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## Senate

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

### PRAYER

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

Let us pray.

Holy Father, we come into Your presence today to look at ourselves as we are and to seek Your power to become what You would have us be. Search our hearts and empower us to do Your will.

Encourage our lawmakers to fulfill Your purposes for the glory of Your Name. Move mightily in their hearts and align them with Your kingdom perspective. As blessings flow when Your will is done, let them not take credit for what Your sovereign hand accomplishes on our behalf.

Today, and through the days of this week, call us to You that we may be transformed from mere followers to true servants of Your kingdom. We pray in Your everlasting Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL 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. INOUE).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 3, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. BLUMENTHAL 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 any leader remarks, the Senate will be in a period of morning business until 3:30 p.m. today. At 3:30, the Senate will begin consideration of the motion to proceed to S. 1619, which is the Currency Exchange Rate Oversight Reform Act.

At 4:30, the Senate will be in executive session to consider several judicial nominations.

At 5:30, there will be two rollcall votes. The first vote is on the confirmation of Henry Floyd, of South Carolina, to be U.S. Circuit Judge for the Fourth Circuit. The other vote will be on the motion to invoke cloture on the motion to proceed to the currency exchange matter.

### CURRENCY MANIPULATION

Mr. REID. Mr. President, today the Senate begins another very busy work period. I am confident this work period will be productive.

Tonight, the Senate will vote to begin debate on legislation to curb China's unfair currency manipulation. I expect strong bipartisan support to move this legislation forward. There have been conversations between the bipartisan supporters of this legislation in the House of Representatives

and the administration. My colleagues—both Democrats and Republicans—agree that China's deliberate actions to devalue its currency give its goods an unfair competitive advantage in the marketplace. Their goods do not deserve that. That is not fair. It hurts our economy and it costs American jobs. In the last decade alone, we have lost more than 1 million American jobs to China because of this trade deficit fueled by currency manipulation. A massive trade deficit is one of the reasons for our unsustainable unemployment rate. This legislation we are going to move to will even the playing field and help American goods compete in a global market and help keep American jobs here at home.

Democrats believe there is no problem facing this Nation that deserves our attention more than the jobs crisis. This bill is part of the effort to get our economy back on track and put Americans back to work. If China stops the practices that artificially tip the scales in its favor, it would create 1.6 million American jobs fairly quickly. I hope this legislation will motivate China to stop devaluing the yuan on its own. I also know it will send a strong message to the Chinese that Americans will no longer ignore their blatant, unfair trade practices.

### A BUSY WORK SCHEDULE

Mr. REID. Mr. President, we expect to quickly wrap up work on the China currency legislation this week. We have a lot to get done this month, so the Senate must move fast.

One out of every nine Federal judge-ships remains vacant, which puts at risk the right of every American to a fair and speedy hearing. While I have been frustrated at the slow pace in confirming judicial nominees this Congress, I am pleased we have been able to reach an agreement to confirm 10 judges this week and next. These nominations are noncontroversial, and they

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



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have the unanimous support of the Judiciary Committee. Five of the six judges we will confirm today come from States with Republican Senators, and all five have the support of that Republican Senator.

This month, the Senate will also take up three appropriations bills. Last month, we passed a continuing resolution to fund the government through November 18. Now we must finish our work on the annual appropriations bills.

We will also take up three trade bills this work period. Last month, the Senate passed trade adjustment assistance legislation which helps U.S. workers who lose their jobs because of international trade learn new skills and reenter a changing workforce. A global economy means global competition, and a flexible, well-trained workforce is what will allow us to keep pace with our rivals. That is why Democrats insisted on passing trade adjustment assistance before we would take up those three trade bills we will soon consider—Panama, Korea, and Colombia.

Republicans have said these trade agreements are important to them. Yet for months they have prevented them from moving forward by stalling trade adjustment assistance. I hope the House will not delay any longer on their taking up trade adjustment assistance. I am told they will not.

The Senate will also take up President Obama's American Jobs Act this month. Members of both parties should rally behind the commonsense, bipartisan approach of this legislation. It will cut taxes for working families and small businesses to spur job creation and put Americans to work restoring this Nation's decaying roads, bridges, dams, and schools. I am happy to work with my colleagues on both sides of the aisle to improve this bill, but I hope the obstructionism Republicans have employed for the last 9 months will not continue.

This year, Democrats have introduced jobs bill after jobs bill. Meanwhile, our Republican colleagues have put their own political agenda ahead of the Nation's jobs agenda. They claim they are willing to work in a bipartisan fashion to get our economy back on track, and this month they will get another chance to prove this. So I urge my Republican friends to remember that actions speak much louder than words. I hope they will take time out from rooting for our very difficult economy to fail for the sake of politics and help Democrats put this Nation back to work.

Would the Chair announce morning business.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 3:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. I note the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. MCCAIN. 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.

#### LEGISLATIVE PRIORITIES

Mr. MCCAIN. Mr. President, I paid attention to the remarks made by the majority leader concerning the upcoming schedule for the next week or 2 or 3 and the fact that we are now considering the motion to proceed to a bill pertaining to Chinese currency.

I understand very well that it is the prerogative of the majority leader to set the legislative agenda of the Senate, and I respect that prerogative. But I have to express some amazement that the issue of the Chinese currency is taking precedence over the myriad of other important issues we should be acting on.

One of the articles in today's CQ Today says:

Last year, it looked like the time was right for Congress to confront China.

"[A] similar bill" was passed by the House.

This year, the expected bulwark against the measure is the GOP-controlled House, where top Republicans are echoing concerns from the business community that enacting the measure could spark a trade war.

Republican leaders uniformly voted against the China measure last year, bucking the majority of their party, while Democrats voted . . . for the bill.

Schumer—

Speaking of the Senator from New York—

argues that a strong Senate vote this time around would make it "hard for the House to block it."

But an aide to House Majority Leader Eric Cantor of Virginia says there are no plans to vote on China currency legislation.

So with over 9 percent unemployment, with the debt and deficit continuing to run out of control, with the 12 or 13 appropriations bills not acted on, with the Defense authorization bill, perhaps for the first time in 41 years, not being taken up by the Senate, now, in its wisdom, under the leadership of the majority leader, we will be taking up the China currency bill.

China currency is an important issue. I think it is worthy of debate and discussion in happier times. But if one has any curiosity about the low esteem with which Congress is being held, then no better example of that is the way we

have addressed the issues, including not passing a budget, which is against our own law, for the second consecutive year; including going through a continuing resolution rather than authorizing and appropriating the functions of government, as is the responsibility of the Congress of the United States.

Here we are, as I said, unemployment is 9.1 percent, with an estimated 14 million Americans out of work; 228,098 homes are in foreclosure nationwide, a jump of 7 percent from July to August of this year. In my home State of Arizona, 1 in every 248 homes is in foreclosure, the third worst in the Nation. In the majority leader's home State—No. 1 in the Nation—1 in every 118 homes is in foreclosure.

Mr. President, 22.5 percent of the homes in America are "underwater," meaning their mortgage is more than their home is worth. In Arizona, that number is 49 percent. In Nevada, 60 percent of the homes are underwater.

We have a \$1.3 trillion deficit. We have a debt of nearly \$14.8 trillion. It represents \$43,357 for every man, woman, and child in America.

So we will take up before the Senate the China currency bill—the China currency bill. Then someone in this body may wonder why the approval rating of Congress is—one I saw was 12 percent, one 13 percent. I think proceeding in this fashion we may be able, with some success, to drive that down into single digits.

I hold townhall meetings, as most of my colleagues in Congress do as well, and people are very angry at Congress. We, understandably, look at the President's approval ratings. I would urge my colleagues to look at those approval ratings of Congress. As I have often said, and have probably worn out the line, we now have such high rates of disapproval that we are down to blood relatives and paid staffers.

So here we are, with the fiscal year having begun on the first of October, for the first time in 41 years, apparently, we are not going to schedule or pass a Defense authorization bill. The Defense authorization bill, in my view—and it is a biased view because of my membership on that committee for so many years; but not totally biased—authorizes pay and personnel. It budgets training and equipping the Afghan security forces. It fully supports the budget request of \$1.75 billion in coalition support. It fully supports the budget request to support the activities of the Office of Security Cooperation in Iraq. It increases the funding for cybersecurity initiatives. It provides a provision that would require DOD to acquire and incorporate capabilities for discovering previously unknown cyber attacks on its networks. It covers missile defense, strategic capabilities, nuclear safety, and nuclear proliferation. It supports crucial defense modernization programs.

#### RESERVATION OF LEADER TIME

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

My friends, there is no more compelling requirement than that of the defense of this Nation. The Armed Services Committee, of which I am a proud member, and work in a bipartisan fashion with the distinguished chairman, Senator LEVIN from Michigan—puts in long hours, and we scrutinize and we study and we have hearings and we try to do the people's work in the vital and important mission of defending this Nation.

So now the fiscal year has expired. We are operating on a "continuing resolution," and what is the issue before the body, the august body, the world's greatest deliberating body, according to some? The China currency bill—the China currency bill—which we expect to take up for the entire week, which according to any reliable report will never see the light of day in the other body.

Now, there have been controversies surrounding the Defense authorization bill not only this year but in previous years. I strenuously objected last year to the repeal of the don't ask, don't tell being included in the Defense authorization bill until we had a chance to assess the effect on morale, readiness, recruitment, and battle effectiveness, which was the view of the majority of the chiefs of the services.

The year before, we took up a hate crimes bill and put it on the Defense authorization bill. My objection was that it had nothing to do with our Nation's defense. But there are many issues that need to be addressed, many issues concerning detainee treatment, concerning other issues, which are controversial.

But the job of the Senate is to debate and to amend and to pass legislation. What is more important—what is more important—than the security of this Nation and the care for the men and women who are serving in the military?

I note the presence of the majority leader on the Senate floor. I have urged him privately on several occasions to bring up the Defense authorization bill. He responded to me—and I am sure he may respond—that there are issues concerning detainees, about trials in the United States, about Guantanamo Bay. My response to the majority leader has been, those are issues the Senate should debate; those are issues the Senate should make its judgment on; and I assured him—and I assure him again—that I will consider the objections and reservations that the President and the executive branch have to some provisions in the bill, particularly concerning detainee treatment. I give great deference to the view of the executive branch and the President of the United States. But that does not mean we should not take up the bill. It does not mean we should not take up the Defense authorization bill and the appropriations bills following.

First, we authorize. Then we are supposed to appropriate. The Senator from Nevada, the distinguished majority

leader, and I came to the Senate together more years ago than we would like to remind some of our colleagues. But 20-some years ago, when we came to this body, we regularly took up authorization and appropriations bills. We took them up one by one, we had debate, and we had amendments.

By the way, the practice of filling up the tree, which both sides of the aisle in this body are guilty of, was not heard of in those days.

I know the majority leader's time is valuable. I would just remind my friends that the legislative calendar, which is here, is waiting consideration.

Here are just a few of the authorizing bills waiting consideration. The Senate Armed Services Committee has approved the National Defense Authorization Act for fiscal year 2012. The Committee on Homeland Security and Governmental Affairs has approved the Department of Homeland Security Authorization Act. The Senate Finance Committee has approved the Airport and Airway Trust Fund Reauthorization Act. The Senate Environment and Public Works Committee has approved the Surface Transportation Extension Act.

Today is October 3—the third day of fiscal year 2012—and guess how many of the 12 annual appropriations bills have passed this body? The answer is one. It is not as if the bills are not ready for floor consideration. They have been cleared and placed on the legislative calendar. So why not bring them to the floor for debate and amendments—the Agriculture appropriations bill, the Commerce, State, and Justice appropriations bill. All of these, by the way, should have been preceded by authorizing legislation.

What has happened around here, unfortunately, for the majority of the Members of the Senate is that by virtue of the fact that we do not take up authorization bills for the functions of various branches of government, it renders the appropriations process transcendent in the deliberations and conclusions this body has made, thereby making members of the Appropriations Committee have an unwarranted, in my view, but certainly far more impactful role in the Senate than the members of the authorizing committees.

I intend to continue to work in this body and with some of the newer Members to change that process, to require appropriations bills to reflect the authorizing committees' legislation, that the Appropriations Committee not be permitted to authorize, which is not their role, which over the years has become more and more prevalent and routine.

My office resides in the Russell Senate Office Building, which is named after a distinguished chairman of the Armed Services Committee—a committee of which I am the ranking member. He was a distinguished chairman of the Armed Services Committee, a distinguished Member of this body. I

am sure if he were on this floor today, that former distinguished chairman of the Armed Services Committee would be making the same remarks I am today.

The responsibilities—not the privileges but the responsibilities—of those of us on the authorizing committees, including the Armed Services Committee this year, have been abrogated and overcome by a process which is clearly gridlocked.

I recognize the presence of the majority leader on the floor. I yield to the majority leader and then will return to my remarks following his.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the speech given by my friend, the senior Senator from Arizona, is a speech I could give, because he is absolutely right. We have so much we have to do. But we have had a problem because of the Republicans in the Senate. We have spent basically 100 percent of our time these last 9 months on 2 issues that should have taken a matter of a few hours but have taken months and months, the continuing resolutions.

We voted on the continuing resolution—for 1 week, 2 weeks, on and on for months, trying to fund government—2 or 3 days ago, the 1st of October. It took months to get that done. Then as soon as we finished that, that little exercise is only preparation for the long-standing time that we had to spend on raising the debt ceiling, something we had done with ease scores of other times. During the 8 years of President Reagan, for example, we raised the debt ceiling for him 18 times. But we spent months—months—on this continuing resolution and on this debt ceiling, and it prevented us from doing our work. So the words my friend from Arizona has given about all of the work that needs to be done do not include all of the work we have to do.

I do not think there could be a more important piece of legislation right now, with the jobs being the way they are, than China currency. Everyone knows how they have manipulated their currency, which has been very difficult for our country. We have lost in the last 10 years, because of that, 2 million jobs; jobs that should be our jobs if the currency were fair. But it is not. It is manipulated.

This is a jobs bill we are on today. It is a bipartisan piece of legislation that has been supported by large numbers of Democrats and Republicans. We have put this off for a long time. Now is the time to do this. We must send a message to the Chinese that we are serious.

We have for 50 years every year passed a Defense authorization bill. We need to do it this year. It is extremely important for a number of reasons. One is these programs are important. We need to take care of our soldiers, sailors, marines, airmen. It sets funding levels for weapons and ammunition programs and authorizes activities of the Armed Forces around the world. It

contains authorizations—new authorizations—for programs that are extremely important to this country, including counternarcotics efforts that are critical to our efforts around the world.

This Defense authorization bill is also a bill that has some of the best oversight of any of the work that we do. The Armed Services Committee does good work in looking at the oversight of the military. This is a civilian oversight responsibility we have and we need to complete that.

I agree with my friend from Arizona, it is vital that we get to this bill and pass it. But I also say that in its present form, I am going to have some difficulty bringing this bill to the floor. It contains provisions relating to the detention of terrorism suspects, which in the words of National Security Advisor John Brennan:

would be disastrous. It would tie the hands of counterterrorism professionals by eliminating tools and authorities that have been absolutely essential to their success.

To show you how extremely important it is that we do something about these provisions in this bill that are just wrong, both the Judiciary Committee in the Senate and the Intelligence Committee in the Senate have asked for hearings on this provision in this bill.

