money back, even for the blatant cases of waste, fraud, and abuse.

The administration also spent $84 million of the stimulus funding to establish the Recovery Accountability and Transparency Board to guard against wasteful spending. The Recovery Accountability and Transparency Board can hold hearings and compel testimony about stimulus fund waste. I have referred two cases to this board, but so far it has refused to use this authority. In the first case, HUD's Office of Inspector General questioned nearly $32 million of stimulus money spent by the Philadelphia Housing Authority to rehabilitate scattered-site housing. According to the inspector general's report, most of the work was never done and the housing authority couldn't provide detailed invoices to show what the contractors were charging the government for.

I also referred the $535 million loan guarantee from the Department of Energy to Solyndra because I understand the board may have detected possible problems with guarantees.

So President Obama made lots of promises about transparency and accountability when he asked Congress to pass the first stimulus bill. Before we consider giving him another over $400 billion, the President needs to turn his promises into reality or it is the American taxpayers who will lose once again, even beyond the examples I have already given.

I urge my colleagues to oppose the motion to proceed to this latest modified tax-and-spend proposal that even the Washington Post has called ''political.''

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New Mexico.

SENATE RULES

Mr. UDALL of New Mexico. Mr. President, I rise today to talk about changing our Senate rules by a simple majority vote. That is what we did last week.

Mr. President, as you know, the new classes that came in in your year and the year after have worked on these rule change issues, and the last 2 years, I have been working to find a way for the Senate to break through the gridlock and to function on behalf of the American people, to focus, as we are doing with this bill, on jobs for the American people.

Last week, the Senate took the step of changing our rules with a simple majority vote. This was done in accordance with the Constitution, article I, section 5. The Senate has done this on many occasions in the past, and, like those previous rule changes, the action taken last week was not intended to destroy the uniqueness of the Senate but, instead, to restore the regular order of the body.

I applaud the majority leader for getting us back on track. The Senate should be focused on the jobs agenda of the American people, and Majority Leader REID has put us on the right path. He may be forced to do this again, but it is important that he stay focused on that agenda and all of us stay focused on the jobs agenda of the American people.

At the beginning of this Congress, I, along with Senators HARKIN and MERKLEY, tried to do that. Ultimately, our success was limited. We didn't achieve the broad reforms we wanted . . . but we did initiate a debate that highlighted some of the most egregious abuses of the rules, and resulted in a ''gentleman's agreement'' between Majority Leader REID and Minority Leader MCCONNELL.

There was some hope that the agreement would encourage both sides of the aisle to restore the respect and comity that is often lacking in today's Senate. Unfortunately however, that agreement rapidly deteriorated and the partisan rancor and political brinksmanship quickly returned.

What unfolded last Thursday in this chamber is yet another example of what this body has become. The Senate had invoked cloture on the Chinese currency bill, thus limiting further debate on the measure to 30 hours. It was at this point Republicans moved to offer a potentially unlimited number of nongermane amendments to the bill.

Each of these amendments would have required a suspension of the Senate rules, meaning the approval of 67 Senators rather than 60, in order to consider them. This was not an effort to improve the bill but simply a procedural strategy to score political points and force votes on unrelated legislation. Majority Leader REID raised a point of order that motions to suspend the rules post-cloture were dilatory, which was rejected by the Chair. A majority of Senators then voted to overturn the decision of the Chair, thus changing the precedent and limiting how amendments can be considered once cloture is invoked.

As expected, many of my Republican colleagues called last week's action by the majority a power grab and ''tyranny of the majority.'' They decried the lack of respect for minority rights. I agree: We must respect the minority in the Senate. But respect must go both ways. When the minority uses their rights to offer germane amendments, or to extend legitimate debate, we should always respect such efforts. But that is not what we have seen. Instead, the minority often uses its rights to score political points and obstruct almost all Senate action. Instead of offering amendments to improve legislation, we see amendments that have the sole purpose of becoming talking points in next year's election.

It is hard to argue that the majority is not respecting the traditions of the Senate, when the minority is paralyzing this body purely for political gain.

During the debate over rules reform we had in January, many of my colleagues argued that the only way to

change the Senate rules was with a two-thirds supermajority. As we saw last week, that's simply not true. Some call what occurred last week the ''constitutional option,'' while others call it the ''nuclear option.'' I think the best name for it might be the ''majority option.''

As I studied this issue in great depth, one thing became very clear—Senator Robert Byrd may have said it best during a debate on the floor in 1975 when he said, ''at any time that 51 Members of the Senate are determined to change the rule . . . and if the leadership of the Senate joins them . . . that rule will be changed.''

We keep hearing that any use of this option to change the rules is an abuse of power by the majority. However, a 2005 Policy Committee memo provides some excellent points to rebut this argument. And just to be clear, these citations are from a Republican Policy Committee memo.

Let me read part of the Republican memo:

This constitutional option is well grounded in the U.S. Constitution and in Senate history. The Senate has always had, and repeatedly has exercised, the constitutional power to change the Senate's procedures through a majority vote. Majority Leader Robert C. Byrd used the constitutional option in 1977, 1979, 1980, and 1987 to establish precedents changing Senate procedures during the middle of a Congress. And the Senate several times has changed its Standing Rules after the constitutional option had been threatened, beginning with the adoption of the first cloture rule in 1917. Simply put, the constitutional option itself is a longstanding feature of Senate practice.

The Senate, therefore, has long accepted the legitimacy of the constitutional option. Through precedent, the option has been exercised and Senate procedures have been changed. At other times it has been merely threatened, and Senators negotiated textual rules changes through the regular order. But regardless of the outcome, the constitutional option has played an ongoing and important role.

The memo goes on to address some ''Common Misunderstandings of the Constitutional Option.''

One misunderstanding addressed a claim we heard last week that, ''The essential character of the Senate will be destroyed if the constitutional option is exercised.''

The memo rebuts this by stating:

When Majority Leader Byrd repeatedly exercised the constitutional option to correct abuses of Senate rules and precedents, those illustrative exercises of the option did little to upset the basic character of the Senate. Indeed, many observers argue that the Senate minority is stronger today in a body that still allows for extensive debate, full consideration, and careful deliberation of all matters with which it is presented.

Changing the rules with a simple majority is not about exercising power but it is about restoring balance. There is a fine line between respecting minority rights and yielding to minority rule. When we cross that line, as I believe we have many times in recent years, the body is within its rights to restore the balance.

This is not tyranny by the majority, but merely holding the minority accountable when it abuses the rules to the point of complete dysfunction. Neither party should stoop to that level.

Many of my colleagues argue that the Senate's supermajority requirements are what make it unique from the House of Representatives, and other legislative body around the world. I disagree. If you talk to the veteran Senators, many of them will tell you that the need for 60 votes to pass anything is a recent phenomenon. Senator HARKIN discussed this in great detail during our debate in January and I highly recommend reading his statement.

Senator LEAHY raised the issue on the floor last week when he said;

I keep hearing this talk about 60 votes. Most votes you win by 51 votes, and this constant mantra of 60 votes, this is some new invention.

I think this gets at the heart of the problem. We are a unique legislative body but not because of our rulebook. Complete gridlock and dysfunction can't be what our Founders intended. Rather than a body bound by mutual respect that moves by consent and allows majority votes on almost all matters, we have become a supermajoritarian institution that often doesn't move at all.

With the tremendously difficult economic circumstances facing this country, the American people cannot afford a broken Senate. They are frustrated. And they have every right to be. This is not how to govern, and they deserve better. Both sides need to take a step back and understand that what we do on the Senate floor should not be about setting up the next Presidential election or winning the majority next November but about helping the country today.

Mr. President, I ask unanimous consent to have printed in the RECORD the Executive Summary of The Constitutional Option.

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

THE SENATE'S POWER TO MAKE PROCEDURAL RULES BY MAJORITY VOTE

EXECUTIVE SUMMARY

The filibusters of judicial nominations that arose during the 108th Congress have created an institutional crisis for the Senate.

Until 2003, Democrats and Republicans had worked together to guarantee that nominations considered on the Senate floor received up-or-down votes.

The filibustering Senators are trying to create a new Senate precedent—a 60-vote requirement for the confirmation of judges—contrary to the simple-majority standard presumed in the Constitution.

If the Senate allows these filibusters to continue, it will be acquiescing in Democrats' unilateral change to Senate practices and procedures.

The Senate has the power to remedy this situation through the ''constitutional option''—the exercise of a Senate majority's constitutional power to define Senate practices and procedures.

The Senate has always had, and repeatedly has exercised, this constitutional option. The majority's authority is grounded in the Constitution, Supreme Court case law, and the Senate's past practices.

For example, Majority Leader Robert C. Byrd used the constitutional option in 1977, 1979, 1980, and 1987 to establish precedents that changed Senate procedures during the middle of a Congress.

An exercise of the constitutional option under the current circumstances would be an act of restoration—a return to the historic and constitutional confirmation standard of simple-majority support for all judicial nominations.

Employing the constitutional option here would not affect the legislative filibuster because virtually every Senator supports its preservation. In contrast, only a minority of Senators believes in blocking judicial nominations by filibuster.

The Senate would, therefore, be well within its rights to exercise the constitutional option in order to restore up-or-down votes for judicial nominations on the Senate floor.

Mr. UDALL of New Mexico. Mr. President, 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.

The PRESIDING OFFICER. The Senator from Iowa.

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

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

NOMINATION OF JANE MARGARET TRICHE-MILAZZO

Mr. GRASSLEY. Mr. President, today we are going to consider the nomination of Jane Margaret Triche-Milazzo to be U.S. district judge for the Eastern District of Louisiana. Before I make my remarks regarding the nomination, I want to respond to some comments made on the floor last Thursday evening because I am really amazed and very disappointed by the continuing allegations that Senate Republicans are delaying, obstructing, or otherwise blocking judicial nominations. One Member stated that we ''filibuster everything and require 60 votes on everything, including judges.'' That statement is without merit, and so I am here to set the record straight.

We are making very good progress in the consideration and confirmation of President Obama's judicial nominations. In fact, we have taken positive action on 84 percent of President Obama's judicial nominees. We heard from five judicial nominees in committee last week, reported five more to the floor, and continue to hold regular votes on judicial nominees. President Obama's circuit court nominees are waiting, on average, only 66 days to receive a hearing. Now, compare that to the 247 days President Bush's circuit nominees were forced to wait. The same can be said for district court nominees, who have only waited 79 days under President Obama. Nominees

from President Bush waited on average 100 days for a hearing. You can understand why I am disturbed because some people say there is a Republican effort not to cooperate on moving these judges.

The reporting process has also favored President Obama's judicial nominees. On average, President Obama's circuit court nominees have only waited 116 days to be reported out of committee. President Bush's circuit court nominees waited over 369 days to be reported. District court nominees are no different. President Obama's nominees for the district courts have waited 129 days, while President Bush's district court nominees waited over 148 days.

The accusations that we are filibustering or requiring 60 votes on everything including judges is not supported by the facts. We have confirmed 43 judicial nominees this year. With the vote today we will have confirmed over 66 percent of President Obama's judicial nominees since the beginning of his administration. During our consideration of the 98 judicial nominations submitted during this Congress, there have been two cloture votes. One of those nominees was confirmed. The other was withdrawn.

In the last Congress there were four cloture motions made in relationship to 105 judicial nominations submitted. I remind my colleagues that at least 18 of President Bush's judicial nominations were subjected to cloture motions, many of them having multiple cloture votes. According to my count, there were approximately 30 cloture votes on Bush judicial nominees.

There has to be a double standard on the part of my colleagues who somehow forget the history or somehow do not know how to count or sometimes, if they do read the numbers, do not know what the numbers mean.

Another colleague of mine stated last Thursday night that he could not remember a time during his long service in the Senate when judges would sit on the calendar for months. It was not that long ago, while the current majority party was in the minority, when qualified nominees sat on the Senate calendar for months. In most cases, when finally afforded a vote, they received unanimous support. These included Juan Sanchez, who was nominated for the Eastern District of Pennsylvania; William Duffey, Jr., who was nominated for the Northern District of Georgia; Mark Filip, who was nominated for the Northern District of Illinois; Gary Sharpe, who was nominated for the Northern District of New York; and James Robart, who was nominated for the Western District, State of Washington. These are just a few of President Bush's district court nominees who sat on the calendar for well over 3 months, yet received unanimous support in their confirmation votes.

I wonder if my colleagues remember William Haynes, President Bush's nominee to sit on the Fourth Circuit. He waited 638 days on the Senate calendar in the 108th Congress alone before being returned to the President. All in all, Mr. Haynes put his life on hold for 1,173 days without ever receiving an up-or-down vote.

Another of President Bush's circuit court nominees, Raymond Kethledge, waited 23 months before being confirmed by the Senate and was then confirmed—can you believe it—on a voice vote.

I am not providing these facts to engage in a tit-for-tat, but when I hear colleagues misstate facts and can't understand numbers and can't count, I have to set the record straight.

Shortly we will vote on Jane M. Triche-Milazzo, who is nominated to be the U.S. district judge for the Eastern District of Louisiana. She graduated magna cum laude with a bachelor's degree from Nicholls State University in 1977 and then worked for some time as an elementary school teacher before beginning to work in her father's law office. In 1992, Judge Triche-Milazzo graduated with a juris doctorate from Louisiana State University, Paul M. Herbert Law Center. She spent the entirety of her legal career practicing at Risley Triche, LLC, first as an associate and later to become a partner.

In 2008 she was elected judge for Louisiana's 23rd judicial district. She is a Louisiana State District Court judge for Division D of the 23rd judicial district bench. She was the first female judge elected to that judicial district bench. Judge Triche-Milazzo received a unanimous ''qualified'' rating from the ABA Committee on the Federal Judiciary, so I am pleased to support this fine nominee and thank her for her service.

Mr. LEAHY. Mr. President, in a few moments the Senate has the opportunity to proceed to the American Jobs Act. The bill the President asked us to pass a month ago includes bipartisan proposals that have received broad approval in the past from Members of both parties, including road and bridge repairs, teacher retentions and extensions of tax relief for businesses to encourage hiring. We should answer the President's call and the American people's needs and act to help get Americans back to work and grow the economy.

There is another unacceptable rate that we can help change to the benefit of all Americans. That is the judicial vacancy rate. It now stands at nearly 11 percent, with 92 vacancies on Federal courts around the country. I will ask to have printed in the RECORD an editorial on this topic entitled ''The Other Federal Crisis'' that appeared in McClatchy—Tribune papers last week.

We can act today to bring down that rate dramatically by considering and confirming 26 judicial nominations approved by the Senate Judiciary Committee that are awaiting final Senate action.

Today we are voting on only one of those judicial 26 nominees. With Republican agreement, all 26 could have been voted on today. Of the 25 judges who will remain on the Executive Calendar after today's vote, 21 were reported with the unanimous support of all Democrats and all Republicans serving on the Judiciary Committee. All of them have the support of their home State Senators, 10 include Republicans home State Senators.

Today, the Senate will finally vote on the nomination of Jane Triche-Milazzo to serve as a district judge in the U.S. District Court for the Eastern District of Louisiana. While I am pleased that we are finally having a vote on Judge Triche-Milazzo's nomination, after 3 months of unnecessary delay, more than two dozen well-qualified, consensus nominees still await a Senate confirmation vote. At a time when vacancies on Federal courts throughout the country have remained near or above 90 for more than 2 years, delaying votes on these nominees needlessly undermines the ability of our Federal courts to provide justice to Americans around the country.

The Senate could take significant steps today to address this ongoing crisis in judicial vacancies just by acting on the nominations thoroughly vetted by the Judiciary Committee and reported with bipartisan support. This week, with Republican cooperation, the Judiciary Committee could report five more consensus nominees to fill judicial emergency vacancies on the Eleventh Circuit and in Utah, as well as vacancies in Missouri, Nebraska, and Washington. I have repeatedly noted Senator GRASSLEY's willingness to work with me to make sure that the Judiciary Committee makes progress on nominations. Regrettably, the Judiciary Committee's efforts to act on nominations have not been matched by action by the Senate, where the Republican leadership has refused promptly to consider even consensus nominations. They are delayed for months. The Republican leadership's refusal to promptly schedule votes on pending judicial nominations is a departure from the Senate's action in regularly considering President Bush's nominations, which we did whether the Senate had a Democratic or Republican majority. At this point in George W. Bush's presidency, the Senate had confirmed 162 of his nominees for the Federal circuit and district courts, including 100 during the 17 months that I was chairman of the Judiciary Committee during his first term. By this date in President Clinton's first term, the Senate had confirmed 163 of his nominations to circuit and district courts. In stark contrast, after today's vote, the Senate will have confirmed only 105 of President Obama's nominees to Federal circuit and district courts. In the next year, we need to confirm 100 more of his circuit and district court nominations to match the 205 confirmed during President Bush's first term.

We can and must do better to address the serious judicial vacancies crisis affecting Federal courts around the

country. Nearly half of all Americans—136 million—live in districts or circuits that have a judicial vacancy that could be filled today if the Senate Republicans just agreed to vote on the nominations currently pending on the Executive Calendar. As many as 21 states are served by Federal courts with vacancies that would be filled by nominations stalled on the Senate calendar. Millions of Americans across the country are being harmed by delays in overburdened courts. The Republican leadership should explain to the American people why they will not consent to vote on the qualified, consensus candidates nominated to fill these extended judicial vacancies.

The unnecessary delays in our consideration of judicial nominations have contributed to the longest period of historically high vacancy rates in the last 35 years. The number of judicial vacancies rose above 90 in August 2009, and it has stayed near or above that level ever since. Vacancies are twice as high as they were at this point in President Bush's first term when the Senate was expeditiously voting on consensus judicial nominations. We must bring an end to these needless delays in the Senate so that we can ease the burden on our Federal courts so that they can better serve the American people.

Last week, the Senate voted to confirm Judge Jennifer Guerin Zipps, who was nominated to fill the emergency judicial vacancy created by the tragic death of Judge Roll in the Tucson, AZ, shootings. I was pleased that, with cooperation from Republican Senators, the time from when the Judiciary Committee reported Judge Zipps' nomination to full Senate consideration was less than a month even including a recess period. All nominations should move at that rate. It should not take a tragedy to spur us to action to fill a judicial emergency vacancy. Indeed, the time it took the Senate to consider Judge Zipps' nomination was in line with the average time it took for the Senate to consider President Bush's unanimously reported judicial nominations, 28 days. Her nomination would not have been an exception during those years as it regrettably has become today. President Obama's consensus nominations, reported with the unanimous support of every Republican and Democrat on the Judiciary Committee, have waited an average of 79 days on the Executive Calendar before consideration by the Senate. Today's nominee is a good example. She was reported unanimously on July 14. That was nearly 3 months ago.

Last week, I invited Justice Scalia and Justice Breyer to appear before the Judiciary Committee and discuss the important role that judges play under our Constitution. Justice Scalia agreed that the extensive delays in the confirmation process are already having a chilling effect on the ability to attract talented nominees to the Federal bench. Chief Justice Roberts has also described the ''persistent problem of judicial vacancies in critically overworked districts.'' Hardworking Americans are denied justice when their cases are delayed by overburdened courts. While people appearing in court are waiting years before a judge rules on their case, they feel they are being forced to live the old adage ''justice delayed is justice denied.''

Today the Senate will confirm an experienced, consensus nominee who could and should have received a vote prior to the August recess. Jane Triche-Milazzo is nominated to fill a vacancy in the U.S. District Court for the Eastern District of Louisiana. Currently a Louisiana State court judge, she previously spent 16 years in private practice in her family's law firm in Napoleonville, LA. Judge Triche-Milazzo has the bipartisan support of her home State Senators, Democratic Senator MARY LANDRIEU and Republican Senator DAVID VITTER. The Judiciary Committee favorably reported her nomination without a single dissenting vote almost 3 months ago. I expect that the Senate will confirm her unanimously today.

We must do more to make progress in considering the other 25 judicial nominations pending on the Senate's Executive Calendar. The excessive number of vacancies has persisted in Federal courts throughout the Nation for far too long. The American people should not have to wait for the Senate to do its constitutional duty of confirming judges to the Federal bench. With millions of Americans currently affected by the vacancy crisis in our courts, there is serious work to be done.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial to which I referred.

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

[From the Miami Herald, Oct. 2, 2011]

THE OTHER FEDERAL CRISIS

In the month since Congress returned from the summer recess, the crisis over the deficit and federal spending has been the focus of attention, with ideological gridlock obstructing progress. But partisan politics has also produced a separate crisis in the nation's federal courts.

During September, the Senate confirmed a grand total of three federal judges—leaving 95 vacancies in courthouses around the country. This means that there are simply not enough federal judges to handle the judicial workload, resulting in justice delayed in both criminal and civil cases. In 35 of those instances, including two district seats in the Southern District of Florida, the courts have declared a judicial emergency, meaning the dockets are overloaded to the breaking point.

According to a recent report by the Congressional Research Service, this is a historically high level of vacancies, and the prolonged slowness in filling the empty seats makes the Obama presidency the longest period of high vacancy rates in the federal judiciary in 35 years.

Clearly, the Senate is not fulfilling its constitutional duty to confirm judges. Some 58 Obama administration nominees are pending in the Senate to fill the 95 vacancies. Republican senators have complained that there should be a nominee for every vacancy—fair enough—but that does not explain why so many of the nominations have been stalled for so long.

The Senate, of course, has a duty to ensure that nominees are qualified. No one wants a ''fast-tracked'' judge hearing cases. But it's hard to escape the conclusion that partisan politics rather than the quality of the nominees is the root of the problem when even consensus candidates must wait for prolonged periods.

This Monday, for example, the Senate is expected to fill some of those vacancies when six of the nominations go to the floor for a vote, meaning there has been a preceding agreement not to block the vote.

That generally leads to confirmation. Of those six, five have been pending since May and June—and all of them were approved with a unanimous vote by Democratic and Republican members of the Senate Judiciary Committee. In other words, there is no question that the nominees have the qualifications to do the job—so why the delay?

In the past, Democrats have been slow to approve nominees from Republican presidents. But the record shows that approvals for nominees by the last Republican president, George W. Bush, moved faster even when Democrats had the power to block confirmation.

At this point in the presidency of President Bush, 144 federal circuit and district court judges had been confirmed. By comparison, according to Vermont Sen. Patrick Leahy, chairman of the Judiciary Committee, total confirmations of federal circuit and district court judges during the first three years of the Obama administration have been only 98. ''The Senate has a long way to go before the end of next year to match the 205 confirmations of President Bush's judicial nominees during his first term,'' he said.

This is a problem senators can solve easily. First, vote on all 27 pending nominees who have already won committee approval, beginning with those who received a unanimous vote. Then move the other nominations to the floor without unreasonable delay. The deterioration of the federal judiciary because of partisan politics is inexcusable.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. ROCKEFELLER. 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.

EXECUTIVE SESSION

NOMINATION OF JANE MARGARET TRICHE-MILAZZO TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider

the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Jane Margaret Triche-Milazzo, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided prior to a vote on the nomination.

Mr. ISAKSON. I ask that all time be yielded back.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I yield back our time.

The PRESIDING OFFICER. Without objection, it is so ordered. All time is yielded back.

Mr. BINGAMAN. I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Jane Margaret Triche-Milazzo, of Louisiana, to be United States District Judge for the Eastern District of Louisiana?

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Hampshire (Mrs. SHAHEEN) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 158 Ex.]

YEAS—98

Akaka	Gillibrand	Mikulski
Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Hatch	Nelson (FL)
Bennet	Heller	Paul
Bingaman	Hoeven	Portman
Blumenthal	Hutchison	Pryor
Blunt	Inhofe	Reed
Boozman	Inouye	Reid
Boxer	Isakson	Risch
Brown (MA)	Johanns	Roberts
Brown (OH)	Johnson (SD)	Rockefeller
Burr	Johnson (WI)	Rubio
Cantwell	Kerry	Sanders
Cardin	Kirk	Schumer
Carper	Klobuchar	Sessions
Casey	Kohl	Shelby
Chambliss	Kyl	Snowe
Coats	Landrieu	Stabenow
Cochran	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Lee	Toomey
Coons	Levin	Udall (CO)
Corker	Lieberman	Udall (NM)
Cornyn	Lugar	Vitter
Crapo	Manchin	Warner
DeMint	McCain	Webb
Durbin	McCaskill	Whitehouse
Enzi	McConnell	Wicker
Feinstein	Menendez	Wyden
Franken	Merkley	

NOT VOTING—2

Coburn	Shaheen

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1619, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1619) to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

Pending:

Reid amendment No. 694, to change the enactment date.

AMENDMENT NO. 694 WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be withdrawn.

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

The clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill having been read the third time, the question is, Shall the bill pass?

Mr. DURBIN. 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 clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Hampshire (Mrs. SHAHEEN) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

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

The result was announced—yeas 63, nays 35, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—63

Akaka	Collins	Johnson (SD)
Baucus	Conrad	Kerry
Begich	Coons	Klobuchar
Bennet	Crapo	Kohl
Bingaman	Durbin	Landrieu
Blumenthal	Feinstein	Lautenberg
Boxer	Franken	Leahy
Brown (MA)	Gillibrand	Levin
Brown (OH)	Graham	Manchin
Burr	Grassley	Menendez
Cardin	Hagan	Merkley
Carper	Harkin	Mikulski
Casey	Hoeven	Nelson (NE)
Chambliss	Isakson	Nelson (FL)
Cochran	Johanns	Portman
Pryor	Schumer	Udall (CO)
Reed	Sessions	Udall (NM)
Reid	Shelby	Warner
Risch	Snowe	Webb
Rockefeller	Stabenow	Whitehouse
Sanders	Tester	Wyden

NAYS—35

Alexander	Heller	McConnell
Ayotte	Hutchison	Moran
Barrasso	Inhofe	Murkowski
Blunt	Inouye	Murray
Boozman	Johnson (WI)	Paul
Cantwell	Kirk	Roberts
Coats	Kyl	Rubio
Corker	Lee	Thune
Cornyn	Lieberman	Toomey
DeMint	Lugar	Vitter
Enzi	McCain	Wicker
Hatch	McCaskill	

NOT VOTING—2

Coburn	Shaheen

The bill (S. 1619) was passed, as follows:

S. 1619

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 ''Currency Exchange Rate Oversight Reform Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTERING AUTHORITY.—The term ''administering authority'' means the authority referred to in section 771(1) of the Tariff Act of 1930 (19 U.S.C. 1677(1)).

(2) AGREEMENT ON GOVERNMENT PROCUREMENT.—The term ''Agreement on Government Procurement'' means the agreement referred to in section 101(d)(17) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(17)).

(3) COUNTRY.—The term ''country'' means a foreign country, dependent territory, or possession of a foreign country, and may include an association of 2 or more foreign countries, dependent territories, or possessions of countries into a customs union outside the United States.

(4) EXPORTING COUNTRY.—The term ''exporting country'' means the country in which the subject merchandise is produced or manufactured.

(5) FUNDAMENTAL MISALIGNMENT.—The term ''fundamental misalignment'' means a significant and sustained undervaluation of the prevailing real effective exchange rate, adjusted for cyclical and transitory factors, from its medium-term equilibrium level.

(6) FUNDAMENTALLY MISALIGNED CURRENCY.—The term ''fundamentally misaligned currency'' means a foreign currency that is in fundamental misalignment.

(7) REAL EFFECTIVE EXCHANGE RATE.—The term ''real effective exchange rate'' means a weighted average of bilateral exchange rates, expressed in price-adjusted terms.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(9) STERILIZATION.—The term ''sterilization'' means domestic monetary operations taken to neutralize the monetary impact of increases in reserves associated with intervention in the currency exchange market.

(10) SUBJECT MERCHANDISE.—The term ''subject merchandise'' means the merchandise subject to an antidumping investigation, review, suspension agreement, or order referred to in section 771(25) of the Tariff Act of 1930 (19 U.S.C. 1677(25)).

(11) WTO AGREEMENT.—The term ''WTO Agreement'' means the agreement referred to in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)).

SEC. 3. REPORT ON INTERNATIONAL MONETARY POLICY AND CURRENCY EXCHANGE RATES.

(a) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than March 15 and September 15 of each calendar year, the Secretary, after consulting with the Chairman of the Board of Governors of the Federal Reserve System and the Advisory Committee on International Exchange Rate Policy, shall submit to Congress and make public, a written report on international monetary policy and currency exchange rates.