Going back to my original subject on China trade, the House of Representatives is going to pass China trade. Everybody knows that now. A couple of months ago that may not have been the case, but they will pass that as soon as we do.

I would hope my friend from Arizona, who we all have such admiration and respect for—we know how much he cares about our country and particularly about the Armed Forces of our country. I wish he would consider doing what we did last year. We had another problem with the Defense authorization bill, not from our perspective, as it is today, but it was from his perspective, because he felt very strongly that don't ask, don't tell should not be in the Defense authorization bill. I disagreed with him vehemently. But we agreed to take that out of the bill and have a separate vote on don't ask, don't tell. It worked out fine. I moved that during the lameduck session. People criticized me for bringing it up. But it is something I felt I had to do because that was an agreement I had with people who cared a great deal about that. I received lots of criticism because I took it out of the Defense bill or had it taken out of the Defense authorization bill.

I would say to my friend, the Senator from Arizona—and he is my friend—that we take this provision out of this bill and bring it up, have an up-or-down vote on however you want to handle that. Let the Judiciary Committee and Intelligence Committee do their work on this provision. It is not a good provision.

Since it was put in that bill, we have had some significant changes around

the world, and it would be such a detriment to what we need to do to get these bad guys, to keep this provision in the bill. So I would hope my friend would treat this provision as I treated don't ask, don't tell. He complained about that. I did not think he was right, but I thought it was so important that we move to this Defense authorization bill that it was taken out.

We need to do that with this. It would be better for our country, it would be better for the Senate, and it would be better for the bipartisanship work we have to do around here. I do not in any way criticize my friend for bringing this up. I have talked to him privately. I have talked to Senator LEVIN, the chairman of that committee, on a number of occasions. I have expressed in the recent weeks that we have a problem with this provision. And, in fact, I did not know the Senator from Arizona was going to be here today. I have a letter in my office I have been looking over. I was going to have it hand-delivered to Senator MCCAIN and Senator LEVIN today, and I will continue doing that. The whole subject of my letter was to explain to them the problem with this.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. I thank the majority leader for his comments. First of all, on the issue of China currency, I believe it is correct that the administration itself objects to this legislation, much less the other body taking it up. I say with great respect to the majority leader and his knowledge of the economy and the jobs that have been lost to China, China currency may be part of the problem, but it is certainly not the reason for the 2 million jobs lost. Certainly the majority of the reason for that is for other reasons which have been well ventilated.

I say to the majority leader, I would be glad and will continue to sit down with the administration and with the majority leader and with Senator LEVIN on this issue of detainee treatment. The fact is that the President of the United States began his tenure as President of the United States with the commitment to close Guantanamo Bay. I want to close Guantanamo Bay. I have made that very clear. But Guantanamo Bay cannot, for all practical purposes, be closed at this time. That brings in other issues such as treatment of people who are apprehended and attempting to inflict damage and mayhem on the people of the United States.

I think it is something we can work out. I would hope we would be able to debate and amend, which is the usual way we address issues in this body, rather than refusing to bring legislation to the floor because there is a particular objection to it.

Last year, as the majority leader pointed out, I was opposed to the repeal of don't ask, don't tell on the grounds that the same view I had was that of the service chiefs, that we need-

ed to assess the impact of repeal on retention readiness and battle effectiveness. But that should not, in my view, be the reason for us not to take up the legislation this year.

I am sure the majority leader is aware, this would be the first time in 41 years we are in two wars. We have to address the issues that only the authorizing committee is capable and chartered to do. So I hope the majority leader would observe that we could take up this legislation, debate it, amend it. The President always has veto authority if he wishes to veto it. We also have the other body on the other side of the Capitol that would play a role in this. We would go through the normal process of passing the Defense authorization bill, which has been a tradition for some 41 years here in the Senate.

I do appreciate the majority leader taking the time from his busy schedule to come to the floor and express his reasoning behind the schedule that he has set for the Senate, which is well within his authority.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. MCCAIN. 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.

Mr. MCCAIN. Mr. President, as I was saying, we have only 1 of the 12 authorization bills that has been considered by the Senate to date, which was the Military Construction, Veterans Affairs appropriations bill. The Senate passed that bill on July 20. Congress did not enact a single one of the annual appropriations bills through regular order last year or a budget last year or this year. What kind of message do we send the American people when they are suffering under unprecedented and unacceptable economically difficult times? We are sending the message that either we are unable or unwilling to address the issues that are affecting their very lives.

When I go home and find people without jobs and with half of the homes underwater, when I find people out of work, when I pass by the shuttered and closed strip malls throughout my State of Arizona, and then hold a townhall meeting, obviously my constituents are angry and frustrated. I do not know of a single townhall meeting that I have had, not a single one, where someone stood up and said: Pass the China currency bill and then our lives will be improved.

I am sure that with some the China currency bill is one of some importance and priority.

Certainly, I don't think it is in the top 10 priorities of the people I represent in the State of Arizona, but our Nation's security is important to my constituents. We have a sizable military presence in Arizona. The national

defense authorization bill that has passed through the Armed Services Committee is very important to the people of this country and our security in these very uncertain times.

I hope the majority leader will agree to change his priorities and bring the bill to the floor. I will continue to work to resolve concerns he or the administration has expressed concerning the legislation itself. But because the executive branch has concerns about legislation and objections to legislation, that should not prevent it from coming to the floor of the Senate. That should not be a reason why the Senate should not exercise its responsibilities to debate, to amend, and to authorize all these much needed priorities for the men and women who are serving our country with courage and efficiency. It is our job to provide them with whatever they need to do their job in the most efficient fashion.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. SESSIONS. 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.

#### CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT

Mr. SESSIONS. Mr. President, I wish to speak on the Currency Exchange Rate Oversight Reform Act, S. 1619, on which I believe we will be voting. I support it, as I expect my colleague from Arizona does with his principal commitment to trade and vibrant competitive commerce in the world.

I acknowledge that our commitment to commerce and trade is fundamental to our Nation. America has always been a country with open ports and open markets. When trade is conducted properly, I am convinced it creates a rising tide of prosperity in America and around the world. I am not against trade. More than that, I think the voluntary exchange of goods does promote the free exchange of ideas. Trade helped us to export our values of a free democratic society, but, like democracy itself, trade must operate under a set of rules and values.

Jobs have been lost as a result of unfair trade practices. Perhaps the most dramatic unfair trade practice existing in the world today is China's very substantial manipulation of its currency—a 30-percent, 40-percent, 25-percent alteration in the value of its currency—and it has created an extraordinary deficit that has cost jobs in this country. Whether it is 2 million or fewer, it has cost jobs of decent, hard-working Americans. It has occurred because of manipulation of the currency. It is a very real matter.

We need to fight for and aggressively defend every single job this country

has, and we need to say no to unfair trade practices. We are going to insist that the trade rules apply both ways, that we don't unilaterally accept virtually anything while some of our trading partners—particularly China—can systematically violate them. I think fairness is the right thing, and we must refuse to acquiesce and accept this existing trade practice.

Look, nations whose economies have historically struggled are those that have failed to uphold the rule of law. In my view, that is a fundamental part of America's greatness—our commitment to law—and it has made us economically powerful, as well as free.

Many nations that have been unable to ensure contracts are honored and protect the integrity of financial agreements can't be successful in a commercially competitive world. When companies form a business partnership, they sign a contract to ensure that each party meets its obligations. The principle is the same with free trade. A trading partnership with China or other countries must be founded on principles upon which both parties can agree, principles and agreements which are to the mutual benefit of both parties. It is the job of our leaders to negotiate these agreements on behalf of the American workers, not to stand against them.

This is even more crucial with a nation such as China, which relentlessly, through its political apparatus, seeks to advance its own national interests. China's currency manipulation clearly puts American workers and U.S.-based businesses at a huge disadvantage, particularly in this time of economic hardship. This unfairness has to be confronted. We have talked about it but have not confronted it.

Almost all economists agree that China intentionally undervalues its currency—RMB—by as much as 30 percent.

The Employment Policy Institute argues this:

This intervention makes the RMB artificially cheap relative to the dollar, effectively subsidizing Chinese exports.

Where? Mostly to the United States. So I believe the devaluation of the currency clearly subsidizes exports of Chinese goods to the United States.

They go on to say this:

Currency intervention also artificially raises the cost of U.S. exports to China. . . .

So our goods that go there are higher in China than they would be, making the Chinese less able to buy them than otherwise would be the case. The goods they ship to the United States come in cheaper than they otherwise would be, making them more attractive to American consumers. This is a big factor in the surging and huge trade deficit between our countries. I think it is indisputable that is so. In other words, the Chinese give their products a 30-percent discount in the United States and make our exports cost 30 percent more in China. I think few economists would argue with that.

China's currency manipulation has been a major factor in the erosion of our Nation's manufacturing base and left millions of U.S. workers without jobs. It is a factor in job loss in America. In Alabama, the EPI estimates—and I don't know whether this is an accurate number. I am sure we have lost jobs as a result of this currency manipulation, but this is the estimate the EPI had: It has put more than 44,000 people out of work in Alabama since 2001—44,000. We just celebrated a number of economic developments in my State. We have been having some success over the years. We have 3 automobile plants, with investment from abroad, and each one has added about 4,000 jobs. According to this study, we have lost 44,000 jobs to China as a result of this currency. Again, there are disputes about how much and how large the impact is. I don't think there is any doubt it is substantial. We have been feeling it for years.

Another recent study reached a similar conclusion. It was written up in the Wall Street Journal. It found that regions exposed to trade within the United States from China lose more manufacturing jobs and see an overall decline in unemployment than other areas. They also found that exposure to Chinese imports led to larger increases—and this is common sense—in unemployment; it cost jobs in certain areas in the United States; it led to larger increases in unemployment insurance, government payments, food stamps, disability payments, and other government benefits.

Based on data in the study, the \$300 billion increase in Chinese imports since 1992 has cost the Federal Government more than \$20 billion in such expenditures. They calculated \$20 billion simply based on the increases in food stamps, unemployment insurance, and the like. The irony behind this is that we borrow much of the money we use to pay these Federal benefits from the Chinese, which they then use to continue manipulating their currency. So we are being outmaneuvered and outnegotiated in the process.

Last year, Dan DiMicco, chairman, president, and CEO of Nucor Corporation, which has five steel mills in Alabama, my State—smaller steel mills—testified about modern steel mills. Mr. DiMicco is a national leader in American competitiveness and ideas. He testified before the House Ways and Means Committee, and this is what he said:

Passing this legislation will help because this is a jobs bill, pure and simple. It will do more to stimulate the economy and create jobs than just about anything else Congress can do. And it will not add to our national debt—just the opposite. Ending China's currency manipulation will reinvigorate our manufacturing sector and our economy, reducing our budget deficit. By failing to take the lead and combat China's mercantilist trade practices, we are serving up our jobs, future economic well-being, and national security on a platter.

That is a serious charge. This is a man who is dealing in the real world of

steel production around the United States, with plants all over the United States. I think he knows a lot about what goes on in the world and how this system works.

I believe the bill on which I have joined my colleagues is a thoughtful, commonsense approach. It doesn't place an immediate tariff on all Chinese goods that enter the United States. It does, however, explicitly direct the Commerce Department and International Trade Commission to take currency manipulation into account when estimating countervailing and dumping duties. Under current law, the Commerce Department can take currency manipulation into account when calculating countervailing duties, but it does not take currency manipulation into account. It could, but it does not. The Obama administration has not instructed them to do so, and neither did his predecessor. Moreover, neither agency currently has the authority to include currency manipulation in its calculation of anti-dumping duties.

The practical effect of this legislation would be to charge a duty on some imported products only after the International Trade Commission and Commerce Department conduct an investigation that determines dumping is taking place or a subsidy is being provided and that a U.S. company has been injured. So a duty would only be applied if it can be proved that the exporting country violated WTO rules. In other words, this measure upholds the rule of law.

This has nothing to do with protectionism; rather, it is about protecting the principles that make free trade work. You can't have a free-trade relationship if your trading partners aren't complying with the fundamental expectations of fair trading partners.

We don't live in a perfect world. Other nations, such as China, are more than willing to exploit our good will to gain political, strategic, and economic advantage. The time has come to defend our core economic interests. American workers are the best in the world. They are not asking us for a handout or a subsidy. What they are asking for are leaders who will defend their legitimate interests on the world stage. So far, this has not been done.

I salute Senators SCHUMER, BROWN, GRAHAM, BURR, SNOWE, STABENOW, and others who have supported the legislation. I think it is time for us to act, and I ask my colleagues to support the legislation as we move forward.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

#### DEBIT CARD FEES

Mr. DURBIN. Mr. President, I wish to take those who are following this debate on a little trip through the world of plastic. I am talking about the world of credit cards—in this case, specifically about debit cards—because some-

thing happened over the weekend which has changed that world dramatically, and it is important for consumers, retailers, and voters across America to understand what happened.

On October 1—on Saturday—the rules on how much a credit card company and a bank that issues a debit card can collect every time we use the debit card changed. They call it the swipe fee. It makes sense: We hand them the credit card or we do it ourselves, swipe it through the machine, and we pay for a transaction. Back in the old days, which I can recall, some people would write out a check. This is the new form of a check. It is a debit card. When we swipe it through the machine and the machine accepts it, the money comes right out of our checking account to the retailer where we did the business. It is very convenient. People are using it more and more. In fact, over half the transactions at most retailers now are done with either credit or debit cards. What the consumer doesn't know is there is a charge each time that card is swiped. It is called the swipe fee or the interchange fee. What is it? It is established by the two, basically, duopoly credit card companies—Visa and MasterCard. They run the whole show. They have been under antitrust investigation in the past, and I am sure they will be in the future. They set the rules, and here are what the rules are.

If someone runs a restaurant or, let's say, a grocery store in Near North Side Chicago, such as Art Potash's, who is a close friend of mine—a family-owned grocery store—they say: I have to take plastic to do business, then Visa and MasterCard say they have to pay each time a customer swipes that card. How much do they pay? It is a secret. Basically, consumers don't know, but individual retailers do, and the individual retailers have little or no bargaining power with Visa, MasterCard, and the big banks, as one can imagine.

So we passed a law over 1 year ago—an amendment that I offered to the Dodd-Frank Wall Street Reform Act—which said to the Federal Reserve Board: Investigate this. Find out how much it actually costs the bank and credit card companies to process a transaction with a debit card. They came back, after a long study, and they said: If it uses a PIN number, which some do, it is about 4 cents. If we sign it, it is about 7 to 12 cents. Then they said: Incidentally, the average charge by the credit card company and bank for each swipe fee is 44 cents—dramatically larger than the cost of the transaction to the bank or the credit card company.

Remember, in the old days, when we processed checks? It cost pennies to process a check no matter what the face amount was. But now, retailers face the 44-cent average swipe fee every time somebody uses a debit card. So we can understand some retailers don't like this much. There is no competition. These banks and credit card companies tell them this is it, take it or

leave it; if they don't like it, don't use plastic. It is secret. Nobody knows it except the retailer, the bank, and the credit card company. It is a hidden fee, and it is a killer for a lot of small businesses.