(2) CONSULTATIONS.—On or before March 30 and September 30 of each calendar year, the Secretary shall appear, if requested, before the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate and the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives to provide testimony on the reports submitted pursuant to paragraph (1).

(b) CONTENT OF REPORTS.—Each report submitted under subsection (a) shall contain the following:

(1) An analysis of currency market developments and the relationship between the United States dollar and the currencies of major economies and trading partners of the United States.

(2) A review of the economic and monetary policies of major economies and trading partners of the United States, and an evaluation of how such policies impact currency exchange rates.

(3) A description of any currency intervention by the United States or other major economies or trading partners of the United States, or other actions undertaken to adjust the actual exchange rate relative to the United States dollar.

(4) An evaluation of the domestic and global factors that underlie the conditions in the currency markets, including—

(A) monetary and financial conditions;

(B) accumulation of foreign assets;

(C) macroeconomic trends;

(D) trends in current and financial account balances;

(E) the size, composition, and growth of international capital flows;

(F) the impact of the external sector on economic growth;

(G) the size and growth of external indebtedness;

(H) trends in the net level of international investment; and

(I) capital controls, trade, and exchange restrictions.

(5) A list of currencies designated as fundamentally misaligned currencies pursuant to section 4(a)(2), and a description of any economic models or methodologies used to establish the list.

(6) A list of currencies designated for priority action pursuant to section 4(a)(3).

(7) An identification of the nominal value associated with the medium-term equilibrium exchange rate, relative to the United States dollar, for each currency listed under paragraph (6).

(8) A description of any consultations conducted or other steps taken pursuant to section 5, 6, or 7, including any actions taken to eliminate the fundamental misalignment.

(9) A description of any determination made pursuant to section 9(a).

(c) CONSULTATIONS.—The Secretary shall consult with the Chairman of the Board of Governors of the Federal Reserve System and the Advisory Committee on International Exchange Rate Policy with respect to the preparation of each report required under subsection (a). Any comments provided by the Chairman of the Board of Governors of the Federal Reserve System or the Advisory Committee on International Exchange Rate Policy shall be submitted to the Secretary not later than the date that is 15 days before the date each report is due under subsection (a). The Secretary shall submit the report to Congress after taking into account all comments received from the Chairman and the Advisory Committee.

SEC. 4. IDENTIFICATION OF FUNDAMENTALLY MISALIGNED CURRENCIES.

(a) IDENTIFICATION.—

(1) IN GENERAL.—The Secretary shall analyze on a semiannual basis the prevailing real effective exchange rates of foreign currencies.

(2) DESIGNATION OF FUNDAMENTALLY MISALIGNED CURRENCIES.—With respect to the currencies of countries that have significant bilateral trade flows with the United States, and currencies that are otherwise significant to the operation, stability, or orderly development of regional or global capital markets, the Secretary shall determine whether any such currency is in fundamental misalignment and shall designate such currency as a fundamentally misaligned currency.

(3) DESIGNATION OF CURRENCIES FOR PRIORITY ACTION.—The Secretary shall designate a currency identified under paragraph (2) for priority action if the country that issues such currency is—

(A) engaging in protracted large-scale intervention in the currency exchange market, particularly if accompanied by partial or full sterilization;

(B) engaging in excessive and prolonged official or quasi-official accumulation of foreign exchange reserves and other foreign assets, for balance of payments purposes;

(C) introducing or substantially modifying for balance of payments purposes a restriction on, or incentive for, the inflow or outflow of capital, that is inconsistent with the goal of achieving full currency convertibility; or

(D) pursuing any other policy or action that, in the view of the Secretary, warrants designation for priority action.

(b) REPORTS.—The Secretary shall include a list of any foreign currency designated under paragraph (2) or (3) of subsection (a) and the data and reasoning underlying such designations in each report required by section 3.

SEC. 5. NEGOTIATIONS AND CONSULTATIONS.

(a) IN GENERAL.—Upon designation of a currency pursuant to section 4(a)(2), the Secretary shall seek to consult bilaterally with the country that issues such currency in order to facilitate the adoption of appropriate policies to address the fundamental misalignment.

(b) CONSULTATIONS INVOLVING CURRENCIES DESIGNATED FOR PRIORITY ACTION.—With respect to each currency designated for priority action pursuant to section 4(a)(3), the Secretary shall, in addition to seeking to consult with a country pursuant to subsection (a)—

(1) seek the advice of the International Monetary Fund with respect to the Secretary's findings in the report submitted to Congress pursuant to section 3(a); and

(2) encourage other governments, whether bilaterally or in appropriate multinational fora, to join the United States in seeking the adoption of appropriate policies by the country described in subsection (a) to eliminate the fundamental misalignment.

SEC. 6. FAILURE TO ADOPT APPROPRIATE POLICIES.

(a) IN GENERAL.—Not later than 90 days after the date on which a currency is designated for priority action pursuant to section 4(a)(3), the Secretary shall determine whether the country that issues such currency has adopted appropriate policies, and taken identifiable action, to eliminate the fundamental misalignment. The Secretary shall promptly notify Congress of such determination and publish notice of the determination in the Federal Register. If the Secretary determines that the country that issues such currency has failed to adopt appropriate policies, or take identifiable action, to eliminate the fundamental misalignment, the following shall apply with respect to the country until a notification described in section 7(b) is published in the Federal Register:

(1) ADJUSTMENT UNDER ANTIDUMPING LAW.—For purposes of an antidumping investigation under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.), or a review under subtitle C of such Act (19 U.S.C. 1675 et seq.), the following shall apply:

(A) IN GENERAL.—The administering authority shall ensure a fair comparison between the export price and the normal value by adjusting the price used to establish export price or constructed export price to reflect the fundamental misalignment of the currency of the exporting country.

(B) SALES SUBJECT TO ADJUSTMENT.—The adjustment described in subparagraph (A) shall apply with respect to subject merchandise sold on or after the date that is 30 days after the date the currency of the exporting country is designated for priority action pursuant to section 4(a)(3).

(2) FEDERAL PROCUREMENT.—

(A) IN GENERAL.—The President shall prohibit the procurement by the Federal Government of products or services from the country.

(B) EXCEPTION.—The prohibition provided for in subparagraph (A) shall not apply with respect to a country that is a party to the Agreement on Government Procurement.

(3) REQUEST FOR IMF ACTION.—The United States shall inform the Managing Director of the International Monetary Fund of the failure of the country to adopt appropriate policies, or to take identifiable action, to eliminate the fundamental misalignment, and the actions the country is engaging in that are identified in section 4(a)(3), and shall request that the Managing Director of the International Monetary Fund—

(A) consult with such country regarding the observance of the country's obligations under article IV of the International Monetary Fund Articles of Agreement, including through special consultations, if necessary; and

(B) formally report the results of such consultations to the Executive Board of the International Monetary Fund within 180 days of the date of such request.

(4) OPIC FINANCING.—The Overseas Private Investment Corporation shall not approve any new financing (including insurance, reinsurance, or guarantee) with respect to a project located within the country.

(5) MULTILATERAL BANK FINANCING.—

(A) IN GENERAL.—The Secretary shall instruct the United States Executive Director at each multilateral bank to oppose the approval of any new financing (including loans, other credits, insurance, reinsurance, or guarantee) to the government of the country or for a project located within the country.

(B) MULTILATERAL BANK.—The term ''multilateral bank'' includes each of the international financial institutions described in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r).

(b) WAIVER.—

(1) IN GENERAL.—The President may waive any action provided for under subsection (a) if the President determines that—

(A) taking such action would cause serious harm to the national security of the United States; or

(B) it is in the vital economic interest of the United States to do so and taking such

action would have an adverse impact on the United States economy greater than the benefits of such action.

(2) NOTIFICATION.—The President shall promptly notify Congress of a determination under paragraph (1) (and the reasons for the determination, if made under paragraph (1)(B)) and shall publish notice of the determination (and the reasons for the determination, if made under paragraph (1)(B)) in the Federal Register.

(c) REPORTS.—The Secretary shall describe any action or determination pursuant to subsection (a) or (b) in the first semiannual report required by section 3 after the date of such action or determination.

SEC. 7. PERSISTENT FAILURE TO ADOPT APPROPRIATE POLICIES.

(a) PERSISTENT FAILURE TO ADOPT APPROPRIATE POLICIES.—Not later than 360 days after the date on which a currency is designated for priority action pursuant to section 4(a)(3), the Secretary shall determine whether the country that issues such currency has adopted appropriate policies, and taken identifiable action, to eliminate the fundamental misalignment. The Secretary shall promptly notify Congress of such determination and shall publish notice of the determination in the Federal Register. If the Secretary determines that the country that issues such currency has failed to adopt appropriate policies, or take identifiable action, to eliminate the fundamental misalignment, in addition to the actions described in section 6(a), the following shall apply with respect to the country until a notification described in subsection (b) is published in the Federal Register:

(1) ACTION AT THE WTO.—The United States Trade Representative shall request consultations in the World Trade Organization with the country regarding the consistency of the country's actions with its obligations under the WTO Agreement.

(2) REMEDIAL INTERVENTION.—

(A) IN GENERAL.—The Secretary shall consult with the Board of Governors of the Federal Reserve System to consider undertaking remedial intervention in international currency markets in response to the fundamental misalignment of the currency designated for priority action, and coordinating such intervention with other monetary authorities and the International Monetary Fund. In doing so, the Secretary shall consider the impact of such intervention on domestic economic growth and stability, including the impact on interest rates.

(B) NOTICE TO COUNTRY.—At the same time the Secretary takes action under subparagraph (A), the Secretary shall notify the country that issues such currency of the consultations under subparagraph (A).

(b) NOTIFICATION.—The Secretary shall promptly notify Congress when a country that issues a currency designated for priority action pursuant to section 4(a)(3) adopts appropriate policies, or takes identifiable action, to eliminate the fundamental misalignment, and publish notice of the action of that country in the Federal Register.

(c) WAIVER.—

(1) IN GENERAL.—The President may waive any action provided for under this section, or extend any waiver provided for under section 6(b), if the President determines that—

(A) taking such action would cause serious harm to the national security of the United States; or

(B) it is in the vital economic interest of the United States to do so, and that taking such action would have an adverse impact on the United States economy substantially out of proportion to the benefits of such action.

(2) NOTIFICATION.—The President shall promptly notify Congress of a determination under paragraph (1) (and the reasons for the determination, if made under paragraph (1)(B)) and shall publish notice of the determination (and the reasons for the determination, if made under paragraph (1)(B)) in the Federal Register.

(d) DISAPPROVAL OF WAIVER.—If the President waives an action pursuant to subsection (c)(1)(B), or extends a waiver provided for under section 6(b)(1)(B), the waiver shall cease to have effect upon the enactment of a resolution of disapproval described in section 8(a)(2).

(e) REPORTS.—The Secretary shall describe any action or determination pursuant to subsection (a), (b), or (c) in the first semiannual report required by section 3 after the date of such action or determination.

SEC. 8. CONGRESSIONAL DISAPPROVAL OF WAIVER.

(a) RESOLUTION OF DISAPPROVAL.—

(1) INTRODUCTION.—If a resolution of disapproval is introduced in the House of Representatives or the Senate during the 90-day period (not counting any day which is excluded under section 154(b)(1) of the Trade Act of 1974 (19 U.S.C. 2194(b)(1))), beginning on the date on which the President first notifies Congress of a determination to waive action with respect to a country pursuant to section 7(c)(1)(B), that resolution of disapproval shall be considered in accordance with this subsection.

(2) RESOLUTION OF DISAPPROVAL.—In this subsection, the term ''resolution of disapproval'' means only a joint resolution of the two Houses of the Congress, the sole matter after the resolving clause of which is as follows: ''That Congress does not approve the determination of the President under _____ of the Currency Exchange Rate Oversight Reform Act of 2011 with respect to _____, of which Congress was notified on _____.'', with the first blank space being filled section 7(c)(1)(B) or section 6(b)(1)(B), whichever is applicable, the second blank space being filled with the name of the appropriate country, and the third blank space being filled with the appropriate date.

(3) PROCEDURES FOR CONSIDERING RESOLUTIONS.—

(A) INTRODUCTION AND REFERRAL.—Resolutions of disapproval—

(i) in the House of Representatives—

(I) may be introduced by any Member of the House;

(II) shall be referred to the Committee on Financial Services and, in addition, to the Committee on Rules; and

(III) may not be amended by either Committee; and

(ii) in the Senate—

(I) may be introduced by any Member of the Senate;

(II) shall be referred to the Committee on Banking, Housing, and Urban Affairs; and

(III) may not be amended.

(B) COMMITTEE DISCHARGE AND FLOOR CONSIDERATION.—The provisions of subsections (c) through (f) of section 152 of the Trade Act of 1974 (other than paragraph (3) of such subsection (f)) (19 U.S.C. 2192 (c) through (f)) (relating to committee discharge and floor consideration of certain resolutions in the House and Senate) apply to a resolution of disapproval under this section to the same extent as such subsections apply to joint resolutions under such section 152.

(b) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and the rules provided for in this section supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules provided for in this section (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 9. INTERNATIONAL FINANCIAL INSTITUTION GOVERNANCE ARRANGEMENTS.

(a) INITIAL REVIEW.—Notwithstanding any other provision of law, before the United States approves a proposed change in the governance arrangement of any international financial institution, as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)), the Secretary shall determine whether any member of the international financial institution that would benefit from the proposed change, in the form of increased voting shares or representation, has a currency that was designated a currency for priority action pursuant to section 4(a)(3) in the most recent report required by section 3. The determination shall be reported to Congress.

(b) SUBSEQUENT ACTION.—The United States shall oppose any proposed change in the governance arrangement of the international financial institution (described in subsection (a)), if the Secretary renders an affirmative determination pursuant to subsection (a).

(c) FURTHER ACTION.—The United States shall continue to oppose any proposed change in the governance arrangement of the international financial institution, pursuant to subsection (b), until the Secretary determines and reports to Congress that the proposed change would not benefit any member of the international financial institution, in the form of increased voting shares or representation, that has a currency that is designated a currency for priority action pursuant to section 4(a)(3).

SEC. 10. ADJUSTMENT FOR FUNDAMENTALLY MISALIGNED CURRENCY DESIGNATED FOR PRIORITY ACTION.

(a) IN GENERAL.—Subsection (c)(2) of section 772 of the Tariff Act of 1930 (19 U.S.C. 1677a(c)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting '', and''; and

(3) by adding at the end the following:

''(C) if required by section 6(a)(1) of the Currency Exchange Rate Oversight Reform Act of 2011, the percentage by which the domestic currency of the producer or exporter is undervalued in relation to the United States dollar as determined under section 771(37).''.

(b) CALCULATION METHODOLOGY.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end the following:

''(37) PERCENTAGE UNDERVALUATION.—The administering authority shall determine the percentage by which the domestic currency of the producer or exporter is undervalued in relation to the United States dollar by comparing the nominal value associated with the medium-term equilibrium exchange rate of the domestic currency of the producer or exporter, identified by the Secretary pursuant to section 3(b)(7) of the Currency Exchange Rate Oversight Reform Act of 2011, to the official daily exchange rate identified by the administering authority.''.

SEC. 11. CURRENCY UNDERVALUATION UNDER COUNTERVAILING DUTY LAW.

(a) INVESTIGATION OR REVIEW.—Subsection (c) of section 702 of the Tariff Act of 1930 (19 U.S.C. 1671a(c)) is amended by adding at the end the following:

''(6) CURRENCY UNDERVALUATION.—For purposes of a countervailing duty investigation

under this subtitle where the determinations under clauses (i) and (ii) of paragraph (1)(A) are affirmative, or a review under subtitle C of this title, the following shall apply:

''(A) IN GENERAL.—The administering authority shall initiate an investigation to determine whether currency undervaluation by the government of a country or any public entity within the territory of a country is providing, directly or indirectly, a countervailable subsidy as described in section 771(5), if—

''(i) a petition filed by an interested party (described in subparagraph (C), (D), (E), (F), or (G) of section 771(9)) alleges the elements necessary for the imposition of the duty imposed by section 701(a); and

''(ii) the petition is accompanied by information reasonably available to the petitioner supporting those allegations.

''(B) DESIGNATION OF FUNDAMENTALLY MISALIGNED CURRENCY FOR PRIORITY ACTION.—Upon designation of a currency as a fundamentally misaligned currency for priority action pursuant to section 4(a)(3) of the Currency Exchange Rate Oversight Reform Act of 2011, the administering authority shall initiate an investigation to determine whether the country that issues such currency is providing, directly or indirectly, a countervailable subsidy as defined in section 771(5), if—

''(i) a petition filed by an interested party (described in subparagraph (C), (D), (E), (F), or (G) of section 771(9)) alleges the elements necessary for the imposition of the duty imposed by section 701(a); and

''(ii) the petition is accompanied by information reasonably available to the petitioner supporting those allegations.''.

(b) BENEFIT CALCULATION METHODOLOGY.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677), as amended by section 10(b), is further amended by adding at the end the following:

''(38) CURRENCY UNDERVALUATION BENEFIT.—For purposes of a countervailing duty investigation under subtitle A of this title, or a review under subtitle C of this title, the following shall apply:

''(A) IN GENERAL.—If the administering authority determines to investigate whether currency undervaluation is a countervailable subsidy as defined in section 771(5), the administering authority shall determine whether there is a benefit to the recipient and measure such benefit by comparing the simple average of the real exchange rates derived from application of the macroeconomic-balance approach and the equilibrium-real-exchange-rate approach to the official daily exchange rate identified by the administering authority. The administering authority shall rely upon data that are publicly available, reliable, and compiled and maintained by the International Monetary Fund or the World Bank, or other international organizations or national governments if International Monetary Fund or World Bank data is not available.

''(B) DESIGNATION OF FUNDAMENTALLY MISALIGNED CURRENCY FOR PRIORITY ACTION.—In the case of designation of a currency as a fundamentally misaligned currency for priority action pursuant to section 4(a)(3) of the Currency Exchange Rate Oversight Reform Act of 2011, the administering authority shall determine whether there is a benefit to the recipient and measure such benefit by comparing the nominal value associated with the medium-term equilibrium exchange rate of the currency of the exporting country, identified by the Secretary pursuant to section 3(b)(7) of such Act, to the official daily exchange rate identified by the administering authority.

''(C) DEFINITIONS.—

''(i) MACROECONOMIC-BALANCE APPROACH.—The term 'macroeconomic-balance approach' means a methodology under which the level of undervaluation of the real effective exchange rate of the exporting country's currency is defined as the change in the real effective exchange rate needed to achieve equilibrium in the exporting country's balance of payments, as such methodology is described in the guidelines of the International Monetary Fund's Consultative Group on Exchange Rate Issues, if available.

''(ii) EQUILIBRIUM-REAL-EXCHANGE-RATE APPROACH.—The term 'equilibrium-real-exchange-rate approach' means a methodology under which the level of undervaluation of the real effective exchange rate of the exporting country's currency is defined as the difference between the observed real effective exchange rate and the real effective exchange rate, as such methodology is described in the guidelines of the International Monetary Fund's Consultative Group on Exchange Rate Issues, if available.

''(iii) REAL EXCHANGE RATES.—The term 'real exchange rates' means the bilateral exchange rates derived from converting the trade-weighted multilateral exchange rates yielded by the macroeconomic-balance approach and the equilibrium-real-exchange-rate approach into real bilateral terms.''.

(c) 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: ''The fact that a subsidy may also be provided in circumstances that do not involve export shall not, for that reason alone, mean that the subsidy cannot be considered contingent upon export performance.''.

(d) EFFECTIVE DATE.—The amendments made by this section apply to countervailing duty investigations initiated under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and reviews initiated under subtitle C of title VII of such Act (19 U.S.C. 1675 et seq.) before, on, or after the date of the enactment of this Act.

SEC. 12. NONMARKET ECONOMY STATUS.

Paragraph (18)(B) of section 771 of the Tariff Act of 1930 (19 U.S.C. 1677(18)(B)) is amended—

(1) by striking ''and'' at the end of clause (v); and

(2) by redesignating clause (vi) as clause (vii) and inserting after clause (v) the following:

''(vi) whether the currency of the foreign country is designated, or has been designated at any time over the 5 years prior to review of nonmarket economy status, a currency for priority action pursuant to section 4(a)(3) of the Currency Exchange Rate Oversight Reform Act of 2011, and''.

SEC. 13. APPLICATION TO 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 (19 U.S.C. 3438), section 6(a)(1) and the amendments made by sections 10, 11, and 12 shall apply with respect to goods from Canada and Mexico.

SEC. 14. ADVISORY COMMITTEE ON INTERNATIONAL EXCHANGE RATE POLICY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established an Advisory Committee on International Exchange Rate Policy (in this section referred to as the ''Committee''). The Committee shall be responsible for—

(A) advising the Secretary in the preparation of each report to Congress on international monetary policy and currency exchange rates, provided for in section 3; and

(B) advising Congress and the President with respect to—

(i) international exchange rates and financial policies; and

(ii) the impact of such policies on the economy of the United States.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Committee shall be composed of 9 members as follows, none of whom shall be employees of the Federal Government:

(i) CONGRESSIONAL APPOINTEES.—

(I) SENATE APPOINTEES.—Four persons shall be appointed by the President pro tempore of the Senate, upon the recommendation of the chairmen and ranking members of the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate.

(II) HOUSE APPOINTEES.—Four persons shall be appointed by the Speaker of the House of Representatives upon the recommendation of the chairmen and ranking members of the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

(ii) PRESIDENTIAL APPOINTEE.—One person shall be appointed by the President.

(B) QUALIFICATIONS.—Persons shall be selected under subparagraph (A) on the basis of their objectivity and demonstrated expertise in finance, economics, or currency exchange.

(3) TERMS.—Members shall be appointed for a term of 4 years or until the Committee terminates. An individual may be reappointed to the Committee for additional terms.

(4) VACANCIES.—Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(b) DURATION OF COMMITTEE.—Notwithstanding section 14(c) of the Federal Advisory Committee Act (5 U.S.C. App.), the Committee shall terminate on the date that is 4 years after the date of the enactment of this Act unless renewed by the President pursuant to section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) for a subsequent 4-year period. The President may continue to renew the Committee for successive 4-year periods by taking appropriate action prior to the date on which the Committee would otherwise terminate.

(c) PUBLIC MEETINGS.—The Committee shall hold at least 2 public meetings each year for the purpose of accepting public comments, including comments from small business owners. The Committee shall also meet as needed at the call of the Secretary or at the call of two-thirds of the members of the Committee.

(d) CHAIRPERSON.—The Committee shall elect from among its members a chairperson for a term of 4 years or until the Committee terminates. A chairperson of the Committee may be reelected chairperson but is ineligible to serve consecutive terms as chairperson.

(e) STAFF.—The Secretary shall make available to the Committee such staff, information, personnel, administrative services, and assistance as the Committee may reasonably require to carry out its activities.

(f) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

(2) EXCEPTION.—Except for the 2 annual public meetings required under subsection (c), meetings of the Committee shall be exempt from the requirements of subsections (a) and (b) of sections 10 and 11 of the Federal Advisory Committee Act (relating to open meetings, public notice, public participation, and public availability of documents), whenever and to the extent it is determined by the President or the Secretary that such meetings will be concerned with matters the disclosure of which would seriously compromise the development by the United States Government of monetary and financial policy.

SEC. 15. REPEAL OF THE EXCHANGE RATES AND ECONOMIC POLICY COORDINATION ACT OF 1988.

The Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5301 et seq.) is repealed.

Mr. UDALL of Colorado. Mr. President, I rise to discuss the recent vote on the Currency Exchange Rate Oversight Reform Act of 2011 that just passed in the Senate. The issue of currency misalignment and manipulation has brought to the surface a myriad of concerns that face our country's workers and businesses.

Coloradans are concerned that American businesses and producers are unable to compete fairly in the global marketplace when foreign countries keep the value of their currency artificially low. Those who have both supported and opposed this legislation agree that the artificial undervaluation of foreign currency has had a negative impact on the competitiveness of U.S. exports and that it needs to be remedied. In the case of China, numerous economists have estimated that its currency is undervalued by anywhere from 12 to 50 percent. The International Monetary Fund and the U.S. Treasury are also among those who have determined that the undervaluation of Chinese currency is real.

The implications of this artificial undervaluation include a detrimental effect on the competiveness of U.S. products abroad, making Chinese products artificially cheaper than U.S. products. The National Association of Manufacturers has affirmed ''that the excessive valuation of the dollar [relative to foreign currencies] simply prices U.S. exports out of the market.'' They highlight that their members ''have made it clear that the number-one factor affecting their exports is the value of the dollar.''

We can agree that artificial undervaluation of currency is a serious problem that harms our economy, our worldwide competitiveness, and our American workers. And it needs to be addressed. Yet the principle challenge here has been how we should ultimately go about making sure our economic partners, such as China, are honoring shared commitments to compete on a level playing field.

I understand the concerns of both sides in this debate and I know that many American businesses that have a presence in China and across our globe are concerned about the potential for retaliatory action from China. These companies, many of which also face ongoing issues of inadequate protection of intellectual property, discriminatory indigenous innovation and other industrial policies that limit access to Chinese markets, are understandably worried that China would further restrict their markets to fair competition.

I have also heard the frustration of domestic producers and U.S. workers who, together, produce a whole host of products in the U.S. and have felt the direct effect of being unable to compete fairly due to the discounting effect that China's currency undervaluation has on Chinese imports.

All of these concerns are valid, and despite some of my Senate colleagues' disagreement on whether to support the legislation that came before us, the common denominator in this debate has been a desire for fairness. And I believe that we will move closer to achieving fairness in the market place with a clearer commitment to a market-based exchange rate from our trade and economic partners.

As sovereign nations, we all have the economic well being of our respective countries at heart, but that does not justify the use of unfair trade practices, and we cannot turn a blind eye when this happens. Nor should we allow the specter of a ''trade war'' to distract us from the fact that China is not abiding by the international rules that were put in place to help prevent trade wars in the first place. China agreed to abide by these rules of the international community—including rules about intellectual property rights and unfair restrictions to market access, as well as rules against intentional currency misalignment—and we should not accept their adherence to certain rules but not others. They all apply.

After taking a closer look at the issue of China's currency undervaluation, taking into consideration the concerns that I have heard on this issue from a range of Coloradans, and reviewing the legislative proposal that was before us, I believed that the U.S. Senate needed to send a signal to China, and others who may be intentionally undervaluing their currencies. The message is that Americans value playing by the rules and that we expect our trade partners to live up to our shared commitment to compete fairly in the global marketplace.

I ultimately came to the conclusion that this bipartisan legislation, known as the Currency Exchange Rate Oversight Reform Act of 2011, was an appropriate way to send a signal that we are serious about working bilaterally and/or multilaterally, in a manner consistent with World Trade Organization agreements, to develop a responsible plan so that currencies identified as fundamentally misaligned can be valued appropriately based on relevant market factors. In the event that the misaligned currency goes unresolved, the legislation also authorizes the administration to take action to protect American businesses and workers from the discounting effect that the undervaluation of the currency can have on imports from the respective country. I believe that the mechanisms built into this legislation can promote a collaborative effort to address any undervaluation of a foreign currency, while also sending the message that we cannot allow American businesses to be undercut.

My choice to support this legislation aligns best with the common sense and pragmatic thinking of Coloradans. Unfortunately, China continues to characterize efforts on the part of the United States to ensure a level playing field for international trade as ''protectionist.'' Supporting fair competition, fair access to markets and fulfillment of the commitments of our shared expectations among economic and trade partners is far from protectionist. As former President Ronald Reagan once stated, ''To make the international trading system work, all must abide by the rules.'' I urge China to act in good faith and to remain committed to reaching economic stability through cooperative action that encourages fair competition. The legislation I just supported is one component to reaching that goal, and I believe it supports the American businesses and workers who are propelling our nation to continue to be the leader in the global economic race.