I was in Rock Island, IL, and Carl, who is the manager of the Rock Island Country Market, said: We have a special deal here, Senator. People can come in from the neighborhood in Rock Island, IL, in the morning, and I give them a cup of coffee and a doughnut for 99 cents. It is a pretty good deal in this day and age. It sure is, isn't it, compared to what we pay. He said: I want to get them in the store. But, he said, you know what. They turn around and use plastic at the cash register. I wasn't even breaking even at 99 cents, and now I am paying 44 cents to some bank and credit card company because people have used plastic.

That world changed October 1—last Saturday. The new law went into effect where the Federal Reserve established the ceiling—the maximum—that can be charged for a debit card swipe fee that is issued by the largest banks in America. The maximum now comes down to about 24 cents. Is this a big deal? It certainly is, because each year in the economy, swipe fees accounted for about \$10 billion or \$12 billion—\$10 billion or \$12 billion—in additional charges to consumers and loss of profitability by businesses. One can imagine, \$10 billion or \$12 billion, even after it has been discounted by the Federal Reserve to about half that amount—\$5 billion or \$6 billion—has the banks in an uproar.

I guess it is a great honor that the Wall Street Journal on Friday had one of their people they invited in to comment who said this new bank fee that is being charged by Bank of America on debit cards is the Durbin fee—the Durbin fee. The same thing was said by the Chicago Tribune on Saturday.

Let me say at the outset I am honored to be associated with an effort to reduce costs to retailers and consumers across America. What we are doing is fair—trying to strike some balance in an industry that has shown little or no balance. One of the worst offenders in this is Bank of America—the largest bank in the United States.

Did you see what they did last week? They announced that anybody who had a debit card at Bank of America was now going to be subject to a \$5 monthly fee because of this reform. What I have said in the media, and I will say here, is: Bank of America customers, vote with your feet. Get the heck out of that bank. Find yourself a bank or credit union that will not gouge you \$5 a month and still will give you a debit card you can use every single day.

What Bank of America has done is an outrage. Last week, when they announced they were charging their own customers a \$5 monthly fee for the use of the debit card, they went overboard. They are overcharging their customers even for this new debit card reform,

but it is nothing new in the history of Bank of America. Consumers across America and the customers of Bank of America are rightfully outraged. It is hard to believe a bank would impose such a fee on loyal customers who simply are trying to access their own money on deposit at Bank of America, especially when Bank of America, for years, has been encouraging their customers to use debit cards as much as possible.

It is particularly hard to believe this fee would come from a bank with a track record such as Bank of America's. After helping to drive our economy off the cliff's edge in 2008, Bank of America was happy to accept a \$45 billion Federal bailout for their stupidity, their greed, and their mistakes. It was just as happy to take that money and hand out \$3.3 billion in employee bonuses in the same year—2008. Don't forget the track record of Bank of America when it comes to handling mortgages. They picked up this company—Countrywide—which had issued mortgages all across America that were going bad. The record of Bank of America, when it comes to processing these same mortgages, is equally disappointing. When it is not losing paperwork or refusing to answer the phone, Bank of America is foreclosing on American families right and left.

But at least this time Bank of America is being open about the new charge to its loyal customers. In contrast to the overdraft fees, research fees, swipe fees, and other hidden fees they have charged, this time Bank of America is being up front about sticking it to its own customers. Transparency is a good thing. It allows customers, as I said, to vote with their feet. Not every bank treats its customers like Bank of America, and consumers can decide whether Bank of America's values reflect their own.

Bank of America is the largest bank in terms of assets in the United States. Now it is crying poverty, saying it is forced to hit their debit cardholders with this new monthly fee because Congress passed swipe fee reform. I don't buy it. Here is the reality: Bank of America and banks in general are still making billions of dollars with this new reform in the law of credit and debit card swipe fees. Swipe fees are an estimated \$50 billion per year money maker for the banking industry—\$50 billion. Bank of America alone makes billions from swipe fees each year. But Bank of America didn't earn those fees by competition. Instead, Bank of America receives these billions because Visa and MasterCard, this duopoly that runs the credit card business in America, basically fixed these prices and retailers and consumers have no voice in the process. This price-fixing has immunized the swipe fee revenue stream from competition. Now that Bank of America is out in the open with this overcharge of their own customers, it is time for real competition to step in. The Federal Reserve

found it cost the bank, on average, 7 cents to conduct a debit transaction—a signature transaction. It costs a lot less, I am sure, for Bank of America, with its economies of scale. But the Fed also found Bank of America was getting an average of 44 cents, instead of 7 cents. They simply can't make that type of enormous profit margin—nearly 600 percent—in a transparent and competitive market. In a free and fair market, these profits would be competed down to a reasonable level. Without competition, credit card companies—these banks such as Bank of America—will continue to win, and consumers and retailers—and, of course, now the Bank of America's own customers—will lose.

Today, I have written a letter to the CEO of Bank of America. His name is Brian Moynihan. I told him it wasn't just me alone but others have done a little calculation on his \$5 monthly fee. Do you know what we found out? When they thought the swipe fee was going to be limited to 12 cents, Bank of America said: That will cost us \$2 billion a year. Turns out the Federal Reserve said: No, it will be 24 cents. So by our estimates, this new reform of the swipe fee may cost—may cost—Bank of America \$1 billion a year in revenue. Guess what. If we do the calculation of \$5 a month on the number of reported debit cardholders at Bank of America, they will bring back twice as much as their projected loss on this new law. They are overcharging their own customers, once again, twice as much as they should if they just want to cover the hidden fees they had in the past.

That is unfair to consumers, it is unfair to the customers, and it is unfair to do it in this tough economy, when a lot of Bank of America's customers across America are struggling to get by. What I am basically calling on Mr. Moynihan to do is to justify this \$5 monthly fee based on their projected debit card transaction losses and the number of people they have holding debit cards by their company.

I didn't come up with this alone. A gentleman by the name of Lazarus, who is a business reporter in California, was the first one who called it to my attention on the "Lehrer Report" on Friday night. We have looked into it further, and it is clear, again—that Bank of America is overcharging its own customers. I can tell you it isn't the first time. Most people are aware of the fact Bank of America was sued for overcharging for various fees, such as overdraft fees, in the past. Because of that suit and the possibility of losing it, they entered into a settlement to pay over \$400 million for overcharging their own customers. They are doing it again. Bank of America, with this monthly fee, is overcharging its customers again by any reasonable standard for a loss of revenue based on this new law.

The last point I wish to make is this—because I see some on the floor, including a Senator or two who may

have a different point of view. When I was back in Illinois, I stood with the retailers, and I hope the retailers of Tennessee and Utah will be in touch with my colleagues and let us hear their side of the story. They have been victimized by these banks and credit card companies for too long. What we do with this law is establish a reasonable standard of compensation and now some disclosure about what is being charged for transactions.

I wish to help small businesses—and large retailers too, for that matter—across America. Their profitability, the success of their business, means more Americans go to work. If a Senator wishes to stand on the floor of the Senate and defend the Wall Street banks, such as Bank of America, and the credit card companies, be my guest. I would rather stand with the consumers and retailers that have been taken to the cleaners for years and years by these swipe fees.

The latest outrage by the Bank of America is a reminder that when it comes to valuing customers, those banks that don't gouge those customers, that don't overcharge for debt fees, are the ones that deserve America's business.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

#### CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT

Mr. CORKER. Mr. President, I actually am here to speak on another topic, but I was glad to hear the comments of the Senator from Illinois. I will say in general that I think consumers across our country are beginning to see the first of many consequences of Dodd-Frank. Sometimes I think my friends on the other side of the aisle believe money comes from air. But the fact is when you price fix something such as the Senate did through Dodd-Frank, when you price fix something like this, obviously it is going to have the consequences that have been laid out and, unfortunately, consumers across our country are going to be paying the price. It is interesting that most of the major retailers my friend was alluding to are all talking about the profits, the benefits they are going to have from this. At the end of the day it is the consumers who are going to be paying the price, and we are already seeing that play out. While Bank of America—I am not here to defend them. This is just the first of many charges and lack of credit that is going to be part of our American society as a result of Dodd-Frank.

But let me say, I came down today to talk about a bill we are getting ready to debate I understand this afternoon at 5:30. It is the Currency Exchange Rate Oversight Reform Act of 2011. I probably won't recite that again, but that is the bill we are going to be having a cloture vote on tonight at 5:30.

I understand how people across this country are very frustrated about our

economic situation. I am very frustrated. I am frustrated for the people of Tennessee and the fact that our economy is not showing the kind of growth we would all wish to see. I understand how politicians like to respond to things back home by making it look as if they are doing something to benefit the folks back home during this tough economy. I plan to speak at length on this throughout the week that this bill is being debated.

The bill that is going to be on the floor tonight is not the answer. I think most of you know that tonight we are going to begin debating a bill that would call China, in essence, a currency manipulator. And, by the way, they are a currency manipulator and I will agree to that. But the response that this bill wants to put in place is to put tariffs on Chinese imports, and what I believe will happen is it will begin a trade war.

What I wish to say is this is the U.S. Senate. I understand that sometimes a hot bill will make it out of the House for lots of reasons, due to its makeup. I understand that a lot of times a bill such as this comes forth for messaging. What I would say is we are actually playing with fire here. This is something that is originating in the Senate. It is a place where typically things are to cool and we are to think through things.

I am hopeful we will have a vigorous debate on this, and many amendments, because my concern is that at a time in our country when we have had a financial crisis which has led to the type of economy we have here where we wish to see many people in our country have greater and more full employment, at a time when we come off high energy prices a few years ago that sucked a lot of life out of this economy, at a time when the global economy is slowing much due to the financial crisis that is occurring right now in Europe, I think the response we want to put forth is not to create a trade war with China.

I think most of us know China has been a currency manipulator. They have a managed float for their currency. We wish to see that rise much more quickly than it has. It has risen about 30 percent in the last several years.

So the point is they are making changes. China has an antiquated financial system that has to be changed; it has to be liberated; it has to become more like what we have in this country. And those steps are happening. There is no doubt that importers—there is no doubt that the goods that come here from China come here at a lesser price than they otherwise would because of the currency float they put in place in China. I understand that. But that is changing. And the fact is that with a country of 1.3 billion and as their standard of living continues to grow, we have an opportunity to have even more trade with this country. Our exports to China have grown sixfold over the most recent time.

So here we have an opportunity in this Chamber very soon to take up the three free-trade agreements with South Korea, Panama, and Colombia, trade agreements we have wanted to have in place for a long time. Here we are, the Senate, a body that is supposed to act with cooler heads. And I understand the pressures back home. I have them too. Our State has tremendously high unemployment, much higher unemployment than I wish to see happen. I know when I go to townhall meetings, people talk about China, and I understand that. But I think people may be misreading what is in this bill. I think a lot of people think this bill is sort of a plaything because it actually gives the President a chance to waive tariffs on goods that happen to come here cheaper because of currency manipulation. But that is not the case. That is not what this bill says. A lot of people have misunderstood what this bill says. They think it is sort of a plaything and the President can make it all right. The President, if you will, can be the adult and not create a trade war. But that is not what the bill says. The bill says this country has to put in place tariffs on goods coming into this country, as long as they are not being dumped into this country. If they come in at a competitive advantage, we have to put in place tariffs.

Is this what the Senate wants to do today? We have had a tremendous financial crisis. We have high unemployment in this country. We are tremendously overregulated. We are not doing the things within our own country we should be doing, that many of us have been arguing, to cause our economy to grow. We have a financial crisis that is taking hold and taking root and actually moving in parts to this country and hurting us. The markets are down.

So the Senate, a body of 100 people who are elected for 6-year terms, wants to put in place tariffs on a major growing country that we have growing exports to, and create a trade war—a trade war between the two largest economies in the world? That is our response, instead of understanding the best thing we can do for this country right now is to deal with those long-term solutions in our own country and ask this deficit reduction committee to go big, to get \$3 trillion, to do tax reform, to do entitlement reform. These are the kinds of things we ought to be doing in this country: passing a 6-year highway bill; producing American energy; reducing regulations that are impeding our economy and not helping the country. Those are the kinds of things we ought to do. That is the response from the Senate, from people with 6-year terms who were elected to be the cooling of legislation, not to originate bills out of this body that we know, if passed, will likely create a trade war.

It is as though this country has lost its ability to see the fact that we are an exceptional country. It is as though we are cowering down now. It is as

though we know what to do but we won't do it, and, instead, now we have got to find a bogeyman.

Do I like what China is doing with their currency? No. But is it changing? Yes. Is our country putting pressure on China to change? Yes. Is it occurring? Yes. It is going to have to. The middle class in China is going to want access to the kinds of goods our country produces. It is naturally happening. So why would we as a country tamper at this time of a global slowdown with creating a trade war?

I understand and I know many of the Senators in this room hear the same things back home I hear back home. But the last thing we need to do at this point in world history, at this point with the global economy as it is today, is repeat the same mistakes that happened back in the 1930s with Smoot-Hawley. That is exactly the path we are going down. It is as if we don't learn from history. I urge all Senators to think about this.

I understand we are probably going to move to this bill tonight. I do hope we have a vigorous debate. I hope we change this bill dramatically, if not kill it. But I think Senators need to understand, in my opinion, we are playing with fire. This is not the right thing for us to do. We need to be focusing on how we make this great Nation, the greatest Nation of all times, grow. We can do that by dealing with our own issues here internally. We know how to do it, and we can do this by courageously dealing with the long-term issues that confront this country. That will be the short-term stimulus this economy needs.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Mr. President, I ask we move from morning business to the pending legislation.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT OF 2011—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1619, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of S. 1619, a bill to provide for identification of



misaligned currency, require action to correct the misalignment, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 4:30 p.m. will be equally divided and controlled between the two leaders or their designees.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I rise today in strong support of S. 1619, the Currency Exchange Rate Oversight Reform Act. First, I want to say this bill is the culmination of years of hard work and collaboration between Democrats and Republicans. I thank Senator LINDSEY GRAHAM of South Carolina. He and I have been partners in this endeavor for over 5 years. We have traveled to China together. We have worked long and hard to try to gain some fairness in the way China treats American industry, particularly in regards to currency.

I thank Senator SHERROD BROWN and Senator DEBBIE STABENOW. Both made very valuable additions to the proposal on the Senate floor today. In fact, Senator BROWN is the lead sponsor of this legislation because of the strong and good work he has done. They both have worked long and hard, realizing the industries in their States are at such a competitive disadvantage.

I thank my colleague, JEFF SESSIONS, as well, who has been one of our partners and leaders on this legislation over the last several months, and lead sponsors in addition: BOB CASEY, OLYMPIA SNOWE, JEFF SESSIONS, KAY HAGAN, and RICHARD BURR, as well as dozens of other cosponsors on this bill for their work on this issue for many years.

I also want to particularly express my appreciation to Chairman MAX BAUCUS and former ranking member of the Finance Committee CHUCK GRASSLEY for their leadership and work on currency manipulation. We believe our bill is WTO compliant, and it is in part because Senators BAUCUS and GRASSLEY looked at our original bill and worked with us on suggestions as to how to change it to make it just as effective but within the rules of WTO.

Today we have an opportunity to help put middle-class Americans back to work and, amazingly enough, in a bipartisan way. Today we stand together to defend American jobs against market-distorting, job-killing exchange rate policies that subsidize foreign manufacturers at the expense of American manufacturers. These currency policies artificially raise the price of U.S. exports and suppress the price of Chinese imports into the United States, undermining the economic health of American manufacturers and their ability to compete at home and around the globe.

China is by far the biggest exploiter of predatory currency practices, but our bill does not target China or any one country. Our bill, rather, says there will be consequences for any country that engages in currency ma-

nipulation to gain an unfair advantage over American businesses.

It has been 10 years since China joined the WTO. In those 10 years the Economic Policy Institute estimates that 2.8 million American jobs were lost or displaced in manufacturing or other trade-related industries as a result of increased trade with China and the Chinese Government's manipulation of its currency. My State of New York has suffered some of the biggest losses, with over 161,000 jobs lost or workers displaced since 2001. Accession to the WTO was supposed to bring China's policies in line with global trade rules meant to ensure free but fair trade. Instead, China has single-mindedly flouted those rules to spur its own economy and export-oriented growth at the expense of its trading partners, most of all the United States.

Our economic relationship with China needs a fundamental change. It is not just in currency, although that is the No. 1 issue. On issue after issue, whether it is poaching intellectual property, unfairly and illegally subsidizing Chinese businesses, monopolizing rare earths, not allowing American companies to compete in China—on issue after issue China is mercantilist, plain and simple. They use the rules of free trade when it benefits them and spurn the rules of free trade when it benefits them. For years Americans have grimaced, shrugged their shoulders, but never done anything effective to in large measure stop the Chinese pursuit of unfair mercantilism.

Six years ago I was in upstate New York and a steel manufacturer told me they could compete against Chinese steel just fine, even with labor costs being lower in China, except for the fact that China manipulated its currency and gave Chinese steel imports a 30- to 40-percent advantage. The owner of the company, providing 300 good-paying jobs, pleaded with me to do something. I happened to speak with Senator GRAHAM, and he was finding the same situation with industries in his State of South Carolina.

We began our crusade to get China to behave fairly. At first, people did not even accept the fact that currency manipulation was wrong and harmful to America. I remember at one point, within a short period of time, both the New York Times editorial page—a decidedly liberal editorial page—and the Wall Street Journal editorial page—a decidedly conservative editorial page—said China should not have to let its currency float, even though it is a tenet of free trade since Bretton Woods that said the way to correct large imbalances in trade is to let a currency readjust by floating.

We spent years convincing America, convincing our colleagues that this manipulation of currency dramatically hurt America and was unfair and against all tenets of free trade. We have achieved that goal. Now the editorials may pick reasons they do not like our particular bill, but they say:

Oh, yes, we have to deal with Chinese currency manipulation.

But when we ask people who say: Don't do your bill, deal with it a different way, we say how? No one has another answer. It was true that our initial bill introduced 5 years ago was a blunt instrument to bring attention to the issue. It was our hope then not to pass the legislation—in fact, we allowed cooling off period after cooling off period in the legislation—but, rather, simply to get the Chinese to act. But about after 3 or 4 years, Senator GRAHAM and I became convinced that China would not act. When there was real pressure they might move the currency a little bit, but then they would back off.

The same proved true in other areas where China unfairly treats American industry, so we came to the conclusion that legislation was the only answer, no one having a preferred or even seemingly possibly effective alternative. So we worked, as I said, with Senator BAUCUS and Senator GRASSLEY and came up with a proposal we believe meets WTO rules.

Then, because Senator STABENOW had worked long and hard on this issue along with Senator COLLINS, we combined her proposal and our proposal. Hers was mainly focused on the Banking Committee, Commerce Department, ours on Treasury. Then a year or two ago, Senator BROWN and Senator SNOWE had an additional proposal, and we have combined all of these proposals into one workable bill that will finally get fairness for American companies.

Over the past 6 years we have been sending a message to the Chinese Government about their exchange rate policies. Every Treasury Secretary since we began this crusade said: You know what. Let me just talk to the Chinese. I can bring reason to them.

They did it with the best of intentions and the best of hopes, every Treasury Secretary—casting no aspersions on any of them because the fault was China's, not ours—and could not get progress at all.

So it is down to this. If we want American companies to have a fair chance of competing, this is the solution. Not everyone will agree with every jot and tittle in this bill, but I think the vast majority of my colleagues will agree with its thrust and the need to do more than we have been doing. For that reason I am hopeful that large numbers on both sides of the aisle will vote for this motion to proceed so we can begin debating this measure and listen to some amendments if people have ideas as to how to change it.

Let me go over our bill. Our bill is intended to give the administration additional tools—this administration or any—to use if countries fail to take steps to eliminate currency misalignment. The bill would prohibit Federal procurement of products or services

from a country that fails to adopt appropriate policies or to take identifiable action to eliminate currency misalignment.

Our bill also uses U.S. trade law to counter the economic harm to U.S. manufacturers caused by currency manipulation. The artificially low value of the yuan—economists estimate it is anywhere from 20 to 40 percent less than what it should be—amounts, as is well known now, to a subsidy on Chinese exports and a tariff on imports from the United States and other countries to China.

Under existing trade laws, if the Commerce Department and the International Trade Commission find that subsidized imports are causing economic harm to American manufacturers and workers, the administration must impose duties on those imports to offset or countervail the benefit conferred on foreign producers and exporters by government subsidies. Commerce already has the authority under U.S. law to investigate whether currency undervaluation by a government provides a countervailable subsidy, although it has failed to do so despite repeated requests by industry after industry to investigate.

Our bill specifies the applicable investigation initiation standard so Commerce can't just turn its back on these companies, and it will require Commerce to investigate whether currency undervaluation by a government provides a countervailable subsidy if the U.S. industry requests the investigation and provides the proper documentation.

Our bill also clarifies that Commerce may not refuse to investigate a subsidy allegation based on the single fact that a subsidy is available in circumstances in addition to export.

Our bill also uses the term "currency misalignment," but it is not just a term. Administrations, both the Bush administration and the Obama administration, have, to the amazement of many Americans, refused to label China a currency manipulator. But manipulation is a subjective standard involving intent. What we do is refine that concept and go for misalignment. We believe misalignment is the appropriate standard. That is not subjective. It is not saying why the currency is misaligned or how or who did it. It is simply saying that it is. It is a narrower standard. It is a standard that is harder to wriggle out from under if anybody, any government official is intent on not enforcing the rules we think necessary to get the Chinese to act. So the bill is carefully thought out. The decimation of our middle class, our manufacturing sector, and the American economy as a whole is due in part to developing countries such as China employing currency manipulation and other aggressive mercantilist tactics to tilt the field in their favor. In the absence of action by the administration, we have a responsibility to protect the interests of American workers and companies.

One of the questions that is raised is, Is our bill WTO compliant? We believe it is. We have worked hard to ensure this. The bill provides the President with flexibility to waive any consequences that might have an adverse impact on the U.S. economy. The bill also continues to allow the U.S. Government trade officials to do their job and make the decisions on the basis of facts argued before them. We have talked to many experts in the field. They too believe our bill is WTO compliant.

What do the critics say? No one criticizes the idea that China has manipulated its currency. No one criticizes the thought, the actuality that China manipulates its currency. Almost everybody thinks not enough is being done. The main argument against our bill is not the bill itself, but critics of the bill worry that maybe this could start a trade war with China. Well, I have news for them: We are already in a trade war with China, and we are losing. China, by its mercantilist policies on currency above all but on rare earth and intellectual property, unsubsidization of homegrown industry, on exclusion of American exports where we might have advantage, is already engaged in a trade war, and the result is that millions of Americans do not have jobs who should. The result is that hundreds of billions of dollars flow out of America and into China. If we do not do anything about this, our country will be hurt badly, perhaps irreparably.

Some argue, as did the Washington Post today, that it will not have much of an effect because the industry of China has to revalue its currency; these industries will go to places such as Bangladesh. They are making an argument that is 5 and 10 years old and stale. We are not arguing about labor-intensive industries such as clothing or shoes or toys. Those are going to Bangladesh already, with the cost of Chinese labor going up. China uses its currency manipulation against our top-notch manufacturers. The large companies say nothing because most of them have plants in China, so they can get around it, but middle- and small-sized manufacturers are up against this wall and are desperate for our help.

One manufacturer in upstate New York makes a very advanced product that deals with cleaning pollutants as they go through a power system. It is a top-notch product. This manufacturer, who employs a couple hundred people in upstate New York, said to me: China's stealing my stuff even though I have patents and other things on it. They are stealing the method by which we do this. He said: I could live with that if they just sold the stuff in China. We are not big enough to export all around the world. Instead, what they do is steal our intellectual property on this, and then they come back and sell it in America at a 30-percent discount because of currency manipulation. How am I going to compete with that?

There is story after story just like that. When American companies are fighting for their survival and battling subsidized Chinese exports, including high-end exports, this is no longer an argument about labor-intensive industries alone.

I, for one, am not prepared to raise the white flag on American manufacturing and on American jobs, and neither should anybody else. I know American manufacturing can compete successfully against Chinese competition at home, in China, and around the world but only if the playing field is level, and our bill helps to level that playing field.

Critics of our bill say that while currency manipulation is an important issue, legislation to address it would ignore the many and growing challenges we face in China. The critics are wrong. We have no intention of ignoring the range of China's market-distorting practices, the ones I mentioned before. In fact, because China was emboldened on currency, which the whole world—Brazil, just a week or two ago, asked China to stop manipulating its currency. The European Union feels the same way we do. Nobody does anything, so China is emboldened to pursue mercantilist policies in other areas. Just recently, they have become involved in rare earths. They tell American manufacturers: If you want rare earths, you would be a lot better off sending your plant to China. It is just unheard of.

Critics of our bill say it is unlikely to create any incentive for China to modify its exchange policies. The experience Senator GRAHAM and I have had is that when China thinks something might be done, they begin to let their currency rise. Because nothing permanent is done, they go right back to their old habits as soon as the pressure is off. This idea that if we pressure the Chinese, they won't do it makes no sense. If we pressure them, they do nothing, and if we don't pressure them, they do nothing. The only answer is concrete legislation.

What would those who oppose this bill have us do? What is their suggestion? They do not really have one. Should we continue to sit back and watch while American jobs and American manufacturers and even large chunks of American wealth just drift away? Should we continue to, as one of my constituents put it, be not Uncle Sam but Uncle Sap? Well, there are too many of us in this Chamber on both sides of the aisle who will not sit back and continue to let mercantilist trade practices continue to decimate American manufacturing and American jobs—middle, low, and high—nor will my colleagues here in the Senate. Democrats and Republicans are united on this issue. We must take decisive action against China's currency manipulation and other economically injurious behavior. The fact that they manipulate their currency imbalances the whole world trading system. Many

economists list it as one of the reasons we had the decline in global trade in the worldwide recession. We simply have no choice but to right the wrong China is committing.

Any retaliation by China would be further evidence of their unwillingness to meet their obligations under the WTO and the global trade community. By the way, China has a lot more to lose with retaliation than we do. If there is one country that gains the most by exporting to the United States by international trade, it is China. They are very smart, and they are not going to cut their nose to spite their face.

I wholeheartedly support the President's goal of doubling U.S. exports over the next 5 years, but that cannot be done if we do not take concrete action to address the protectionist practices of foreign governments that concede tariff reductions only to replace tariffs with massive currency manipulation, border taxes, and a variety of state subsidies. We will not do it unless we get to the root cause.

China's currency manipulation would be unacceptable even in good economic times. At times of high unemployment, we can no longer stand for it. There is no bigger step to create American jobs than we can take than to confront China's currency manipulation. It is not a Democratic or Republican issue. Every one of us has manufacturers, companies that are struggling to compete at home and abroad with Chinese exports with a built-in price advantage. It is not China bashing. It is about fairness and defending American jobs.

Many of us and most Americans are worried about how things will be in 10, 20 years from now. Will America stay the leading economic power of the world? Will our children have a better life than we do? The No. 1 thing we have to do is change things at home to make that better, there is no question about it. Very high on the list as well is making sure China no longer unfairly sucks millions of jobs and hundreds of billions of dollars of American wealth to its shores. What China does will make our job of keeping America strong, of having the next generation live a better life than this generation far more difficult unless we force them to change. They will not change on their own.

Passage of this legislation will lead to real consequences for countries that unfairly manipulate their currency. We have waited a long time. We have declined to move the legislation at the request of two administrations. Patience—not of us but of the American people—has worn out. I ask my colleagues to stand with us on S. 1619. Stand up for American manufacturing, for American jobs, for American wealth. Stand up so our children can have an even brighter future than we have.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. I have enjoyed the remarks of my distinguished friend from New York.

As we begin the debate today on the important issue of exchange rate misalignment, although it is an important debate, I seriously question its timing.

Let's step back for a moment. At the end of last month, the Senate approved legislation renewing and expanding trade adjustment assistance. We need to be clear about what this program is—a big government spending program of dubious value but one that is important to President Obama's union allies. Not surprisingly, given the left labor unions wield in the liberal political coalition, this spending program is President Obama's top trade priority, so much so that he was even willing to abandon our allies in Colombia, Panama, and South Korea unless he secured this additional spending. To get more government spending for big labor, the President was willing to hold up the three free-trade agreements with Colombia, Panama, and South Korea that everyone knows will grow this economy and create jobs.

I was happy to chat with the Trade Representative a few minutes ago, and he told me he was going to send those three trade agreements up today, and they should be here between 4 p.m. and 5 p.m. I am really happy about that because it is way beyond time to get them here.

Americans need to remember this episode when they hear the President talk about his commitment to job creation. Put aside all the talk, and it is clear where the rubber hits the road. The President will prioritize government spending over private sector job growth.

Still, because of the President's insistence on this spending program, the TAA bill is likely to pass the House and become law. So here is my question: Given that we just debated a trade bill that we knew would likely become law, why was this currency bill not considered in that context? I can only conclude either that the administration opposes the currency bill and therefore asked that it not become part of TAA or that the consideration of this bill is merely a political exercise with little expectation that it ever will become law. With millions of Americans out of work and the economy stagnant, the people of Utah and all American citizens deserve more than political grandstanding.

Regarding the substance of the issue, the manipulation of currency values by major trading partners in order to gain unfair trade advantage represents a genuine threat to U.S. jobs and to rebalancing of the global financial and economic system. For many years and continuing into the present, that threat is a reality. There is virtually unanimous agreement among international analysts that there exists large-scale, prolonged, one-way intervention in exchange markets by some of our important trading partners in

order to limit or preclude currency appreciation, primarily in China but also in some of the other economies as well. There also seems to be little question that China manipulates its currency in order to subsidize its exports.

The bill before us seeks to address exchange rate misalignment specifically and global imbalances generally by sharpening the tools available to counter currency manipulation by a trading partner. Of course, any additional tools we can construct must be carefully crafted to align with all of our international trade agreements and global rules of trade.

The issue of China's currency has been with us for far too many years.

The issue of China's currency has been with us for far too many years. We have repeated discussions about how to address lack of appreciation of China's currency, followed by diplomatic bilateral discussions assurances of moves from China to allow appreciation while the political heat is on, and little change thereafter once the heat subsides.

This approach does not seem to be working. We have had large and persistent bilateral trade deficits with China, and those deficits continue. We have relied on China's massive excess savings to finance our growing debt, and we have worsened that reliance given the debt-fueled spending spree of the current President. China's dollar-denominated reserve holdings, which have grown for many years, have ballooned from around \$1.9 trillion when President Obama took office to over \$3 trillion, according to some recent estimates—a 50-percent increase.