Mr. WARNER. Mr. President, I rise today to discuss S. 1619, known as the China Currency bill. I voted for that bill today because China has not made the progress that the U.S. and other countries have sought on currency issues. These currency issues can lead to economic distortions that cost the American economy jobs and increase economic risks for the global economy. Ideally, we would address these problems through negotiations with China and some other countries, but that course that has not yet yielded significant results. I hope we will make better progress on these currency issues in the future, and then perhaps legislation such as this won't be necessary. This bill is not perfect; ideally it would more clearly distinguish countries with unhelpful currency policies, from those which have taken a more measured course in managing their economies and currency. I would rather not resort to sanctions or countervailing duties, but the lack of progress on currency issues has made it appropriate to consider the steps set forth in this bill. While the final version of this legislation is not precisely as I would have written it, it is appropriate for the Congress to be heard on this issue, so tonight I voted for this bill. I hope that in the near future, we can resolve all of our currency issues with China and other nations.

AMERICAN JOBS ACT OF 2011—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. Under the previous order, there is now 5 minutes for debate equally divided between the two leaders or their designees prior to a vote on the motion to invoke cloture on the motion to proceed to S. 1660.

Mr. REID. Mr. President, we would yield back our time and use leader time for a colloquy between the two of us.

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

Mr. McCONNELL. Mr. President, we have done a lot of sparring back and

forth over the last week trying to get a vote on the President's so-called jobs proposal, and now we have before us cloture on the motion to proceed to the second version of the President's so-called jobs proposal. It strikes me it would be appropriate to try one more time to see if we could get a vote on the actual proposal. So I have indicated to my good friend the majority leader that I am going to ask unanimous consent that we vote on both the original President Obama jobs proposal and the revised Obama jobs proposal upon which we currently have pending cloture on the motion to proceed. It strikes me this would expedite the process. The President has been out on the campaign trail asking us to vote on his proposal and vote on it now without change. If that is a vote our friends on the other side do not want to have, we would be happy to have a vote on the President's proposal as changed, which I gather he also supports.

So bearing that in mind, I now ask unanimous consent that the cloture vote on the motion to proceed to S. 1660, the newly introduced jobs act, be vitiated, the Senate proceed to its consideration, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, with no intervening action or debate; provided further that if the bill does not receive 60 votes on passage, the bill then be placed back on the calendar.

I further ask unanimous consent that immediately following that vote, the Senate proceed to the consideration of S. 1549, the President's job package; that the bill be read the third time and the Senate proceed to vote on passage of the bill, with no intervening action or debate; provided further, that if the bill doesn't receive 60 votes on passage, the bill then be placed back on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, everyone should understand, on Thursday, on this side we agreed to a vote on the President's jobs bill. There have been a number of things that have occurred since then.

We seek today, with this motion, to proceed to get to the jobs bill—a good jobs bill. We seek to begin a legislative process. Senators from my side and Senators from the other side—the Republican side—have said they want to be able to get a bill where they can offer ideas to create jobs. I think that is commendable. That is what we seek to do to get on this bill.

I ask my colleague, the Republican leader, if he might modify his request to allow the Senate to proceed to the bill so we might begin consideration of an amendment to the bill. I also say, in response to modification, I have said to my friends on the Republican side of the aisle and on the Democratic side, as I said last Thursday, the President's original package we have talked about for some time. If people want to vote on that, they can vote on that. I think it would be to everyone's best interest to move to proceed to this so we can make this legislation even better than it now is. I ask for that modification.

The PRESIDING OFFICER. Does the Republican leader so modify his request?

Mr. MCCONNELL. I have been trying for a over a week to get a vote on the President's so-called jobs proposal, which he has been asking us to give him repeatedly. Our friends on the other side are not only objecting to voting on the President's original jobs proposal but his jobs proposal as modified.

The practical result, however, of voting for cloture on the motion to proceed, rather than going on and voting on the bill, as the President has asked us to do on 12 occasions out on the campaign trail, is we will not be able to proceed to one of the things that is rare here—we actually have a bipartisan agreement to go forward on these important trade agreements, pass them tomorrow night, and then have the President of South Korea address a joint session of Congress. South Korea is one of our most important allies—probably the most important ally in Asia. Why would we not just want to vote on the proposal tonight? I am sorry we will not be able to do that.

I will continue to look for opportunities to give the President the vote he has asked for repeatedly—not a procedural vote but a real vote on the matter he requested.

I object.

Mr. REID. Mr. President, I will continue to work with my friend to get on the jobs bill, so the Senate can work its will and provide to the American people jobs. I object to my friend's request.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Pursuant to rule XXII the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 187, S. 1660, the American Jobs Act of 2011.

Harry Reid, Richard J. Durbin, Charles E. Schumer, Sherrod Brown, Robert Menendez, Mark Begich, Barbara Boxer, Debbie Stabenow, Richard Blumenthal, Sheldon Whitehouse, Bernard Sanders, John F. Kerry, Frank R. Lautenberg, Jeff Merkley, Barbara A. Mikulski, Benjamin L. Cardin, Patrick J. Leahy

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1660, a bill to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs, shall be brought to a close? The yeas and nays are mandatory under the rules.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

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

The yeas and nays resulted—yeas 50, nays 49, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—50

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

NAYS—49

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

NOT VOTING—1

Coburn

The PRESIDING OFFICER. On this vote, the yeas are 50, nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

Mr. RUBIO. Mr. President, I strongly oppose S. 1660, the American Jobs Act of 2011.

I am eager to work with Members of both parties to find common ground on policies that will help grow the economy at a time when our nation continues to struggle with high unemployment and low economic growth. To be clear, there are certain proposals in the American Jobs Act that I would support individually, including an extension of the payroll tax cut, allowing businesses to fully expense the cost of acquiring new capital, and a delay of the three percent withholding penalty on government contractors. These provisions would provide piecemeal relief to the economy.

Unfortunately, the positive provisions in the American Jobs Act are

overshadowed by a massive $453 billion tax hike that would be highly damaging to the ability of businesses that pay individual tax rates to expand operations, hire new workers and compete internationally. According to data from the Department of the Treasury, 80 percent of taxpayers affected by this new 5.6 percent tax increase would be business owners. Furthermore, the Joint Committee on Taxation estimates that 34 percent of business income would be ensnared by the job-destroying tax increase in S. 1660.

Worse, if the 2001 tax relief expires as scheduled in 2013, this new tax surcharge would push the top marginal tax rate to nearly 50 percent when accounting for the new 3.8 percent Medicare tax on unearned income in the Patient Protection and Affordable Care Act. It would also sharply increase taxes on capital gains and dividends investment, hurting small businesses and investors.

Small businesses have been burdened by more than $1 trillion new taxes and penalties in the health care law and regulatory agencies have churned out over 60,000 pages of new Federal regulations this calendar year alone. Simply put, they cannot afford the burden of another tax hike from Washington under the guise of job creation.

This is why the Nation's leading business groups representing millions of American business owners, including the National Federation of Independent Business and the National Association of Manufacturers, all strongly oppose the permanent tax hike in S. 1660. This is why a growing group of Democrats vocally oppose this legislation, and why I oppose proceeding to it.

Since I joined the Senate 9 months ago, I have maintained my strong belief that Democrats and Republicans should work together to pass policies proven to boost economic growth like progrowth tax and regulatory reform, lowering barriers to free trade, and cutting spending to avert our looming debt crisis. Unfortunately, the huge tax increases on job creators and more debt-financed stimulus spending in the American Jobs Act would move our Nation in squarely the wrong direction.

Mr. WHITEHOUSE. Mr. President, this evening, I cast my vote in favor of the Senate moving forward with critical job-creation legislation. With 61,000 Rhode Islanders and millions of Americans currently looking for jobs, we must take swift action to help put people back to work. Sadly, as they have all-too-many times this Congress, Republicans chose to obstruct our efforts by blocking us from even debating the American Jobs Act.

This filibuster is particularly disappointing because the American Jobs Act, as introduced in the Senate by Leader REID, represents a balanced and already-tested approach to job creation. Indeed, the bill includes a host of provisions that have received wide bipartisan support in the past. It may not be the exact bill each of us would draft on our own, but it is a thoughtful and reasonable place to begin working on a Senate jobs plan.

I say the bill is ''balanced'' because it includes a full range of job-creating provisions from tax credits to help businesses hire, to infrastructure programs that will put people to work updating and upgrading our roads, bridges, and schools.

In addition to being ''balanced,'' I say the American Jobs Act is ''tested'' because it includes programs that have worked in the past. For example, the Federal Highway Administration estimated that $1 billion invested in our highways supports about 28,000 jobs. That means that the President's proposed investment of $27 billion would generate or save over 750,000 jobs. In addition to the upfront investment, the bill would deposit another $10 billion in a National Infrastructure Bank which could leverage the money with private investments to create hundreds of thousands of additional jobs. We know how well the National Infrastructure Bank would work from the experiences of local revolving funds like Rhode Island's Clean Water Finance Agency.

We also know that funds provided by the bill would prevent hundreds of thousands of teachers, police officers, and firefighters from losing their jobs. According to the Department of Education, $10 billion in emergency funds provided last summer have already spared 114,000 teachers' jobs. The $35 billion included in the American Jobs Act would keep hundreds of thousands of additional teachers and first responders from getting pink slips. A lot of small businesses count on teachers and firefighters and police officers with paychecks coming in to do business.

We are not just talking about statistics in this debate. The millions of jobs that would be created or preserved under the American Jobs Act would hit home for families who have been trying to find work for so long.

Just last week, I held a telephone town hall with Rhode Islanders from all across our State. We took questions from folks on issues from jobs to the future of Medicare and Social Security. There was one call in particular that really stuck with me. It was from a woman named Diane in Narragansett. Diane, a Marine veteran, and her husband are both out of work and struggling to put food on the table for their three young children. Her husband a trained heavy equipment operator and welder has taken temporary employment as a landscaper and a fisherman, but can not find a steady paycheck. They have missed bill payments and have struggled to keep a roof over their heads. On the call Diane said, ''[o]ur dream of owning a house is shot out the window . . . [We] don't know where to go [We] don't know what else to do.'' Diane and her husband are hardworking people doing their best to survive in a frustratingly sluggish economic recovery. They are just asking for a fair chance to provide for their kids and reclaim their portion of the American dream. We owe it to Diane and her family to set aside our differences and focus on getting something done to create jobs for the American people. It is not too late for us to work together to help solve our Nation's jobs crisis. Let us cut the politics and delay tactics and begin that critical work.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for 5 minutes each.

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

REMEMBERING STEVE JOBS

Mrs. BOXER. Mr. President, today I join my colleagues and so many around the world in paying tribute to Apple chairman and cofounder Steve Jobs, the Silicon Valley pioneer who died at age 56 after a long, brave fight with pancreatic cancer. I send my deepest condolences to Steve Jobs' family and friends on this devastating loss.

Steve was a California icon and one of America's greatest innovators who changed the way we work, communicate, and live our daily lives. Billions of people around the world have been touched by the power of his ideas.

His true genius lay in knowing what consumers wanted and needed before they themselves knew it, and then giving them simple, elegant products to meet those needs. Many of us who never knew we needed an iPad or an iPod now can't do without them.

Steve was a Californian through and through: He was born in San Francisco, raised in Los Altos, and changed the world from Cupertino. He embodied California's entrepreneurial spirit of creativity and optimism. In the process, he created millions of jobs in industries that he himself helped to create.

Even in the face of a deadly disease, Steve never lost his grace, his sense of humor, and his optimism. In a commencement address at Stanford University in 2005, he talked openly about his illness and urged graduates to devote their lives to following their passions. ''Your time is limited, so don't waste it living someone else's life,'' he told them. ''Don't be trapped by dogma—which is living with the results of other people's thinking. Don't let the noise of others' opinions drown out your own inner voice. And most important, have the courage to follow your heart and intuition.''

These were the principles he lived by. This was the guiding philosophy that helped create a revolution in communications. And these are the lessons that still inspire so many all across the world.

All of us are deeply grateful to Steve Jobs, who showed us once again how one person really can change the world.

IRAN CAPTIVE

Mr. BLUNT. Mr. President, I draw the Senate's attention to a troubling situation abroad. By now, many following the news have heard of the name Youcef Nadarkhani. Pastor Youcef is a Christian in Iran who has been sentenced to death for refusing to deny his faith. He was originally arrested in October 2009 while attempting to register his church. He allegedly questioned the Muslim monopoly on the religious instruction of children in the state.

To Iran, his crime is his Christian faith and evangelism, and the punishment is death. For as many problems as we face in America, we are blessed that this is not one of them. The American Center for Law and Justice and other national groups have been diligently working on the case since it was first reported earlier this year. At any moment, Pastor Youcef could be executed without notice to his family or the public. I would like to take this time to add my name to the list of those calling for his immediate, unconditional release.

This past weekend, Iran began to claim that Pastor Youcef's crimes were not of religion but of rape and threats to national security. These new allegations appear to be a new and unfounded attempt to justify his execution. None of these crimes were mentioned in his trial over the past 2 years.

While ''religious freedom'' may be the law of the land in Iran, it is certainly not the practice. This audience is well aware of the persecution of religious minorities and Christians abroad. We should not forget the plight of religious minorities throughout this region, especially the Coptic Christians in Egypt, Chaldo-Assyrian Christians in Iraq, the dwindling Christian population in the Holy Land, and other religious minorities in the Middle East.

I believe we can and we must do more to advance religious freedom abroad. Earlier this year, in coordination with Congressman FRANK WOLF in the House and my Senate colleague, Mr. LEVIN, I introduced the Near East and South Central Asia Religious Freedom Act. The bill creates a Special Envoy on religious freedom in the State Department to monitor the status of religious minorities in these particularly vulnerable regions. I am sincerely committed to this effort and believe that it is essential to promoting the God-given right to liberty around the world. I am hopeful that the Senate can soon join the House in passing this important legislation.

I ask that other Members of the Senate join me in this call to save Pastor Youcef Nadarkhani's life and condemn Iran's denial of the universal right to religious freedom.

CELEBRATING 100 YEARS OF THE WASHINGTON PARISH FAIR

Ms. LANDRIEU. Mr. President, located on the eastern edge of Louisiana, Washington Parish plays a central role in celebrating our State's unique culture and history. Every October, residents and leaders of the parish host the annual Washington Parish Fair, which marks its 100th anniversary this month.

This quiet but remarkable parish is known for its agriculture, its scenic rivers, and its thriving workforce, which spans across a number of industries, including paper and timber production. Once the center of the dairy industry, the area boasts a relatively low unemployment rate, with nearly 75 percent of its workforce belonging to the community's private sector.

The parish is also known for its genuine hospitality. Its residents volunteer tirelessly for the annual Washington Parish Fair, which is believed to be the largest fair of its kind in the country. The 5-day event, which began in 1911, now attracts families from all over the State. They spend the weekend enjoying the wide range of activities the fair has to offer—including a livestock show, a rodeo and carnival rides—while taking in the unique Louisiana scenery.

This popular event is a model of the community spirit and a prime example of the cultural and economic advancement that can be achieved when neighbors work together for a common goal. Every year, Washington Parish leaders and residents commit themselves to the success of the event, and I commend them for their efforts to continue such a first-rate Louisiana tradition.

CHILDHOOD OBESITY AWARENESS MONTH

Mr. BROWN of Ohio. Mr. President, as September ended, so did Childhood Obesity Awareness Month. While it is important to set aside a month for special attention to this epidemic, we must not forget that childhood obesity is a year-round battle.

The facts about childhood obesity are startling. Obesity rates have more than tripled in the last 30 years. In Ohio, more than 30 percent of children and adolescents are overweight or obese. Our children living with obesity experience lifelong health problems, including type 2 diabetes, heart problems, and bone and joint problems.

Combating childhood obesity might seem like an uphill battle, but with national attention on the issue, we can meet this urgent need. And communities across Ohio and the Nation are doing their part. Public and private partnerships are joining forces to unite in the fight against childhood obesity.

We see it with the U.S. Surgeon General's healthy youth for a healthy future initiative promoting healthy eating and physical activity to the Do Right! Campaign in communities in greater Cincinnati. We see it with Let's Move! events throughout the State, and collaborations between Federal and State governments and local communities, organizations, and individuals.

Last year, the Senate passed landmark child nutrition legislation, the Healthy, Hunger Free Kids Act, to help promote health and reduce childhood obesity. This bill will improve the nutritional quality of school meals through an increase in Federal reimbursement for school lunches. It also establishes national nutrition standards for all foods sold in schools so that vending machine food and snacks in the a la carte line are healthy and nutritious. The Healthy, Hunger Free Kids Act will connect more children to healthy, locally grown produce through farm-to-school programs with the dual benefit of making sure children know how their food is grown and supporting Ohio farmers.

Also worth noting is the U.S. Department of Agriculture's, USDA, progress in updating the nutrition standards for school meals so they are in line with current nutrition science. I commend the USDA for its efforts and urge it to finalize these new school lunch rules quickly so that children across the country get the benefit of more fruits, vegetables, whole grains, and low-fat dairy products.

I am also proud of the proactive efforts of Ohio hospitals in acknowledging their ability to combat the epidemic of childhood obesity.

The Cleveland Clinic's 5 to Go! Program is a comprehensive childhood wellness program. A partnership with family health centers, hospitals, schools, and neighborhood partners, 5 to Go! is working in Cuyahoga County to keep children healthy by encouraging them to get 1 hour of exercise a day and consume more fruits and vegetables in their meals.

University Hospitals Rainbow Babies and Children's Hospital is a national leader in addressing childhood diabetes—one of the more serious side effects of obesity. Through funding awarded by the Centers for Disease Control and Prevention, Rainbow is home to the Center of Excellence for Childhood Diabetes, Activity, and Nutrition. Rainbow is holding workshops to educate school nurses on childhood diabetes and hosting events with patients and their family focusing on breakthroughs in treatment and disease management.

By teaming up with the Kohl's Community Youth Fitness Program, Akron Children's Hospital is teaching 8 to 13-year-olds about healthy fitness and eating habits through participation in activities and games.

In Toledo, ProMedica is focusing its attention on community-based nutrition programs. The Fields of Green Program includes everything from hydroponic and community gardens tended to by neighborhood children to a scholarship program for high school students. And, through a partnership with the YMCA and the United Way, the Summer Feeding Program has increased the number of meals served to children under 18 from 1,500 to over 45,000 in only 1 year.

Nationwide Children's in Columbus is an Ohio Healthy Weight Outcome member, one of ten teams selected to participate in the National Health Weight Collaborative. Funded through the Affordable Care Act, the Collaborative's mission is to optimize health outcomes in children by implementing a multilevel obesity prevention and treatment demonstration project in a low-income area. Nationwide and the Ohio Healthy Weight Outcomes Program are implementing the Healthy Neighborhood Healthy Family (HNHF) zone with the goal of reducing the obesity rate in Columbus fifth graders by 10 percent in 5 years.

And Cincinnati Children's Hospital is working with both children and their parents to make simple yet effective dietary changes. The hospital is also working with local school districts to increase children's consumption of fruits and vegetables and replace sugary drinks in school lunches. Additionally, through a partnership with U.S. Bank and the Boys and Girls Club, over 3,000 children participated in Cincinnati Children's kids' marathon—an incremental marathon over an 8-week period that included running as well as nutrition and health education.

September brought an end to Childhood Obesity Awareness Month, but I look forward to continuing to work with schools and hospitals, teachers and parents, and all Ohioans to combat childhood obesity and ensure a healthier future for our Nation's children.

THE AMERICAN ACADEMY OF ARTS AND SCIENCES

Mr. BROWN of Massachusetts. Mr. President, today I would like to recognize the newest members of the American Academy for Arts and Sciences upon their induction on October 1, 2011, in Cambridge, MA.

The American Academy, which was founded during the American Revolution by John Adams, John Hancock and other notable scholar-patriots, includes some of the world's most notable scientists, scholars, artists, authors and leaders.

Its nonpartisan, independent research has provided us with a significant collection of knowledge in numerous fields of science, humanities, culture and education for more than 200 years.

The 231st class of members must therefore be recognized for their distinguished success in their respective fields, as well as their election to an institution of the world's most celebrated leaders.

On behalf of the Commonwealth of Massachusetts, I ask my colleagues to join me in congratulating the 211 new members of the American Academy of Arts and Sciences, particularly the 28 inductees from Massachusetts. It is an honor and pleasure to recognize their continuing service and intellectual leadership not only in Massachusetts, but also nationally and across the world. I wish the Academy good luck and continued success in their future endeavors.

ADDITIONAL STATEMENTS

PENNSYLVANIA AVENUE AFRICAN METHODIST EPISCOPAL ZION CHURCH

• Mr. CARDIN. Mr. President, today I wish to recognize and congratulate the Pennsylvania Avenue African Methodist Episcopal, AME, Zion Church in Baltimore as the congregation celebrates the church's 170th anniversary. Founded on May 31, 1841, Pennsylvania Avenue AME Zion Church has flourished for many decades under the guidance and spiritual leadership of its anointed pastors since it was founded on May 31, 1841.

Records from 1904 reveal that Reverend B.J. Bolding and 200 church members purchased Zion's first building at 1125 Pennsylvania Avenue for $16,000. Reverend Bolding served for 27 years until Rev. George Marion Edwards became the pastor in May 1931. Twenty-eight years later, on October 4, 1959, Rev. Clinton Rueben Coleman was chosen as Zion's new spiritual leader and served during the tumultuous years of the civil rights movement. Reverend Coleman was responsible for the renovation of the old Zion Church building and started the course toward planning and building a new church building. On May 12, 1972, he was elected to the AME Zion Church's 12-member Board of Bishops, the denomination's 72nd bishop in succession.

In 1972, Rev. Marshall H. Strickland was selected to lead Zion, and the journey continued towards constructing a new church. Three years later, Reverend Strickland led the groundbreaking ceremony at the southwest corner of Pennsylvania Avenue and Dolphin Street. On Sunday, April 10, 1977, after 16 years of vision, perseverance, and hard work, a jubilant congregation marched into the new church building. Eleven years later, on May 15, 1988, the mortgage note for the church was burned. On July 31, 1992, Reverend Strickland was elected the 88th bishop in succession in the AME Zion Church.

In September 1992, continuing the legacy of an historic church with great spiritual leaders, the Reverend Dr. Dennis Vernon Proctor was appointed pastor of the Pennsylvania Avenue AME Zion Church. Dr. Proctor's leadership and pastoral abilities, steadfastly applied for over a decade, increased the church's membership to over 1,800 congregants. After 16 years of faithful service to Zion Church, Dr. Proctor was elected the 97th bishop in succession during the Quadrennial Convention in Atlanta, GA, on July 18, 2008.

On September 14, 2008, less than 2 months before our Nation elected its first African American President, the Right Reverend Warren M. Brown, presiding prelate of the Mid-Atlantic II Episcopal District, announced the current pastor of the Pennsylvania Avenue AME Zion Church, Rev. Lester Agyei McCorn, to a standing-room-only congregation.

Pennsylvania Avenue AME Zion Church, located in Baltimore's Upton community, is committed to providing spiritual leadership and support to help people overcome the political, social, and educational struggles affecting them in the communities that the church serves. It is a Kingdom-focused church, whose legacy continues with a renewed vision to make new disciples, help believers to mature in their faith, and multiply outreach and service ministries.

I encourage all Senators to join me in congratulating Pennsylvania Avenue AME Zion Church on its 170th anniversary and its even brighter future.•

TRIBUTE TO DICK WILKERSON

• Mr. GRAHAM. Mr. President, I would like to recognize the achievements of one of South Carolina's most respected citizens.

Greenville, SC, is the home of Michelin's North American headquarters. One of the largest tire manufacturers in the world, Michelin has had a presence in the state for over thirty years and currently employs nearly 8,000 South Carolinians. Michelin is known for its innovation and the quality of its products. It is also one of the finest corporate citizens we have in South Carolina.

Dick Wilkerson, the current chairman and president of Michelin North America, will retire at the end of 2011 after 31 years with the company, the last 3-plus years in his current role. Upon his retirement, he will become chairman emeritus of Michelin North America, in recognition of his remarkable career and strong and effective leadership during a very difficult economic time.

Under Dick's leadership, Michelin became the largest tire maker in North America by sales and has remained the most profitable tire maker in North America for 7 consecutive years. That is quite an achievement given the tough economic circumstances.

Wilkerson also led the creation of major community programs, including Michelin Development Upstate South Carolina and Michelin Challenge Education.

Michelin Development provides low interest loans and access to our considerable business expertise to create quality sustainable jobs and promote economic growth. To date, investments in Upstate South Carolina total more than $2 million, 33 loans have been supported, and more than 750 potential jobs have been created inspiring new economic growth.

Michelin Challenge Education focuses on the support of public elementary schools located in close proximity

to major Michelin facilities. By forming a true partnership between each facility and its adopted school, Michelin provides support to meet the specific needs of each school. Several of these include low-income schools receiving Federal title I funds. The program formalizes an opportunity for Michelin's nearly 8,000 South Carolina employees to make a personal contribution to the improvement of public education through hands-on involvement. Michelin employees serve as mentors, tutors and volunteers.

Dick currently serves as chairman of the South Carolina State Chamber of Commerce Board of Directors. He also serves on the Clemson University President's Advisory Board and the University of South Carolina National Advisory Council. Nationally, he serves on the board of the Rubber Manufacturers Association and Board of Directors of the Yellowstone Park Foundation.

He is active in the Greenville, SC community, serving as chairman-elect of the United Way of Greenville County Board of Trustees. Previously, Dick served as chair of the United Way of Greenville County fundraising campaign. He has served on the boards of the Greenville Urban League, the chamber of commerce, the University Center, and the Greenville Symphony.

Dick has been a true leader in the State's business community. Michelin has turned in strong financial results, which reflects their strong commitment to their shareholders. Beyond that, is the company's commitment to its employees and the fact that Michelin is a true partner with the communities where their employees live and operate manufacturing facilities. Michelin is a superb example of how a good corporate citizen behaves. We are proud of the fact that Michelin calls South Carolina ''home.''

Dick, congratulations to you on your 31 years with Michelin. Thank you for your past contributions to South Carolina, and I look forward to continuing our work together to make South Carolina a great place to live and work.●

REMEMBERING HANNAH SOLOMON

● Ms. MURKOWSKI. Mr. President, I come before you today with a heavy heart, as another of Alaska's treasured elders has passed. Yesterday would have marked the 103rd birthday of Hannah Solomon, a revered Athabascan elder and Gwich'in matriarch. Hannah passed away peacefully at her home in Fairbanks, September 16, 2011.

Grandma Hannah, as she was lovingly referred to, was surrounded by family and loved ones as she passed from this world. She spoke her last words softly, saying to family in Gwich'in, her traditional language, that it was time.

Hannah was known for her devotion to God. She was a very familiar face at St. Matthew's Episcopal Church in Fairbanks, and it is said that she was the last person alive to remember the sound of Episcopalian Archdeacon Hudson Stuck's voice. In the days following her passing, a red rose sat atop a crocheted pink and blue pillow in the empty pew seat where Hannah sat in devotion for so many years.

She was also well known for her beautiful and intricate beadwork; many of her pieces can be seen in museum collections around the world. Hannah was not only an artist but a culture bearer. She was born in the Interior of Alaska near the Porcupine River and raised 14 children in a traditional subsistence lifestyle. With no running water or electricity, the family enjoyed all the wealth their traditional homelands offered and never considered themselves to be poor.

Hannah may be best remembered for her social activism. With the wellbeing of her Gwich'in people always in mind, she and her husband Paul Solomon, Sr., helped to form many Alaska Native organizations, including the Fairbanks Native Association and Denakkanaaga. Fluent in her Native language, Hannah also worked as one of the first early social workers in Alaska, helping to create services for those in need.

Her passing will leave a void in our hearts that is difficult to fill. With the passing of each Alaska Native elder we lose a connection to the past and our unique history. Hannah took her responsibility as a culture bearer very seriously, ensuring that future generations knew the stories and traditions of the Gwich'in culture. She was a role model, matriarch, and a leader of exceptional courage and strength, inspiring people to appreciate and love one another.

I would like to offer Hannah's Solomon's family and countless friends my heartfelt condolences. She served the Native people and our beloved State of Alaska brilliantly over the course of her entire life. It is my hope that her extraordinary life will continue to serve as an inspiration to all of us.●

REMEMBERING ERNEST HOUSE, SR.

● Mr. UDALL of Colorado. Mr. President, today I honor of my friend, Ernest House, Sr. I am deeply saddened by his death and I would like to take a few minutes to speak in his honor.