But currency misalignment by China is not the only source of global financial and economic imbalances. If the President looked in the mirror, he would see his own responsibility for global economic uncertainty. Our budget deficits have far exceeded \$1 trillion for the past 3 fiscal years. For 2011, the deficit is expected to be around \$1.3 trillion, which is an unsustainable 8.5 percent of GDP and the third-largest deficit in the past 65 years, exceeded only by the deficits in 2009 and 2010. Deficits of this magnitude have not been seen since the years surrounding World War II, when virtually the entire economy was being directed by the Federal government. Given our budget deficits and the China currency issue, the important question is: What is being done?

Let's look at what is being done with a bit of recent history for context. Back in 2008, then-candidate Obama wrote the following to textile organizations:

The massive current account surpluses accumulated by China are directly related to its manipulation of its currency's value. The result is not good for the United States, not good for the global economy, and likely to create problems in China itself.

He went on to promise that, if elected, he would use all diplomatic

means at his disposal to induce China to change its foreign exchange policies. He promised to beef up U.S. enforcement efforts against unfair trade practices.

Also, back in 2009, during the Treasury Secretary's confirmation hearing before the Senate Finance Committee, now-Secretary Geithner stated that:

President Obama—backed by the conclusions of a broad range of economists—believes that China is manipulating its currency.

Those are strong words. Yet once in office, the President and Secretary Geithner failed to follow up on those words with action. The Administration promised to usher in an era of change but failed to change the way the U.S. deals with the China currency issue.

The Omnibus Trade and Competitiveness Act of 1988 requires that the Treasury Secretary report on exchange rate policies of major U.S. trading partners. Under the act, Treasury must consider whether countries manipulate exchange rates for purposes of preventing balance of payments adjustments or gaining unfair trade advantage.

The evidence clearly seems to show that China's currency policies amount to manipulation leading to an unfair advantage in international trade.

Candidate Obama agreed during his campaign.

Treasury Secretary Geithner agreed during his confirmation testimony.

Yet, as Treasury Secretary and as President, the two have refused to act.

Secretary Geithner has issued five foreign exchange reports, but has refused to label China as a country that manipulates its exchange rate for the purpose of gaining unfair competitive advantage in international trade. Let me repeat that, despite many bold claims about using all the tools at their disposal to counteract China's trade policies, the administration refuses to designate China's policies as being consistent with currency manipulation for trade advantage. The question that I and most of my colleagues from both sides of the aisle have is: Why?

Clearly, the administration must recognize the consequences of China's manipulation for American workers and manufacturers and for the stability of the global financial and economic system. Why, then, is the administration protecting China by refusing to designate it as a currency manipulator?

Under the Omnibus Trade and Competitiveness Act, once a country is so designated, there are no draconian actions required. The immediate repercussions are merely stepped-up monitoring and greater vigilance in dialogue. Those don't seem to be things that would lead to currency or trade wars.

So, why doesn't the administration act?

After all, American jobs are at stake. American workers can compete with any workers in the world, but our

workers should not have to compete against foreign firms that receive massive subsidies. If the President is as intent on focusing on job creation in America as his campaigning suggests, then why has he refused to take such a simple step as designating known, existing currency manipulation?

There is a severe mismatch here between political rhetoric and action.

My fear is that the administration's overreliance on overseas funding—in particular from China—to finance their exploding deficits is preventing the President and his officers from acting on behalf of the competitive, but struggling, American workforce.

It is well past time for the administration to recognize the negative consequences of China's manipulation for American workers and manufacturers, and for global stability.

Even though there has been only tepid support, even on the Democratic side of the aisle, for the President's much touted jobs plan, there is bipartisan agreement that Congress needs to take significant actions to address the massive jobs deficit this Nation is facing. We face a national crisis in having unemployment persisting at over 9 percent, with elevated numbers of the unemployed suffering from long-term bouts of joblessness and with many American workers having become so discouraged that they have simply dropped out of the labor force.

According to statements by the majority leader of the Senate, a focus on jobs is precisely why we are considering the bill before us. According to one of those statements, the majority leader is reported as having said that "I don't think there's anything more important for a jobs measure than China trade."

I am starting to think my friends on the other side of the aisle are like the gang that couldn't shoot straight. The majority leader thinks that addressing China trade is essential to job creation. But based on its failure to use existing tools available to designate China as a currency manipulator, the administration apparently disagrees or it would have long ago used its authority to make such a designation under the Omnibus Trade and Competitiveness Act and then acted on the problem.

The President's focus seems to be elsewhere. He seems to think that at least as important for jobs as the issue of China trade identified by the majority leader is his so-called American Jobs Act. Advertisements by the Democratic National Committee and campaign speeches by the President since he announced it in a joint session of Congress early last month tell us quite clearly that we should "meet our responsibilities" and consider that Act "right away."

Yet my friends on the other side of the aisle apparently believe that a political debate over China and its currency policies are more important for job creation than the President's American Jobs Act.

If the President's act is, as advertised, so crucial for job creation in the face of our national unemployment crisis, why is Senate Democratic leadership delaying its consideration? Why not consider the legislation right away, as demanded by the President in his campaign speeches and Democratic National Committee advertisements?

We are told by the President that Americans who are out of work cannot wait until the next election for us to act boldly for job creation. So why are we not considering his American Jobs Act, unless my Democrat friends disagree with the President that the act would be the most important job creator available to us today?

I suspect they know that the \$447 billion in new stimulus spending included in the President's jobs bill, and the accompanying proposals to impose \$1.5 trillion in new taxes on a sluggish economy, is economically counterproductive and a sure-fire political loser.

I must say that the President's Jobs Act looks like more of the same debt-fueled stimulus spending, cloaked under the guise of "investment," along with higher taxes, cloaked under the label "tax reform."

While I may disagree on the particulars of the President's proposal, I do not disagree with his premise that we face a national crisis in our labor markets and that we should be debating measures that will promote American job creation now, without delay.

We are also told by the President that we must pass our pending trade agreements with Colombia, Panama, and South Korea. Jobs are at stake, he says. As with the political campaign rhetoric exhorting Congress to pass the President's American Jobs Act, which the majority leader has opted to shelve until some unspecified future date, the President delayed the action required to get these agreements passed for much too long.

Pass the American Jobs Act, the President scolds.

But we can't because the Democrat's majority leader has not brought the Act to the Senate floor. The currency bill, which is unlikely to lead to much, if any, job creation before the next election, has come first, perhaps to allow more time for campaign speeches and ads by the Democratic National Committee.

Pass the free trade agreements, the President lectures. But they were delayed, as they sit idle on his desk.

I am pleased, since the trade leader in the administration called me a few minutes ago to tell me they are on their way up here today.

This currency bill is coming first. But what needs to come first is job creation, not electioneering and politics.

Our jobs deficit is a full-blown national crisis. The unemployment rate has been persistently above 9 percent since April of this year. It has averaged 9.4 percent since the President took office. It has been above 9 percent in 26

out of the 31 months since the President took office, despite promises by administration economists that the massive debt-fueled stimulus, which will cost over \$1 trillion when all costs are included, would keep unemployment contained below 8 percent. And the unemployment rate is even higher, at over 16 percent, once we include, for example, people who want to work but have become so discouraged that they no longer look for work.

Nearly 14 million workers are unemployed, and the number grows when we include discouraged workers. The number of long-term unemployed workers has been at record highs. According to Census data released last month, those in their twenties and thirties are suffering from the highest unemployment rate since World War II. The enthusiasm of young citizens in 2008 long ago gave way to disappointment and disaffection.

Our joblessness crisis is nothing short of a crisis for liberty. When American men and women do not have jobs and opportunity, their freedom to make lives for themselves is eroded. Yet we are to understand that in the face of this historic crisis, there is no more important issue regarding jobs than our bilateral trade with China.

Again, I agree we need to address the issue of currency manipulation and our sustained and large trade deficits with China. However, let us be clear that dealing with issues related to China involves only one bilateral trade relationship. The trade and current account problems facing the United States, and the global financial, trade, and economic imbalances that everyone faces are not solved by addressing this one trading relationship. That is one reason I will be offering an amendment to this bill calling for multilateral and plurilateral negotiations to address currency misalignment. If we are going to succeed, we need to look at the big picture and work with our allies to counter China's current practices. I will discuss my amendment in more detail soon, but hope it will receive strong bipartisan support.

Our trade imbalances are not with China alone. Rather, as part of the problem of saving too little, the United States has multilateral trade imbalances which require more action than focusing solely on one bilateral relationship.

According to recent data from the U.S. International Trade Commission, the United States has trade deficits with nearly 100 countries. The United States saves too little, and that problem will not be solved solely by passing the bill before us.

Make no mistake, the legislation we are considering can provide useful tools for addressing concerns about China, if the administration actually uses the tools. But those tools alone are not sufficient. If we try to address our multilateral problems by putting pressure on China alone, without also attending to our lack of saving and our own role in

generating trade deficits with nearly 100 other countries, the Chinese piece of the U.S. imbalance will migrate somewhere else. This bill is not a magic bullet to solve our problems or the problems arising from global imbalances. And it almost surely is not the highest priority piece of legislation if job creation is truly our focus.

The United States, for its part, contributes to global imbalances by persistently saving too little. Following the financial crisis, which was precipitated partly by large runups in household indebtedness, American families have tightened their belts to save more and repair their own balance sheets. It is the U.S. Federal Government that has been missing in action to restore national savings, reduce our Federal debt, and promote global balance.

Rather than repair the Federal balance sheet, the administration has chosen to run trillions of dollars of debt-fueled deficits and borrow ever-increasing sums from abroad, including China. And rather than facing the fact that the Federal Government has a spending problem, the President is advertising and campaigning on a new American Jobs Act stimulus and tax hike platform containing even more spending and short-term debt accumulation.

We are told that it will be in the interest of the American people to borrow more today in order to spend more on infrastructure, for example. The stimulus proponents say: Interest rates are low, so let's ramp up borrowing right now. That is the same approach the Senate took when it voted to extend and expand trade adjustment assistance. They ignore, however, that piling trillions more onto our national credit card issued by China and our other creditors moves us that much faster into the company of the eurozone countries who now face default and elevated interest costs.

While Federal borrowing rates are low today, what happens when global markets tire of our profligacy and debt-financed spending and begin to demand higher interest compensation? As Spain and Italy have seen recently, low interest rates are not guaranteed and the interest rate environment that you face can pivot on a dime and escalate rapidly. Borrowing at low rates today sounds great, until you wake up tomorrow and are forced to refinance at more punitive rates. More debt-fueled government spending beyond our means is sure to drive us rapidly down the road to the stagnation and debt crisis we are seeing today in Europe.

Of course, the President claims his new stimulus and tax hike proposals are all paid for, but the payments are largely promises of future austerity. Anyone who has paid attention knows that when the Federal Government promises to go on a spending diet later it never leads to fiscal weight loss because future Congresses are not bound by today's promises.

It is interesting to hear the President's persistent calls for more debt-

fueled infrastructure spending. Presumably, given his interest in job creation "right now," the projects he has in mind will be more shovel-ready than the readiness of the previous stimulus projects, which turned into something the President found so funny that he joked about it. Of course, it is no joke to jobless Americans who are stuck with the stimulus debt bill.

We heard in early September from the chairman of the President's Council on Jobs and Competitiveness that the council identified "ten high-priority infrastructure projects based on their potential to put Americans to work right away—projects that have already been funded, but are being held up by regulations."

The jobs council says it will work with the administration to try to get the projects moving. Let me repeat that: the projects "are being held up by regulations." This comes from the chairman of the President's own jobs council.

Yet when some on the other side of the aisle are reminded that regulations are holding back job creation, they recoil in disbelief. If there are 10 large-scale infrastructure spending projects ready to go and already fully funded and are only being held up by regulatory review lag, I urge the President to act "right now" to get those projects underway in the interest of job creation. Make one fewer campaign appearance and use that time to expedite regulatory review and get those projects going if, as should be the case, he believes job creation is more important than politics and wishes to act on that belief.

We have also heard the President remarking on how, from a global competitiveness perspective, the United States should borrow more today and spend on what he generically calls "infrastructure," which, as it turns out, can be anything from paving a road to doling out money to solar panel makers.

The President cited in his infrastructure advocacy a set of global rankings on infrastructure from the World Economic Forum's Global Competitiveness Report. The President seemed to read the report and its ranking of the United States as 23rd out of 139 countries for transportation infrastructure competitiveness as a call for more spending on whatever it is he thinks of as infrastructure.

It appears, however, that he did not read the report in its entirety. If he did, he would have noticed that the ranking is for only one of nine factors in the report's overall infrastructure assessment. More importantly, if he had read the report, he would have noticed the overriding area identified as the weakest one for the United States in terms of eroding our global competitiveness. To quote the report directly:

A lack of macroeconomic stability continues to be the United States' greatest area of weakness (ranked 87th). Prior to the crisis, the United States had been building up

large macroeconomic imbalances, with repeated fiscal deficits leading to burgeoning levels of public indebtedness; this has been exacerbated by significant stimulus spending. In this context, it is clear that mapping out a clear exit strategy will be an important step in reinforcing the country's competitiveness going into the future.

There you have it. The report the President data-mined to find a number to use to support more stimulus quite clearly says that declining U.S. global competitiveness has come from fiscal deficits, exacerbated by stimulus spending. It clearly says the solution is to exit from our unsustainable fiscal path. That means reining in the runaway debt-fueled spending, not more spending.

Before turning to the legislative process on the bill before us, let me post a trail marker for our deliberations. The currency bill we are considering includes reliance on exchange rate models used by the International Monetary Fund. Those models allow for the macroeconomic effects on currency valuations of fundamental changes in policies of trade partner countries. For example, if the United States engages in fundamental tax reform that would lead to improved growth and reduced deficits and debt, the models considered in the legislation before us have the ability to capture those effects.

The marker I wish to set here is a reminder that we should be similarly so inclined to use economic models that allow for macroeconomic effects of policy changes when we choose to make fundamental changes to tax and spending policies. We should be as willing to have our budget score keepers use economic models that allow for long-run growth and macroeconomic effects of fundamental tax and spending reform policies as we seem to be here in this legislation to use models that incorporate such effects when evaluating currency alignments. If it is good to use economic models that allow for an accounting of growth effects here, then it should be good elsewhere.

I also need to address the process we will follow in our consideration of the currency bill before us. The bill has garnered bipartisan support. In the interest of promoting a truly bipartisan effort, which the American people would love to see, it is my hope there will be balance in amendments that are allowed to be considered. This bill has sound objectives, but it is not perfect. I believe amendments from both sides of the aisle can improve the final product. And, as I mentioned earlier, I have an amendment that I believe will improve this bill significantly and help us devise a long-term approach to dealing with currency misalignment. I hope there will be an opportunity for it, and others, to be considered. I hope they are not going to lock up the tree again, which is the standard practice around here by the majority. This bill is an important bill, and we ought to be able to amend it with important amendments.

The overriding objective of the legislation—job creation—is shared by Republicans and Democrats alike. Therefore, it is my hope that amendments from my side of the aisle, designed to promote job growth today and in the future, will be duly considered, allowed, and duly debated.