Mr. House was a member of the Weeminuche Band of the Ute Mountain Ute tribe. He was born and raised in Mancos Canyon, CO, in what is now the Ute Mountain Tribal Park in the Four Corners region of our State. Mr. House is the father of Michelle House, Jaque House Lopez, and Ernest House, Jr. He is the grandson of Chief Jack House, the Ute Mountain Ute's last hereditary chair. Ernest House, Sr., held a prominent role in the tribe's leadership over the course of the last three decades, serving several times as chairman and also as a tribal council member. In addition to his service with the tribe, he was also a veteran of the Colorado Army National Guard of the Special Forces Airborne Group, and he worked for the Bureau of Indian Affairs and the National Park Service through the U.S. Department of the Interior.

I have admired Mr. House's leadership for many years. He was renowned across Indian Country for his gentle but effective leadership. At the heart of all of his efforts was the goal of improving the lives of his people, which he accomplished on a daily basis. His tireless advocacy for tribal businesses and enterprises led to the completion of several building projects, including the creation of the National Indian Health Service's Tribal Epidemiology Center in New Mexico. His eloquent testimony before Congress on the Dolores and Animas La Plata water projects led to the creation of two water compacts that are critical to the tribe's development. During the latter part of his career, Mr. House focused much of his energy on tribal safety, helping to increase the tribal police force from two officers to more than a dozen.

Mr. House had a wide circle of friends within his tribal community, but he was well respected throughout Colorado and Native American communities across our country. I can feel the sorrow of his friends and family as we collectively grieve for the loss of a truly visionary leader, a kind human being, and a wonderful friend. His legacy of working across tribal, ethnic, and party lines is something we should all take to heart as we try to rise to the challenges before us.

We are all shocked by the sudden loss of someone so important to our collective community. My uncle, Stewart Udall, served as Secretary of the Interior under President Kennedy, and he was also a champion for the rights of Native peoples. He once said that we are not measured by the things we accomplish but by how we treat people. In both regards, Mr. House was an outstanding person, and while he will be dearly missed, his legacy of dedication to his people will live on. We will think of him as we continue to strive to improve the quality of life for native people everywhere.●

STATUE UNVEILING

● Mr. UDALL of Colorado. Mr. President, today we remember John Otto and the contributions he made to one of our State's natural treasures the Colorado National Monument.

One of western Colorado's most influential historical figures, a trailblazer and ever an eccentric, he was unwavering in his commitment to opening up public lands for all people and generations to enjoy. Otto, a solitary man, took up residence in the commonly known Monument Canyon in 1906. There he began building the first trails in the area, working with tenacious skill throughout the rocky spires and

smooth-faced red rock canyons, which were created by millions of years of erosion.

Otto was among the first to truly appreciate the full beauty of this red-hued gem spanning thousands of acres across western Colorado lands. To President Taft, Otto wrote a letter carrying a message of the unique wonders hidden just beyond the fruit orchards and small settlements of the Grand Valley. His enthusiasm took hold and spread, and President Taft established the Colorado National Monument with the issuance of a proclamation in 1911.

Otto singlehandedly scaled rock faces, hauled timber, and blasted through layers of Wingate and Entrada sandstone to carve out what would be the monument's first trails, and for $1.00 a month he would be the park's first custodian, ushering in people from every corner of the State and beyond to experience its natural grandeur.

This year we celebrate the monument's centennial, and it is only fitting that John Otto be a part of the occasion. With the unveiling of his statue, the last in a series of five Legends of the Grand Valley, his story and that of the monument will be preserved in the heart of downtown Grand Junction for generations to come. I am proud, and Colorado can be proud, of the stewardship and dedication Otto modeled in his journey to opening up this special place in the West.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:04 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2681. An act to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2681. An act to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes.

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–3494. A communication from the Under Secretary of Commerce for Oceans and Atmosphere, transmitting, pursuant to law, a report relative to the activities of the Northwest Atlantic Fisheries Organization for 2010; to the Committee on Commerce, Science, and Transportation.

EC–3495. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report providing a statement of actions with respect to the Government Accountability Office report entitled ''Data Center Consolidation: Agencies Need to Complete Inventories and Plans to Achieve Expected Savings''; to the Committee on Commerce, Science, and Transportation.

EC–3496. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report providing a statement of actions with respect to the Government Accountability Office report entitled ''Social Media: Federal Agencies Need Policies and Procedures for Managing and Protecting Information They Access and Disseminate''; to the Committee on Commerce, Science, and Transportation.

EC–3497. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report providing a statement of actions with respect to the Government Accountability Office report entitled ''Space and Missile Defense Acquisitions: Periodic Assessment Needed to Correct Parts Quality Problems in Major Programs''; to the Committee on Commerce, Science, and Transportation.

EC–3498. A communication from the Government Affairs Liaison, National Transportation Safety Board, transmitting, pursuant to law, the Board's annual submission regarding agency compliance with the Federal Manager's Financial Integrity Act and revised Office of Management and Budget (OMB) Circular A–123; to the Committee on Commerce, Science, and Transportation.

EC–3499. A communication from the Secretary of Transportation, transmitting, a legislative proposal entitled ''Pipeline and Hazardous Material Transportation Safety Reauthorization Act of 2011''; to the Committee on Commerce, Science, and Transportation.

EC–3500. A communication from the Chief of the Revenue and Receivable Group, Financial Operations, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of the Schedule of Application Fees Set Forth in Section 1.1102 through 1.1109 of the Commission's Rules'' (FCC 11–27) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3501. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Telemarketing Sales Rule: Final Rule Amendments'' (RIN3084–AA98) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3502. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Commercial Porbeagle Shark Fishery Closure'' (RIN0648–XA658) received in the Office of the President of the Senate on October 3, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3503. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Parts and Accessories Necessary for Safe Operation; Saddle-Mount Braking Requirements'' (RIN2126–AB30) received in the Office of the President of the Senate on September 23, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3504. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Electronic Stability Control Systems'' (RIN2127–AL02) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3505. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Child Restraint Systems'' (RIN2127–AJ44) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3506. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries'' (RIN0648–XA630) received in the Office of the President of the Senate on October 3, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3507. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Emergency Rule to Increase the Recreational Quota for Red Snapper and Suspend the Red Snapper Closure Date'' (RIN0648–BB12) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3508. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 22'' (RIN0648–BA72) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3509. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Standards; Rotor Overspeed Requirements'' ((RIN2120–AJ62) (Docket No. FAA–2010–0398)) received

during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3510. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Tonopah, NV'' ((RIN2120–AA66) (Docket No. FAA–2011–0490)) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3511. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Glendive, MT'' ((RIN2120–AA66) (Docket No. FAA–2011–0560)) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3512. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Modification of Class E Airspace; Grand Junction, CO'' ((RIN2120–AA66) (Docket No. FAA–2011–0425)) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3513. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (71); Amdt. No. 3440'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3514. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (22); Amdt. No. 3441'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3515. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (50); Amdt. No. 3442'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3516. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (20); Amdt. No. 3443'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3517. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Eglin Air Force Base, FL'' ((RIN2120–AA66) (Docket No. FAA–2011–0087)) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3518. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Adam M. Robinson, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–3519. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Francis H. Kearney III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–3520. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Eric B. Schoomaker, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–3521. A communication from the Chief of Planning and Regulatory Affairs, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of Nondiscretionary, Non-Electronic Benefits Transfer-Related Provisions'' (RIN0584–AE13) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3522. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Sample Income Data to Meet the Low-Income Definition'' (RIN3133–AD76) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3523. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3524. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65) (Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on October 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3525. A communication from the Deputy to the Chairman, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Disclosure of Information; Privacy Act Regulations; Notice and Amendments'' (RIN3064–AD83) received in the Office of the President of the Senate on October 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3526. A communication from the Deputy to the Chairman, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Resolution Plans Required for Insured Depository Institutions With $50 Billion or More in Total Assets'' (RIN3064–AD59) received in the Office of the President of the Senate on October 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3527. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Sudanese Sanctions Regulations; Iranian Transactions Regulations'' (31 CFR Parts 538 and 560) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3528. A communication from the Senior Counsel for Regulatory Affairs, Office of Financial Research, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Supplemental Standards for Ethical Conduct for Employees of the Department of the Treasury'' (RIN1505–AC38) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3529. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 ('CISADA') Reporting Requirements Under Section 104(e)'' (RIN1506–AB12) received in the Office of the President of the Senate on October 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3530. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Electric Reliability Organization Interpretation of Transmission Operations Reliability Standard'' (Docket No. RM10–29–000) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Energy and Natural Resources.

EC–3531. A communication from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Interpretation of Transmission Planning Reliability Standard'' (Docket No. RM10–6–000) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Energy and Natural Resources.

EC–3532. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the construction of a Mixed Oxide Fuel Fabrication Facility near Aiken, South Carolina; to the Committee on Energy and Natural Resources.

EC–3533. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Environmental Impact Considerations, Food Additives, and Generally Recognized as Safe Substances; Technical Amendments'' (Docket No. FDA–2011–N–0011) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Environment and Public Works.

EC–3534. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Reinstatement of Listing Protections for the Virginia Northern Flying Squirrel in Compliance with a Court Order'' (RIN1018–AX80) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC–3535. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Removal of the Lake Erie Watersnake (Nerodia sipedon insularum)

From the Federal List of Endangered and Threatened Wildlife'' (RIN1018–AW62) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC–3536. A communication from the Acting Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Endangered Status for the Ozark Hellbender Salamander'' (RIN1018–AV94) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC–3537. A communication from the Acting Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Endangered Status for the Altamaha Spinymussel and Designation of Critical Habitat'' (RIN1018–AV88) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC–3538. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Marbled Murrelet'' (RIN1018–AW84) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC–3539. A communication from the Chief of the Branch of Operations, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Inclusion of the Hellbender, Including the Eastern Hellbender and the Ozark Hellbender, in Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)'' (RIN1018–AW93) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC–3540. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations'' (RIN1018–AX34) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC–3541. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds'' (RIN1018–AX34) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC–3542. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2011–12 Late Season'' (RIN1018–AX34) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC–3543. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to U.S. Army Corps of Engineer projects that have been identified as candidates for de-authorization; to the Committee on Environment and Public Works.

EC–3544. A communication from the Assistant Secretary of the Army (Civil Works), transmitting a report relative to watershed management studies of the Eastern Shore, Maryland and Delaware; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. MURRAY, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 914. A bill to amend title 38, United States Code, to authorize the waiver of the collection of copayments for telehealth and telemedicine visits of veterans, and for other purposes (Rept. No. 112–88).

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 1641. A bill to implement the United States-Colombia Trade Promotion Agreement.

S. 1642. A bill to implement the United States-Korea Free Trade Agreement.

S. 1643. A bill to implement the United States-Panama Trade Promotion Agreement.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

*Michael W. Punke, of Montana, to be a Deputy United States Trade Representative, with the Rank of Ambassador.

*Islam A. Siddiqui, of Virginia, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

*Paul Piquado, of the District of Columbia, to be an Assistant Secretary of Commerce.

*David S. Johanson, of Texas, to be a Member of the United States International Trade Commission for a term expiring December 16, 2018.

*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.

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. CASEY:

S. 1677. A bill to amend titles I and II of the Elementary and Secondary Education Act of 1965 to strengthen connections to early childhood education programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. AYOTTE (for herself and Mr. BROWN of Massachusetts):

S. 1678. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to permit eligible fishermen to approve certain limited access privilege programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. THUNE:

S. 1679. A bill to ensure effective control over the Congressional budget process; to the Committee on the Budget.

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. HARKIN, and Mr. BARRASSO):

S. 1680. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself and Ms. AYOTTE):

S. 1681. A bill to assure that Congress acts on the budget resolution; to the Committee on the Budget.

ADDITIONAL COSPONSORS

S. 211

At the request of Mr. ISAKSON, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 260

At the request of Mr. NELSON of Florida, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 438

At the request of Ms. STABENOW, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 438, a bill to amend the Public Health Service Act to improve women's health by prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 481

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 481, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 587

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of

S. 587, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 596

At the request of Mr. WYDEN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 596, a bill to establish a grant program to benefit victims of sex trafficking, and for other purposes.

S. 634

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 634, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

S. 648

At the request of Mrs. GILLIBRAND, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 648, a bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

S. 649

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 649, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 810

At the request of Ms. CANTWELL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 838

At the request of Mr. THUNE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 939

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 939, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 986

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 986, a bill to amend the Internal Revenue Code of 1986 to regulate the subsidies paid to rum producers in Puerto Rico and the Virgin Islands, and for other purposes.

S. 1025

At the request of Mr. JOHANNS, his name was added as a cosponsor 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 name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor 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. 1049

At the request of Mr. KYL, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1049, a bill to lower health premiums and increase choice for small business.

S. 1211

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1211, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases.

S. 1301

At the request of Mr. LEAHY, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, and for other purposes.

S. 1358

At the request of Mr. TESTER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1358, a bill to amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter.

S. 1468

At the request of Mrs. SHAHEEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1468, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

S. 1507

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1507, a bill to provide protections from workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1512, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1514

At the request of Mr. TESTER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor 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 Wyoming (Mr. BARRASSO) 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. 1541

At the request of Mr. BENNET, the names of the Senator from Delaware (Mr. COONS), the Senator from Virginia (Mr. WARNER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1541, a bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1567

At the request of Mr. ALEXANDER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1567, a bill to amend title II of the Elementary and Secondary Education Act of 1965, and for other purposes.

S. 1568

At the request of Mr. ALEXANDER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1568, a bill to amend section 9401 of the Elementary and Secondary Education Act of 1965 with regard to waivers of statutory and regulatory requirements.

S. 1577

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1577, a bill to amend the Internal Revenue Code of 1986 to increase

and make permanent the alternative simplified research credit, and for other purposes.

S. 1600

At the request of Mr. MORAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1600, a bill to enhance the ability of community banks to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1633

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1633, a bill to amend chapter 1606 of title 10, United States Code, to modify the basis utilized for annual adjustments in amounts of educational assistance for members of the Selected Reserve.

S. 1634

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1634, a bill to amend title 38, United States Code, to improve the approval and disapproval of programs of education for purposes of educational benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 1651

At the request of Mr. SESSIONS, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1651, a bill to provide for greater transparency and honesty in the Federal budget process.

S. 1668

At the request of Mr. MERKLEY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1668, a bill to provide that the Postal Service may not close any post office which results in more than 10 miles distance (as measured on roads with year-round access) between any 2 post offices.