I look forward to consideration of the currency bill before us and a robust, bipartisan process, which includes consideration of amendments from both sides to promote job creation.

As I have said, our Nation faces a crisis of unemployment and joblessness that is filled with pain today and threatens erosion of human capital and skills, which will negatively impact families and the overall economy for years and years to follow. Let us not have politics and special interests dictate what we consider to promote job creation and economic growth. American workers and families, many of them struggling and in pain, cannot wait until the next Presidential election is resolved for the Federal Government to act to promote job creation.

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

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

The bill 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.

Mr. SCHUMER. Mr. President, I know our time expires shortly. Senator HATCH has concluded his remarks, so I wish to speak on two other subjects until Senator LEAHY arrives.

#### SSI EXTENSION

Mr. President, I rise in support of a bill to be introduced along with Senators LEAHY, GILLIBRAND, MENENDEZ, FRANKEN, and KLOBUCHAR, called the SSI Extension for Elderly and Disabled Refugees Act of 2011.

This bill, which the Senate is considering passing today by unanimous consent, is truly unique because it accomplishes three incredibly important objectives at the same time.

First, it ensures that approximately 5,600 disabled refugees will not lose critical life-sustaining benefits that are their only safety net, protecting them from homelessness, illness, and other effects of extreme poverty.

Some of the disabled refugees this bill helps are people who have aided American troops overseas in Iraq or Afghanistan—and risked their lives for America's cause. Others are victims of torture or human trafficking, whose injuries are so severe that they are now unable to sustain themselves without these benefits. The bill continues the Bush administration policy of making sure this vulnerable group does not lose its benefits.

But, unlike past bills, the second key fact about this bill is that it is fully paid for. It is paid for by imposing a \$30 fee on individuals applying to enter the

country through the diversity visa lottery program. Each year, hundreds of thousands of people apply to be one of the 50,000 individuals allowed to emigrate to the United States. The program has had great success. I have been very supportive of it. It has also enriched the American fabric with immigrants from countries that are not traditionally represented in the immigrant pool.

But, unfortunately, because applying for a "lottery ticket" has been traditionally free, the program has recently been compromised by third parties filing applications on behalf of unknown foreign nationals, who then turn around and try to extort money from these foreign nationals if the ticket turns out to be a "winning ticket." That is wrong and unfair. The State Department has told us that by charging this \$30 fee, we can eliminate this misconduct. So it is a win-win. We get some money to pay for these refugees who we all agree should be admitted here. As I said, many helped us in Iraq and Afghanistan and, at the same time, it does not cost us a nickel and eliminates a scam that involves a very worthy program, the diversity visa.

Finally, the third great thing about this bill is, by setting the fee at \$30, the CBO projects we will actually reduce our deficit by \$24 million. So it will help, in a small way, reduce the deficit. So the bill hits the trifecta: It helps a very small, targeted group of the most vulnerable and needy disabled individuals whom we traditionally have not abandoned, it virtually eliminates misconduct in the diversity visa program, and it reduces the Federal deficit. Because it is a win-win-win for all sides, I ask that my colleagues in the House take up and pass this bill immediately.

The benefits for these folks already expired on October 1. If we do not act soon, we will not be able to repair the irreparable harm that will be done to those most vulnerable individuals. I wish to thank my cosponsors and chairmen and ranking members of the relevant committees governing this bill: Senators LEAHY, GRASSLEY, BAUCUS, HATCH, CONRAD, SESSIONS, and CORNYN. I would also like to thank Senator COBURN for working with me to have this bill pass and address his concerns to make the bill better.

We have done something very good. I thank all my colleagues who have joined in the work on this bill.

#### NOMINATION OF WILLIAM F. KUNTZ, II

Mr. President, William F. Kuntz, II, is the nominee to the U.S. District Court for the Eastern District of New York. I wish to describe to my colleagues the extraordinary qualifications of Dr. Kuntz, the nominee to the bench of the Eastern District, whom hopefully we will confirm later today.

Dr. Kuntz has exactly the skills, temperament, and experience to be a perfect addition to one of the busiest U.S. district courts in the country. Dr. Kuntz, currently a partner in the New

## EXECUTIVE SESSION

York office of Baker Hostetler, is a native of Harlem. He grew up in what was then called the Polo Grounds projects and went to high school at Fordham Prep in the South Bronx.

He earned his undergraduate degree from Harvard University, followed by a master's degree in history, a law degree, and a Ph.D. in American legal history, all from Harvard—I hope no one will hold that against him—and all within 11 years of arriving in Cambridge, from Harlem.

What an amazing man. What an American dream story. I would venture that throughout this country, Dr. Kuntz has few peers, in terms of education and training. But he did not use his degrees to go on to teach and write, a valuable career path, to be sure, but possibly not one that would have put his skills as an advocate and his commitment to the people of New York to their highest and best use.

Instead, Dr. Kuntz went on to log 33 years of litigation experience in some of New York City's finest law firms. Most impressive to me, he served for 23 years as commissioner on the City Civilian Complaint Review Board. This independent agency oversees the investigation of citizens' claims of misconduct by New York City police officers. By all accounts, Dr. Kuntz staked out an admirable middle ground, informed by hard investigative work and careful consideration of all the 5,000 cases that came before the board every year.

When my legal committee looked into his work there, he was praised by both the police side and those who brought cases before the board. In that kind of tempestuous situation, that is rare indeed. Dr. Kuntz's commitment to public service is long and impressive. He served in leadership positions on the Lawyers' Committee for Civil Rights Under Law, the Legal Aid Society, the New York Bar, and PLI, among others.

I will note that Dr. Kuntz will be filling a judicial emergency vacancy in the Eastern District of New York, a court that adjudicates a large share of critical cases, such as terrorism and terrorism financing, organized crime and mortgage fraud.

Dr. Kuntz is sorely needed and more than up for the task. I look forward to Dr. Kuntz's service on the bench. I congratulate him and his family.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

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

NOMINATION OF HENRY F. FLOYD TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT

NOMINATION OF NANNETTE JOLIVETTE BROWN TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA

NOMINATION OF NANCY TORRESEN OF MAINE TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MAINE

NOMINATION OF WILLIAM FRANCIS KUNTZ, II, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

NOMINATION OF MARINA GARCIA MARMOLEJO TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS

NOMINATION OF JENNIFER GUERIN ZIPPS TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The bill clerk read the nominations of Henry F. Floyd, of South Carolina, to be United States Circuit Judge for the Fourth Circuit; Nannette Jolivet Brown, of Louisiana, to be United States District Judge for the Eastern District of Louisiana; Nancy Torresen, of Maine, to be United States District Judge for the District of Maine; William Francis Kuntz, II, of New York, to be United States District Judge for the Eastern District of New York; Marina Garcia Marmolejo, of Texas, to be United States District Judge for the Southern District of Texas; and Jennifer Guerin Zipps, of Arizona, to be United States District Judge for the District of Arizona.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate with respect to the nominations, with the time equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, that would bring us to 20 minutes of 6. I think there was probably an attempt to vote at 5:30. I ask unanimous consent that the time be still divided in the regular way but the votes begin at 5:30.

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

Mr. LEAHY. Mr. President, today's consideration of six qualified consensus judicial nominations is welcome. It is all too rare. I commend Majority Leader REID for pressing for Senate votes on all 27 of the judicial nominees fully considered by the Senate Judiciary Committee and awaiting final action by the Senate.

We have a judicial vacancy rate that stands at 11 percent. We have 95 vacancies on Federal courts around the country. We have to build on today's efforts, the regular consideration of nominations without needless delay.

I was talking the other day with Bruce Cohen, who is the chief of staff of the Senate Judiciary Committee—chief counsel—and somebody who has had a great deal of experience working with different Senators. We were talking about the fact that there has never been anything such as this. We usually, whether it is a Republican President, Democratic President, Republican-controlled Senate, Democratic-controlled Senate, when nominees go through the Senate Judiciary Committee unanimously, supported by the Senators from their home State, they usually, within a few days during wrap-up, are voice voted through.

Once in a while whoever is leader may need a vote on a Monday afternoon. So the next Monday afternoon one will be voted on. It is always 100 to nothing.

Then we have people go through unanimously, supported by Republican and Democratic Senators, and they wait month after month after month. I hope we can get away from that. I hope, for the integrity of our judicial system, we can get away from that. But also just think of the personal account that it means to the people who have been nominated. If a person is a lawyer, a distinguished lawyer, they are nominated for the Federal bench, everybody is going to congratulate them, saying that is wonderful. Then the rest of their law firm is kind of looking at them, saying: Are you going to leave now? When are you going to leave? Because their life is put on hold. They are probably going to take a significant cut in salary anyway. But they cannot take on new clients.

I hope this is probably an indication we will finally get moving.

The Senate will need to vote on four to six nominations judicial nominees a week, not just this week or next week, but throughout the fall if we are to make a real difference and make real progress. With a judicial vacancy rate that stands at 11 percent and with 95 vacancies on Federal courts around the country, we need to build on today's effort with the regular consideration of nominations without needless delays.

Among the nominees selected for Senate action today from the 27 awaiting final consideration is the nomination of Magistrate Judge Jennifer Guerin Zipps of Arizona. She will fill a vacancy in Tucson created by the tragic murder of Chief Judge Roll earlier

this year. This confirmation sets the benchmark for how judicial nominations should be being treated. It has been little more than 70 days since her nomination was sent to the Senate, and Judge Zippo has participated in a hearing, was considered by the committee and is now being confirmed by the Senate. If, on the other hand, Senate Republicans had adhered to the timeframe that they have utilized during the last 2 years for delaying consideration of consensus nominees, Judge Zippo would not be considered or confirmed until next year. I know this nomination is important to Senator KYL and I am glad to be able to support it and work with him to have it considered by the Senate. I hope that the Arizona Senators will now give consent for the committee to move forward with the nomination of Rosemary Marquez to fill another emergency vacancy in Arizona so that we can do more to help meet the critical needs on the Federal court in their State.

The judicial emergency vacancy Judge Zippo will fill is important, just as the action to fill the judicial emergencies in New York, Texas and on the Fourth Circuit that we will fill today is much needed. There are other nominees ready for final Senate action to fill judicial emergency vacancies on the Second, Fifth and Ninth Circuits and in New York, Pennsylvania, Florida and Texas. Given the extensive delays in filling vacancies, and the historically high level of vacancies that inaction on confirming President Obama's nominees has perpetuated, it is no surprise that so many pending nominees will fill judicial emergency vacancies. Of the 17 judicial nominations Republicans have not consented to consider, that are stuck before the Senate, seven of them would fill judicial emergency vacancies, as well.

I have repeatedly thanked Senator GRASSLEY for his cooperation in making sure that the Senate Judiciary Committee regularly considers nominations. Regrettably, our work has not been matched on the Senate floor, where the refusal by the Republican leadership to promptly consider consensus nominations has contributed to the longest period of historically high vacancy rates in the last 35 years. The six nominees we consider today are double the number allowed to be considered since the August recess. Such unnecessary and unexplained delays are wrong, and are harmful to the Federal judiciary and to the American people who depend on it.

Only one of the nominations which the Republican leadership has agreed to consider will fill a vacancy on our courts of appeals. This is in spite of the fact that four circuit court nominees, all for judicial emergency vacancies and all unanimously voted out of the Judiciary Committee, are awaiting final Senate action. The nomination of Judge Henry Floyd of South Carolina to fill a judicial emergency vacancy the Fourth Circuit is finally being con-

sidered after a wait of nearly 5 months. This is only the fifth circuit court nomination the Senate has been allowed to consider this entire Congress. This stands in sharp contrast to the 17 circuit court nominations in 17 months that we confirmed when I chaired the Judiciary Committee in 2001 and 2002 and President Bush was in the White House.

The nomination of Judge Floyd is another example of how President Obama is working with home State Republican Senators to select a qualified, consensus nominee. Judge Floyd received the highest possible rating from the American Bar Association's Standing Committee on the Federal Judiciary and has the support, as do all the nominees awaiting final Senate action, of both of his home State Senators, in this case two Republican Senators. A Federal District Court Judge for the District of South Carolina since 2003, Judge Floyd previously served as a State court judge for 11 years, and before that he spent 19 years in private practice. It is no surprise that his nomination was reported unanimously by the Judiciary Committee. What is disappointing is that it has taken almost 5 months for Republicans to consent to Senate consideration of this nomination. The people of South Carolina and the other states of the Fourth Circuit—Virginia, Maryland, West Virginia, and North Carolina—should have had a circuit court judge and not a judicial emergency vacancy for the last several months.

They are not alone. There are qualified, consensus nominees who were reported unanimously by the Judiciary Committee now on the Senate calendar to fill judicial emergency vacancies on the Second, Fifth and Ninth Circuits. Those judicial emergency vacancies affect the people of Vermont, Connecticut and New York; Mississippi, Louisiana and Texas; and Washington, Oregon, Montana, Wyoming, Idaho, Nevada, Arizona and California. These are not controversial nominees. The Senate should be able to take up and confirm nominees like Stephen Higginson of Louisiana, nominated to a judicial emergency vacancy on the Fifth Circuit with the support of his home State Senators, one a Democrat, and the other a Republican. His nomination was reported unanimously nearly 3 months ago. The Senate should be able to take up and confirm the nomination of Christopher Droney of Connecticut, nominated to a judicial emergency vacancy on the Second Circuit, who has the support of both of his home State Senators, Senator BLUMENTHAL, a Democrat, and Senator LIEBERMAN, an Independent. The Senate should be able to take up and confirm the nomination of Morgan Christen of Alaska, nominated to a judicial emergency vacancy on the Ninth Circuit, who has the support of both of her home State Senators, Senator MURKOWSKI, a Republican, and Senator BEGICH, a Democrat. Each of these circuit nominees re-

ceived the unanimous support of all Democrats and all Republicans serving on the Judiciary Committee. Each is being delayed from filling a judicial emergency vacancy and serving the people of their State and their circuit.

Republicans who will not consent to votes on these nominations should explain to the people of the many States that comprise the Second Circuit—Vermont's circuit—and the Fifth and Ninth Circuits why those important Federal appeals courts are short on badly needed judges who could be confirmed today.

The Senate's Republican leadership continues to delay votes on qualified, consensus district court nominations, as well, leading to the backlog we have today of over two dozen judicial nominations pending on the Senate's Executive Calendar—nearly half of them to fill judicial emergency vacancies. They continue to refuse to consent to votes on 17 of the 27 nominations and have unnecessarily delayed votes on all of them for months.

Millions and millions of Americans are directly affected by this obstruction. More than half of all Americans—nearly 170 million—live in districts or circuits that have a vacancy that would be filled today if the Senate would act. More than half of all States—26—are served by courts that have nominations currently pending on the Senate's Executive Calendar. The Republican leadership should explain to the millions of Americans in these States why they will not vote. They should explain to the people of New York, Texas, Pennsylvania, Florida, Wyoming, Alaska, California, and Delaware why they will not consent to votes today on qualified, consensus nominees to fill vacancies on the Federal trial courts in their States.

These 170 million Americans should not have to wait additional weeks and months for the Senate to fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country. They should not have to bear the brunt of having too few judges available to do the work of the Federal courts. At a time when judicial vacancies have remained at historically high levels for over 2 years, these needless delays perpetuate the judicial vacancies crisis that Chief Justice Roberts wrote of last December and that the President, the Attorney General, bar associations and chief judges around the country have urged us to join together to end. The Senate can and should be doing a better job working to ensure the ability of our Federal courts to provide justice to Americans across the country.

We could easily act today to improve this situation dramatically and alleviate the crisis. Of the 17 nominations the Republicans continue to obstruct, 15 were reported by the committee unanimously. All of these consensus nominees have been favorably reported after a fair but thorough process, including extensive background material



on each nominee and the opportunity for all Senators on the committee, Democratic and Republican, to meet with and question the nominees. They have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution. These are the kinds of consensus nominees that in past years would have been considered and confirmed within days or weeks of being reported, not delayed for weeks and months.

During the first years of the Bush and Clinton administrations, we were able to reduce vacancies significantly by confirming judges. The vacancies that had numbered over 100 early in those administrations were dramatically reduced by this juncture. By early October in the third year of the Bush administration judicial vacancies had been reduced to 46. By early October in the third year of the Clinton administration they had been reduced to 57. In contrast, the judicial vacancies now in October of the third year of the Obama administration stand at 95, with a vacancy rate of 11 percent. That is a vacancy rate that is more than double where it stood at this point in President Bush's third year.

Rather than coming down as they have in the past with Republican and Democratic presidents, Federal judicial vacancies have remained near or above 90 for more than 2 years. As the Congressional Research Service confirmed in a recent report, this is a historically high level of vacancies, and this is now the longest period of historically high vacancy rates on the Federal judiciary in the last 35 years.

I hope that we can come together to return to regular order in the consideration of nominations as we have on the Judiciary Committee. The refusal by Republican leadership to come to regular time agreements for the Senate to vote on nominations continues to put our progress—our positive action—at risk. It does no good for the Judiciary Committee to vote on judicial nominees if the Senate does not act to confirm them. The hard work of the Judiciary Committee is being squandered. When the Senate is prevented from acting, as it has been with respect to 17 of the 27 judicial nominations left pending before it, the vacancies persist and the American people are not being served.

Last month, a Republican Senator was in error when he told the Senate and the American people that the Senate had already confirmed 67 article III judges this year. Had we, the Federal judicial vacancies would not remain at crisis levels. I wish he had been correct, but sadly he was not. At the time, only 38 nominees had been confirmed. Even if Senate Republicans were to abandon their obstructionist tactics and allow votes on all 27 of the judicial nominations currently awaiting final Senate action, we would still fall short of his proclamation.

In fact, even after an additional six confirmations today, the Senate will

have confirmed only 44 judicial nominations, less even than last year. The first year of the Obama administration, Republicans would only allow 12 judicial nominees to be confirmed. That was the lowest total in more than 50 years. After last year, the total number of judicial nominees allowed to be confirmed was the lowest total for the first 2 years of an administration in 35 years. Last year, the Senate adjourned and left 19 judicial nominees without final action. Most had to be renominated again this year. The last of those nominees was not confirmed until June 21 of this year. Last year's stalling took us an extra 6 months to remedy. Accordingly, the Senate's confirmation of judicial nominees who had their hearings and were considered by the committee this year will total only 27 after the confirmations today.

Some seek to justify their continuing failure to take serious action to address the vacancies crisis by recalling selected instances where Democrats opposed some of President Bush's most controversial nominees. That is no justification for the across-the-board stalling on consensus judicial nominees. And this ignores the fact that we were able to make real progress in those years to confirm judicial nominees and fill vacancies. We confirmed 100 judges in the 17 months I chaired the Judiciary Committee in 2001 and 2002. The Senate will not confirm the 100th of President Obama's circuit and district court judges until today, during the 33rd month of the Obama administration, nearly twice as long.

At the end of President Bush's first 4 years in office, the Senate had confirmed 205 of his judicial nominees. We have a long way to go to reach that total before the end of next year. At this point in the presidency of George W. Bush, 162 Federal circuit and district court judges had been confirmed. On October 3 of the third year of President Clinton's administration, 163 Federal circuit and district court judges had been confirmed. By comparison, after today we will have confirmed only 104 of President Obama's circuit and district court nominees. To match the total at end of President Bush's first term the Senate will need to confirm more than 100 Federal circuit and district court judges during the next year. That means doubling to tripling the pace at which the Senate has been acting.

We can and must do better to address the serious judicial vacancies crisis on Federal courts around the country that has persisted for over 2 years. We can and must do better for the nearly 170 million Americans being made to suffer by these unnecessary delays.

Mr. VITTER. Mr. President, I am happy to support Nannette Jolivet-Brown's nomination to the Eastern District of Louisiana. She is an experienced, real world practitioner with strong ties to the Louisiana legal community. I was very pleased when the president nominated my former class-

mate at Tulane Law School to the Federal bench. She possesses a wonderful, warm, calm personality that is perfectly suited to the right demeanor a judge should have.

Nannette is currently serving as the city attorney for New Orleans, a challenging position that is tasked with providing legal advice to all city officials and departments in addition to representing New Orleans in all legal matters. She has handled this responsibility well and her experience as a public servant will be an asset to her new position as a Federal judge.

Throughout her career in private practice, Ms. Brown established herself as an expert in environmental law. Additionally, she has taught law at Loyola University New Orleans, the Southern University Law Center, and as a teaching fellow at Tulane Law School.

Nannette Brown will bring a wealth of both public and private sector experience to the Federal bench, as she has practiced, taught, and administered the law throughout her career. She is exceptionally qualified to serve as a Federal judge.

I believe that the Constitution is clear that judges must interpret the law and not legislate from the bench. Accordingly, we have a responsibility to confirm judges who respect the rule of law and will practice judicial restraint. I am confident that Nannette Brown will be just such a judge. I urge my fellow Senators to unanimously support her confirmation today.

Ms. COLLINS. Mr. President, I am honored to support the nomination of Nancy Torresen to be a U.S. District Judge for Maine. She is eminently well qualified to be confirmed. She has led an exemplary career of public service, culminating in her current position as an assistant U.S. attorney.

Ms. Torresen graduated from Hope College cum laude in 1981 and received her law degree cum laude in 1987 from the University of Michigan Law School where she was executive editor of the Law Review. After graduation, she came to Maine to serve as a law clerk to the extraordinarily well-respected Maine Judge Conrad Cyr. From 1988 to 1990, she worked at the law firm Williams and Connolly here in Washington.

In 1990, she had the good judgment to return to Maine when she became an assistant U.S. attorney for the District of Maine and initially handled civil matters involving Federal agencies.

In 1994, she was assigned to the appellate section of the criminal division of the Maine attorney general's office where she was responsible for representing the State in appeals of serious violent crime convictions.

In 2001, Ms. Torresen returned to the U.S. attorney's office where she has been responsible for investigating and prosecuting Federal crimes in the northern half of Maine.

I am impressed by her dedication and passion for the law. I also appreciate her 21-year long commitment to public

service. She has remarked that she is proudest of her criminal prosecution efforts because of the urgent need to protect the public from violent criminals and her desire not to let down the victims.

One of her more significant cases was the recent prosecution of a multistate bank robber dubbed the "Burly Bandit." From April through July, Robert Ferguson robbed more than 10 banks and credit unions throughout New England. The spree ended with a robbery of Bangor Savings Bank in July, and on October 1 of last year Mr. Ferguson pleaded guilty in U.S. district court in Bangor to 11 counts of bank robbery. Maine's U.S. attorney recognized Ms. Torresen for her outstanding work in coordinating the prosecution in the six States.

Except for a brief stint in private practice, Ms. Torresen's entire career has been that of a dedicated public servant. She is well respected in the legal community and was rated "unanimously well-qualified" by the American Bar Association.

Let me share one of my many conversations with her colleagues in the Maine legal community. Tim Woodcock is a well-known attorney in Bangor, whose comments are very typical of what I heard when I called and asked people what they thought of Ms. Torresen. Tim said that he regards her as "highly professional, extremely capable, tough, but fair and is a strong advocate for the adherence by law enforcement to all legal requirements."

These are all qualities that we should look for in our judicial nominees. Ms. Torresen's work as a prosecutor in both the Federal and State judicial systems, her integrity, her temperament, and her respect for precedent make her well qualified to serve as Maine's next Federal judge.

Maine has a long, proud history of superb federal judges, and I believe that Ms. Torresen will continue that tradition if confirmed.

I urge my colleagues to support her nomination.

Mr. KYL. Mr. President, I strongly support the nomination of Magistrate Judge Jennifer Guerin Zipps to the Federal district court.

At the outset, I would like to point out that Judge Zipps has been nominated to fill the seat once occupied by Chief Judge John Roll, who was, of course, murdered earlier this year during the same attack that left Congresswoman GABRIELLE GIFFORDS gravely wounded. On every level, this was a tragic loss for Arizona and the judiciary. John Roll was known for his fairness to those who appeared before him, plaintiffs and defendants alike. As chief judge, he was a tireless advocate for all Arizonans, working to ensure that the federal courts in our state were able to handle growing caseloads while simultaneously seeking swift and fair justice for all.

The day we lost Chief Judge Roll, we lost an outstanding jurist, a dedicated

public servant, and a great Arizonan. Judge Zipps has big shoes to fill, but I am confident she is up to the challenge, and that she will serve with honor and distinction.

I would like to say a few words about the background of Judge Zipps. Her qualifications are quite strong. Judge Zipps graduated from the University of Arizona and from Georgetown University Law Center. After law school, she clerked on the Ninth Circuit for Judge Canby and then worked for 4 years at the law firm of Molloy, Jones & Donahue. She spent the next decade as an Assistant U.S. Attorney in the U.S. Attorney's Office for the District of Arizona. She rose to be chief of the Civil Division and for the last three years was the Chief Assistant in the office. She earned numerous awards, including one for leadership and one for her performance as the civil chief. It is easy to see why Judge Zipps was awarded the ABA's highest rating: Unanimous "Well Qualified."

Judge Zipps has served as a magistrate on the Federal district court in Arizona since 2005. She has a distinguished record that has earned the respect of the legal community in Arizona. With her judicial experience, Judge Zipps will be able to hit the ground running and help tackle one of the heaviest caseloads in the Federal judiciary.

Perhaps most telling is the high regard in which Judge Zipps is held by her colleagues on the district court. They come from different backgrounds and were appointed by Presidents of both parties, but they all speak highly of her.

Mr. MCCONNELL. Mr. President, I will vote to confirm Judge Henry Floyd to the United States Court of Appeals for the Fourth Circuit despite my strong disagreement with his ruling in an important case that involved our national security. As a Federal district court judge in 2005, Judge Floyd ruled that the President of the United States did not have the authority to detain as an enemy combatant Jose Padilla, the so-called Dirty Bomber, because Mr. Padilla was an American citizen who was apprehended in the United States. The U.S. Court of Appeals for the Fourth Circuit reversed Judge Floyd in that case. The Fourth Circuit noted, correctly in my view, that under the plain language of the Authorization for Use of Military Force and the plurality opinion of the Supreme Court in Hamdi versus Rumsfeld, the place of Mr. Padilla's eventual capture was immaterial to the authority of the Commander-in-Chief to detain him as an enemy combatant. Mr. Padilla had associated himself with al-Qaida in Afghanistan during hostilities against U.S. forces. Mr. Padilla then fled to Pakistan, whereupon he met with Khalid Sheik Mohammed, who directed him to travel to the United States to blow up apartment buildings. Mr. Padilla was in the United States at the time of his capture in order to carry

out this mission. As a result, the Fourth Circuit correctly held that the President could properly designate and detain Mr. Padilla as an enemy combatant. Judge Floyd erred in adopting a rule that would, in essence, allow enemy combatants to escape military jurisdiction if they simply succeed in entering—or re-entering—the United States—and in Mr. Padilla's case, for the purpose of conducting additional and lethal operations against the United States and its citizens.

Judge Floyd has had an accomplished legal career, and has served with distinction as a state and federal judge for nearly two decades. Because of this lengthy and distinguished judicial record, I supported his nomination to the Fourth Circuit, despite my serious disagreement with his ruling in the Padilla case.

#### VERMONT DEVASTATION

Mr. LEAHY. Mr. President, I wish to talk about the devastating flooding in Vermont but also our recovery. Last week, my wife Marcelle and I probably drove 400 miles around the State of Vermont—inside the State. We are a small State. The distinguished Presiding Officer knows how in small States one can go from one end to the other fairly quickly. But we crisscrossed the State over a period of a little over 1 week, a lot of the time just the two of us in the car. We would drive around and say thank you to volunteers.

Some of the things we saw were so touching. People who had lost everything were helping others and vice versa. The spirit is wonderful. The reality is, our little State, the State where both my wife and I were born, has been hurt in a way we have not seen in our lifetime.

I have talked about these inspiring actions of Vermonters. One of the things we saw is some of the worst damage caused by the storm has been to the houses and mobile homes and apartments, where Vermonters had built their lives. They had made their homes, had become part of the community. Their kids go to school. They are the fabric of the community.

We have seen entire mobile home developments washed away. Where homes once stood, now lies a path of damage and destruction and heartbreak. Look at the horrific flooding we have right here—suddenly no roads where there were roads. Look at the forefront of this picture—a house collapsed in on itself, children's toys on what might have been a playground at one time that is now devastated. I had people tell me: We lost everything. Then, in tears: We lost our wedding album. We lost the pictures of our children when they graduated from high school. We lost pictures of their baptism or their bar mitzvah.

I mean, it tears one apart because they have lost not only their homes, they have lost part of their memories.

I commend my staff both in Washington and in Vermont, because they

have worked sometimes literally around the clock—weekends, evenings, days—to help. They have seen firsthand the ruin and pain delivered by this disaster. They have seen it with their eyes and in the tearful eyes of the families around the State. Over the sounds of generators powering sump pumps and heavy equipment removing debris, we have had countless conversations with people as they stared at foundations—empty foundations—that once held their homes; as they dug toxic muck out of their basements and shops; and as volunteers helped with pulling down wet drywall, in a race against the onset of mold.

Most of these conversations begin with memories of fast-rising water and death-defying rescues. In Northfield—a town a few miles from where I live—dozens of homes along the peaceful Dog River were flooded with as much as 6 feet of water. One homeowner who escaped the rising waters by canoe fears the insurance and FEMA assistance will not be enough to help him restore his home, which is part of his life. Like many of the residents of his Water Street neighborhood, he is left wondering whether rebuilding is possible or even worth the effort.

In Brattleboro, which is down in the southeast corner of our State along the Connecticut River, and which is a boundary between Vermont and New Hampshire, the Brattleboro Housing Authority lost 60 units of housing. They put families in hotels, on their friends' couches, and spread throughout the region, as the housing authority tries desperately to fix what is lost. I saw a lot of that damage. I went there with the Governor and with the head of our Vermont National Guard. I saw it.

In Roxsbury—a beautiful town—one family along a peaceful brook that is normally about 1 foot wide was forced to their roof as floodwaters rose, and the brook became a raging rapid more than 20 feet across and 6 feet deep.

In Duxbury—the next town over from mine—in Quechee, in Berlin, and in nearly a dozen other towns, mobile home parks quickly became submerged. These homes are especially vulnerable to flood damage and are easily destroyed by a few feet of water. These are areas where they have never seen a few feet of water, and suddenly it was there.