S. 1671

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 1671, a bill to amend the Internal Revenue Code of 1986 to allow a temporary dividends received deduction for dividends received from a controlled foreign corporation.

S. RES. 232

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 232, a resolution recognizing the continued persecution of Falun Gong practitioners in China on the 12th anniversary of the campaign by the Chinese Communist Party to suppress the Falun Gong movement, recognizing the Tuidang movement whereby Chinese citizens renounce their ties to the Chinese Communist Party and its affiliates, and calling for an immediate end to the campaign to persecute Falun Gong practitioners.

AMENDMENT NO. 703

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 703 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 13, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled ''Carcieri Crisis: The Ripple Effect on Jobs, Economic Development and Public Safety in Indian Country.''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 13, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting on S. 1262, the Native Culture, Language, and Access for Success in Schools Act to be followed immediately by a hearing entitled ''Carcieri Crisis: The Ripple Effect on Jobs, Economic Development and Public Safety in Indian Country.''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Subcommittee on Primary Health and Aging of the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, October 18, 2011, at 10 a.m. in SD–430 to conduct a hearing entitled ''The Recession and Older Americans: Where Do We Go From Here?''

For further information regarding this hearing please contact Ashley Carson-Cottingham of the subcommittee staff on (202) 224–5480.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, October 18, 2011, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to examine the status of response capability and readiness for oil spills in foreign Outer Continental Shell waters adjacent to U.S. waters.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Abigail_Campbell @energy.senate.gov.

For further information, please contact Allyson Anderson at (202) 224–7143 or Abigail Campbell at (202) 224–1219.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks. The hearing will be held on Wednesday, October 19, 2011, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 544, A bill to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes;

S. 1083, A bill to amend the National Trails System Act to designate the route of the Smoky Hill Trail, an overland trail across the Great Plains during pioneer days in Kansas and Colorado, for study for potential addition to the National Trails System;

S. 1084, A bill to amend the National Trails System Act to designate the routes of the Shawnee Cattle Trail, the oldest of the major Texas Cattle Trails, for study for potential addition to the National Trails System, and for other purposes;

S. 1303, A bill to authorize the Secretary of the Interior to establish Fort Monroe National Historical Park in the Commonwealth of Virginia, and for other purposes;

S. 1325, A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, and for other purposes;

S. 1347, A bill to establish Coltsville National Historical Park in the State of Connecticut, and for other purposes;

S. 1421, A bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes;

S. 1478, A bill to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes;

S. 1537, A bill to authorize the Secretary of the Interior to accept from the Board of Directors of the National September 11 Memorial and Museum at the World Trade Center Foundation, Inc., the donation of title to The National September 11 Memorial and Museum at the World Trade Center, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony

for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510–6150, or by email to Jake_McCook@energy.senate.gov.

For further information, please contact David Brooks (202) 224–9863 or Jake McCook (202) 224–9313.

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 20, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a legislative hearing on the following bills: S. 134, Mescalero Apache Tribe Leasing Authorization Act; S. 399, Blackfeet Water Rights Settlement Act of 2011; S. 1298, Alaska Native Tribal Health Consortium Land Transfer Act; S. 1327, A bill to amend the Act of March 1, 1933, to transfer certain authority and resources to the Utah Dineh Corporation, and for other purposes; and S. 1345, Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Thursday, October 20, 2011, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to examine shale gas production and water resources in the Eastern United States.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Meagan_Gins@energy.senate.gov.

For further information, please contact Sara Tucker at (202) 224–6224 or Meagan Gins at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 11, 2011, at 4 p.m., in room 215 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on October 11, 2011, at 2:30 p.m. to conduct a hearing entitled ''Labor-Management Forums in the Federal Government.''

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

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for the 2011 third quarter Mass Mailing report is Tuesday, October 25, 2011. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116.

The Senate Office of Public Records will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Senate Office of Public Records at (202) 224–0322.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 290; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that any statements be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF AGRICULTURE

Brian T. Baenig, of the District of Columbia, to be an Assistant Secretary of Agriculture.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

MEASURE READ THE FIRST TIME—H.R. 2681

Mr. REID. Mr. President, I understand there is a bill at the desk due for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes.

Mr. REID. Mr. President, I now ask for its second reading in order to place the bill on the calendar under the provisions of rule XIV but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

ORDERS FOR WEDNESDAY, OCTOBER 12, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Wednesday, October 12, 2011; that following the prayer and the 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 begin consideration of H.R. 3080, H.R. 3079, and H.R. 3078; that there be 12 hours of debate equally divided and controlled between the two leaders or their designees, with Senator BOXER controlling 20 minutes, and Senator BROWN of Ohio and Senator SANDERS each controlling 1 hour of the majority time, and that all other provisions of the previous order remain in effect; finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. for our weekly caucus meetings.

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

PROGRAM

Mr. REID. Mr. President, we will consider the three trade agreements tomorrow. We expect to complete action on these bills sometime tomorrow. If everyone uses their time, it is quite obvious it will be a late, late day. But maybe people will get tired of talking and we can finish this earlier.

We have work to complete on Thursday. I have talked to the Republican leader about a path forward, and I think we can get more done this week and have a really good next week working on appropriations bills.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:48 p.m., adjourned until Wednesday, October 12, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL INSTITUTE OF BUILDING SCIENCES

JAMES TIMBERLAKE, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2014, VICE JOSE TERAN, TERM EXPIRED.

NATIONAL BOARD FOR EDUCATION SCIENCES

ADAM GAMORAN, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2015. (REAPPOINTMENT)

JUDITH D. SINGER, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2014, VICE CAROL D'AMICO, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

GREGORY L. PARSONS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MICHAEL B. BEE
DONALD P. COFFELT
CHARLES A. DIORIO
PAUL C. FITZGERALD
ROBERT J. GRASSINO
JOSEPH S. HONEA
JAMES R. HOWATSON
JAMES M. KELLY
MARTHA J. LAGUARDIA
KARL S. LEONARD
LANE M. PUTALA
LEE C. SCRUGGS
CURTIS J. SHAW
DAVID L. TESKA
BILL TRAVIS
SLOAN A. TYLER
JAMES W. WHITLEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

PAUL ALBERTSO
BENES Z. ALDANA
ROBERT E. BAILEY
CHRISTOPHER A. BARTZ
DAVID C. BILLBURG
FRANCIS T. BOROSS
JOSEPH A. BOUDROW
GREGORY A. BURG
MATTHEW C. CALLAN
WILLIAM D. CAMERON
STEPHEN H. CHAMBERLIN
TODD M. COGGESHALL
RICHARD S. CRAIG
MICHAEL T. CUNNINGHAM
MICHAEL H. DAY
JEFFREY F. DIXON
JONATHAN B. DUFF
KEVIN P. DUNN
JAMES L. DUVAL
DONALD R. DYER
DAVID W. EDWARDS
MARK J. FEDOR
DAVID M. FLAHERTY
PAUL A. FLYNN
KEVIN P. GAVIN
TIMOTHY J. GILBRIDE
BRIAN S. GILDA
JOSEPH J. GLEASON
CHARLES A. HATFIELD
JOSE L. JIMENEZ
LANE D. JOHNSON
VIRGINIA J. KAMMER
BRENDA K. KERR
JENNIFER A. KETCHUM
JOHN H. LANG
SCOTT B. LEMASTERS
GEORGE A. LESHER
BRIAN M. LISKO
KEVIN W. LOPEZ
MARTIN L. MALLOY
PETER F. MARTIN
JOHN W. MAUGER
KYLE P. MCAVOY
MARK J. MCCADDEN
SHANNON W. MCCULLAR
JOHN W. MCKINLEY
PAUL MEHLER
CHRISTOPHER P. MOORADIAN
NATHAN A. MOORE
CHRISTOPHER C. MOSS
DOUGLAS E. NASH
RANDAL S. OGRYDZIAK
CHRISTOPHER K. PALMER
ROBERT G. PEARCE
FRANK E. PEDRAS
BRIAN K. PENOYER
JAMES B. PRUETT
MICHAEL W. RAYMOND
JOEL L. REBHOLZ
FREDERICK C. RIEDLIN
JONATHON N. RIFFE
MELISSA L. RIVERA
JAMES B. ROBERTSON
DOUGLAS M. SCHOFIELD
SCOTT J. SMITH
REED A. STEPHENSON
EDWARD M. ST. PIERRE
GREGORY G. STUMP
THOMAS S. SWANBERG
STEVEN C. TESCHENDORF
ROBERT J. THOMAS
PHILLIP R. THORNE
TIMOTHY A. TOBIASZ
MICHAEL T. TRIMPERT
ANDREW E. TUCCI
JENNIFER F. WILLIAMS
CHRISTOPHER J. WOODLEY
MICHAEL L. WOOLARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be commander

RICARDO M. ALONSO
DIRK N. AMES
BRIAN R. ANDERSON
DAVID L. ARRITT
THOMAS B. BAILEY
JONATHAN D. BAKER
ALAIN V. BALMACEDA
AGUSTUS J. BANNAN
TIMOTHY J. BARELLI
MICHELLE C. BAS
LAMONT S. BAZEMORE
CAROLYN M. BEATTY
ERIC M. BELLEQUE
MICHAEL E. BENNETT
KAILIE J. BENSON
JOHN BERRY
CHAD E. BLAND
JED R. BOBA
CHRISTOPHER L. BOES
ELIZABETH A. BOOKER
SEAN T. BRADY
ANDREW S. BROWN
HEATH M. BROWN
MATTHEW T. BROWN
THOMAS R. BROWN
TIMOTHY T. BROWN
MARC A. BURD
TRAVIS L. BURNS
KAREN S. CAGLE
SCOTT R. CALHOUN
COLIN E. CAMPBELL
WILLIE L. CARMICHAEL
ADAM A. CHAMIE
CASEY L. CHMIELEWSKI
BRADLEY CLARE
TEALI G. COLEY
DANIEL A. CONNOLLY
PHILLIP A. CRIGLER
TIMOTHY P. CRONIN
MICHAEL J. DAPONTE
KARL D. DAVIS
QUINCY L. DAVIS
KRISTINA M. DELL'ORCO
SETH J. DENNING
BRIAN J. DONAHUE
PATRICK DOUGAN
MARK M. DRIVER
WILLIAM A. DRONEN
WILLIAM E. DUNCAN
REINO G. ECKLORD
MICHAEL A. EDWARDS
HERBERT H. EGGERT
ROY EIDEM
TOM ENGBRING
NELL B. ERO
PAUL A. FAWCETT
SALVATORE J. FAZIO
KELLY B. FOUCH
MICHAEL S. FREDIE
GINA L. FREEMAN
TYRON V. GADSDEN
RILEY O. GATEWOOD
CHRISTOFER L. GERMAN
MICHAEL R. GESELE
WILLIAM R. GIBBONS
MICHAEL P. GULDIN
TIMOTHY D. HAMMOND
MARK K. HARRIS
MICHAEL J. HAUSCHEN
JOHN HENNIGAN
KATHRYN N. HERTY
MARK D. HEUPEL
FRANK L. HINSON
LINDA M. HOERSTER
WALTER L. HORNE
ROBERT A. HUELLER
JOHN P. HUMPAGE
JACK W. JACKSON
DESARAE A. JANSZEN
KIM D. KEEL
STEVEN R. KEEL
ADAM L. KERR
TIMOTHY J. KERZE
FAIR C. KIM
SCOTT A. KLINKE
GARY C. KOEHLER
KENNETH S. KOSTECKI
JASON A. KREMER
KURT R. KUPERSMITH
KARL D. LANDER
CHRISTIAN A. LEE
BRIAN J. LEFEBVRE
JOSEPH J. LEONARD
CAROLYN L. LEONARDCHO
SIMON A. MAPLE
STEPHEN MATADOBRA
GREGORY A. MATYAS
BRIAN A. MEIER
DARREN F. MELANSON
PETER N. MELNICK
ANDREW D. MEVERDEN
KENNETH V. MILLS
ERICA L. MOHR
DONALD P. MONTORO
JAMES H. MORAN
JOE L. MORGAN
JONATHAN E. MUSMAN
CRAIG D. NEUBECKER
PETER S. NILES
DOUGLAS D. NORSTROM
BLAKE L. NOVAK
DAVID E. OCONNELL
MATTHEW ORENDORFF
KELLY L. OSBORNE
BRIAN J. PALM
MICHAEL J. PARADISE
TINA J. PENA
DIANE D. PERRY
TRAVIS J. RASMUSSEN
JOHN C. REARDON
KEVIN B. REED
KEITH M. ROPELLA
ANTHONY L. RUSSELL
OLAV M. SABOE
EMILY C. SADDLER
DANIEL SCHAEFFER
JEREMY C. SMITH
DAN T. SOMMA
JALYN G. STINEMAN
ERIC R. STPIERRE
BENJAMIN F. STRICKLAND
TERRY R. TRELFORD
TERRY A. TREXLER
MICHAEL A. TURDO
HEATHER K. TURNER
TODD D. VANCE
STEVEN P. WALSH
ERIC S. WARD
WILBORNE E. WATSON
BRENDA M. WHITE
ANTHONY W. WILLIAMS
DOUGLAS E. WILLIAMS
TORRENCE B. WILSON

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM B. CALDWELL IV

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE DIRECTOR, ARMY NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 10506 AND 601:

To be lieutenant general

MAJ. GEN. WILLIAM E. INGRAM, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

To be major

SCOTT D. STEWART
SUSUMU UCHIYAMA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

RALPH M. CRUM
DANIEL A. GRUNDVIG
JAMES E. LOWERY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

AMANDA E. HARRINGTON

THE FOLLOWING NAMED OFFICER IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

RAMON M. ANGELUCCI

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CHARLES S. MOORE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

STEVEN GANDIA

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR

ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

ADAM R. LIEBERMAN

To be major

KENNETH J. ZENKER

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

BRONSON B. WHITE

To be major

MICHAEL K. DONEY

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

BEN D. RAMALEY
BERNHARD ZUNKELER

CONFIRMATIONS

Executive nominations confirmed by the Senate October 11, 2011:

THE JUDICIARY

JANE MARGARET TRICHE-MILAZZO, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA.

DEPARTMENT OF AGRICULTURE

BRIAN T. BAENIG, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.