Last week, in Woodstock, I visited a mobile home park where, on the night of the flood, the entire community crowded onto a small mound in the middle of the park awaiting rescue, watching as their homes were being destroyed. Marcelle and I stood on that mound. It was a beautiful fall day. We looked down and you could see everything that had been torn up. You could see the gouges and all the damage. I wondered, how could somebody stay in there? Honestly, as the houses were destroyed and they watched that water come up, they probably thought if it comes up any farther, we are going to die.

Just 1 week after the flooding, FEMA estimated that more than 900 homes in Vermont had suffered damage. Today, that number continues to grow, and families who found safety and comfort in their homes before Irene now find themselves living in temporary homes, in shelters and hotels, while winter is quickly, quietly approaching.

Our small State's ability to build new homes depends greatly on support from Federal safety net programs, such as the emergency community development block grant funding that I was proud to support included in the Transportation-HUD appropriations bill. While this emergency funding is a first step in addressing the urgent housing needs of States such as Vermont that have been struck by natural disasters, we know that much more will be needed to help our decimated towns and communities and their citizens get back on their feet.

Housing authorities need section 8 choice vouchers to provide relief to low-income renters permanently displaced, and they need the flexibility to make use of the few available units of government-subsidized housing without the burden of stringent income-eligibility requirements. To some, this sounds like numbers, but it is very important to the people who depend upon them.

I am proud that in the Senate, on the Appropriations Committee over the past several weeks, we have been working so hard and we have been able to make prompt, significant, and bipartisan strides toward addressing the emerging disaster recovery needs in States such as Vermont, New Jersey, and North Carolina. Actually, 48 States face emergency disaster needs this year.

I remember the stories my parents and grandparents told me of flooding long before I was born in Vermont. I am 71 years old, but I have not seen damage and destruction of this magnitude in Vermont in my lifetime. Other States were also hit by Irene and are stretched to the limit. Just as victims of past disasters throughout the country were able to rely on fellow Americans in their times of need—including Vermont—so should Vermonters be able to count on a helping hand when they need it most. It is regrettable and disappointing—actually incomprehensible—that some in Congress continue to insist that assistance can only come at the cost of other Federal programs that are relied upon by the American people. Do we take it out of education or medical research or job creation? Do we rob Peter to pay Paul? Some of these same voices have had no problem with spending hundreds of billions of borrowed dollars on wars waged overseas and on rebuilding communities in Iraq and Afghanistan. They will borrow the money to rebuild roads and villages and homes in Iraq and Afghanistan, but they are going to apply a different standard to recovery efforts that are desperately needed for Ameri-

cans here at home in America. It is Alice in Wonderland. An old Vermonter said to me: You know, PAT, we give them money in Iraq and Afghanistan to build homes and bridges and roads, and then they blow them up. If we build them here in America, we will take care of them and we will use them. I could give a 10-hour speech on the floor on those two sentences, summing up what I have heard from everybody. I don't care what their political background is.

Now is not the time to ask Americans to choose between helping victims of a disaster and funding for cancer research, equipment for first responders, or job-creating programs. We need to come together as a country, as we always have in the past, to pass an emergency disaster relief bill for our States in their time of need.

The Senate has answered the call by passing critical disaster relief legislation. It is time for the House to do the same and let the victims of Hurricane Irene start rebuilding their homes. As they rebuild their homes, they will rebuild their lives. They will rebuild their lives and they will rebuild our communities. When they rebuild our communities, they rebuild our State. We are part of the United States of America.

Mr. President, I yield the floor, and I suggest the absence of a quorum, with the time equally divided on both sides.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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.

Mr. GRASSLEY. Mr. President, today, the Senate will confirm six more of President Obama's judicial nominees. Four of these vacancies have been deemed to be judicial emergencies. With these votes, we will have confirmed over 44 percent of the judicial nominees submitted by President Obama during this Congress, and 66 percent of all his judicial nominees.

As I have stated, the confirmation of executive and judicial appointments is one of the highest responsibilities of the Senate. It is a duty I take seriously. It is not, as some have suggested—a pro forma process. We are not here to merely rubberstamp the President's nominees. Sometimes that process takes a little time. It is the Senate's right and duty to review thoroughly the record, qualifications, and temperament of nominees. Above all, the process is to be treated with respect and with dignity. This is important for the nominees, for the Senate, and for public confidence in our constitutional process.

So I was disturbed to read recent news reports regarding what was described as an induction ceremony in the Northern District of California for

Judge Edward Chen. I believe, at this event, Judge Chen showed disrespect to the Senate and to the confirmation process. I regret that I would have to spend any time on this, and take away from the confirmation of the pending nominees. But there are important points that need to be addressed to protect our process and our members.

The Senate confirmed Judge Chen last May by a 52–46 vote. Needless to say, he was not a consensus nominee. Among the concerns about this nomination was Judge Chen's judicial philosophy, his willingness to adopt the "empathy standard," and concern that he would not set aside his personal views—largely shaped by his long association with the ACLU. Remarks reportedly made at this recent event indicate our concerns were valid.

I have not seen a transcript of the event, but an article entitled "Chen Toasted, Republicans Roasted" makes this look more like a political rally rather than a judicial event. Chief Judge Ware, in commenting on Judge Chen's confirmation quipped, "It made me wonder if Judge Chen should be running for political office." That is what many of us thought was more appropriate for Judge Chen, rather than appointment as a Federal judge.

The news article describes remarks made by Judge Chen, which I can only describe as mocking one of our members, Senator SESSIONS. This is distasteful, if not ironic. It was only after a personal appeal by SENATOR FEINSTEIN to Senator SESSIONS that the vote on Judge Chen went forward. Senator SESSIONS agreed to that vote and pressed other Members to let the vote proceed. If the press accounts are accurate, I believe Judge Chen owes an apology to Senator SESSIONS.

Judge Chen went on to again embrace his ACLU background, stating, "Having the ACLU in your DNA is not a disease, it's an honor." As I have said before, Judge Chen's advocacy on behalf of the ACLU is not disqualifying, by itself. But I have to wonder about the impartiality of Judge Chen. More importantly, what are potential litigants appearing before Judge Chen to think. If the ACLU is an opposing litigant, is there any way to think Judge Chen can be fair and impartial. I would think mandatory recusal would be required in any ACLU case coming before him.

Federal Judges must abide by the code of conduct for United States Judges. I will withhold judgment on whether or not Judge Chen violated those canons, but in my opinion he clearly went too far—particularly with regard to the requirement to uphold the integrity of the judiciary, to avoid impropriety and the appearance of impropriety in all activities, and to refrain from political activity. I hope Judge Chen realizes the important responsibility he has and acts accordingly in the future. I also hope this is a lesson to other nominees—that they treat this process with respect, even after confirmation and appointment.

I have been working throughout this Congress to confirm consensus nominees. I continue to remind my colleagues of the progress we have made. With a hearing in the Judiciary Committee scheduled for tomorrow, 85 percent of President Obama's judicial nominees will have received a hearing. At this point in President Bush's presidency, only 77 percent had been afforded a hearing.

Not only have we processed a higher percentage of nominees, but we have done it in shorter times. President Obama's circuit court nominees have only had to wait, on average, 66 days for a hearing. President Bush's circuit court nominees were forced to wait 247 days. In fact, we will be hearing from a Fourth Circuit nominee tomorrow after only 26 days in committee. None of President Bush's circuit court nominees were afforded a hearing that quickly. President Bush's Fourth Circuit nominees were particularly treated in a harsh manner. My friends on the other side of the aisle allowed four qualified and consensus nominees to languish at a time when the Fourth Circuit was one-quarter vacant.

President Obama's district court nominees have also received better treatment. On average, they have only waited 79 days for a hearing. President Bush's district court nominees waited 247 days. These nominees are also being reported out of committee at a quicker pace as well. On average, President Obama's circuit and district court nominees have been reported more than 66 days faster than President Bush's.

All in all, we have taken positive action on 85 percent of President Obama's judicial nominees this Congress. Even though I am proud of this progress, I must note, I will continue to focus on quality confirmed over quantity confirmed.

Shortly, we will be voting on Henry Floyd, who is nominated to the appeals court for the Fourth Circuit. This is President Obama's fifth nominee to be confirmed to the Fourth Circuit alone. President Bush's nominee to the Fourth Circuit from South Carolina, Steve Matthews, did not receive the same treatment. In fact, he went 484 days without so much as a hearing, let alone an up-or-down vote. Not only that, he was blocked from being considered. I would note the seat to which he was nominated was subsequently filled by a nominee from North Carolina, rather than South Carolina where the vacancy arose.

Another vacancy we will be voting on tonight is the District of Arizona seat held by the late Judge Roll before his tragic and untimely death on January 8, 2011. The entire judicial community felt this great loss. After Judge Roll's murder, I repeatedly implored the administration to focus on filling this seat as quickly as possible. It was deemed to be a judicial emergency instantly. However, it took over 5 months for the administration to

nominate Judge Jennifer Guerin Zipps to the seat, even though she was a sitting magistrate judge. Since the President took his time in submitting a nomination, I felt it appropriate to work with the chairman to move this nomination through in an expeditious manner. Nominated in late June of this year, Judge Zipps received her hearing a mere 34 days later. Judge Zipps was reported to the floor shortly after we returned from the August recess and I am happy we have continued this fast pace and are confirming her to a lifetime position today.

In addition to Judge Floyd and Judge Zipps, we will confirm Nannette Jolivet Brown to be United States District Judge for the Eastern District of Louisiana; Nancy Torresen to be United States District Judge for the District of Maine; William Francis Kuntz to be United States District Judge for the Eastern District of New York; and Marina Garcia Marmolejo to be United States District Judge for the Southern District of Texas.

I am pleased to support each of these nominees. I thank them for their public service and congratulate them on their prior accomplishments and confirmation today.

I would like to say a few words about each of the nominees.

Henry F. Floyd, is nominated to be a circuit judge for the Fourth Circuit. This seat has been deemed to be a judicial emergency. Mr. Floyd is currently a U.S. district court judge for the District of South Carolina. He was nominated to the bench by President George W. Bush in 2003, and has sat by designation on the U.S. Court of Appeals for the Fourth Circuit several times.

Prior to joining the bench, Judge Floyd was elected by the South Carolina General Assembly to serve as a circuit court judge for the Thirteenth Judicial Circuit in 1992.

He began his legal career in private practice, first as a solo practitioner and eventually forming the law firm of Floyd & Welmaker, which then merged with Acker & Acker. He focused on civil, criminal and domestic litigation as well as trust and commercial law. He also served as an attorney for Pickens County while maintaining his full-time law partnership. Judge Floyd is a graduate from Wofford College and received a Juris Doctorate from the University of South Carolina. It was during his second year of law school when Judge Floyd was elected to the South Carolina House of Representative, serving three terms until 1978.

The ABA Standing Committee on the Federal Judiciary has rated Judge Floyd with a unanimous "Well Qualified" rating.

Nannette Jolivet Brown is nominated to the Eastern District of Louisiana. Ms. Brown currently serves as city attorney for the city of New Orleans, where she represents the city as its chief legal officer. Prior to that, Ms. Brown was in private practice, working on real estate, environmental, personal

injury, insurance, commercial and business law. She taught a number of courses at Southern University Law Center, and was a clinical professor at Loyola University.

From 1994 to 1996, Ms. Brown served as the Director of Sanitation for New Orleans. She was also a teaching fellow at Tulane Law School. Ms. Brown is a graduate from the University of Southwestern Louisiana and received her J.D. and L.L.M. from Tulane Law School.

The ABA Standing Committee on the Federal Judiciary has rated Ms. Brown with a unanimous "Qualified" rating.

Nancy Torresen is nominated to be United States District Judge for the District of Maine. Since 2001, Ms. Torresen has served in the criminal division of the U.S. Attorney's Office in the District of Maine. She has investigated and prosecuted Federal crimes in the northern half of the district.

From 1994 to 2001, the Department of Justice detailed Ms. Torresen to the Maine Department of the Attorney General Criminal Division in the Appellate Section. In this position, Ms. Torresen represented the state of Maine in appeals of serious violent crime convictions.

From 1990 to 1994, Ms. Torresen served as an Assistant United States Attorney for the U.S. Attorney's Office in Maine. She represented a variety of federal agencies in litigation involving medical malpractice, employment and discrimination cases.

She began her legal career as a law clerk with the Honorable Conrad K. Cyr, of the United States District Court for the District of Maine. In 1988, she joined Williams and Connolly as an associate, working on medical malpractice, libel, and contract disputes. Ms. Torresen is a graduate from Hope College with a B.A. and from the University of Michigan School Of Law with a juris doctorate.

The ABA Standing Committee on the Federal Judiciary has unanimously rated Ms. Torresen as "Well Qualified."

William Francis Kuntz, II, is nominated to the Eastern District of New York. This seat also has been deemed to be a judicial emergency. Since 1986, he has been a partner with a number of private law firms. While he has focused his practice on commercial litigation, he has represented financial services institutions, and large industrial entities.

From 1987 through 2010, Mr. Kuntz was appointed by Mayors Koch, Dinkins, Giuliani and Bloomberg, and confirmed by the New York City Council, to serve on the New York City Civilian Complaint Review Board, CCRB. As a commissioner, he has reviewed thousands of complaints filed by citizens against New York City police officers. Mr. Kuntz has taught courses in American Legal History at Brooklyn Law School.

Mr. Kuntz received his bachelor of arts, a master of arts, a juris doctorate, and a Ph.D from Harvard University.

The ABA Standing Committee on the Federal Judiciary has unanimously rated Mr. Kuntz as "Well Qualified."

Marina Garcia Marmolejo, is nominated to the Southern District of Texas. This is another judicial emergency seat. Ms. Marmolejo is currently a partner with Reid Davis LLP., where she has been focusing on complex commercial cases. Prior to this, she served as Of Counsel for two firms, working on complex Federal and State criminal defense matters, public corruption matters, criminal tax fraud, health care fraud, and mortgage fraud.

In 1999, Ms. Marmolejo worked briefly for the law offices of Jesus M. Dominguez before becoming an assistant U.S. attorney in the U.S. Attorney's Office for the Southern District of Texas. As an AUSA, Ms. Marmolejo was assigned to the Organized Crime Drug Enforcement Task Force where she handled narcotics cases and money laundering investigations.

After graduating from law school, Ms. Marmolejo joined the Federal Public Defender's Office for the Western District of Texas as Assistant Public Defender where she remained until 1998. She then moved to the Federal Public Defender's Office for the Southern District of Texas where she again served as an Assistant Public Defender until 1999.

Ms. Marmolejo is a graduate of the University of Incarnate Word and received her master of arts from St. Mary's University Graduate School, and her Juris Doctorate, cum laude, from St. Mary's School of Law.

The ABA Standing Committee on the Federal Judiciary has rated Ms. Marmolejo unanimously "Qualified."

Jennifer Guerin Zipps, nominated to be United States District Judge for the District of Arizona. As I mentioned, this seat has been deemed to be a judicial emergency. Judge Zipps has served as a U.S. magistrate judge since 2005. Prior to her serving on the bench, Judge Zipps served as an assistant U.S. attorney. While in that role, Judge Zipps was promoted to chief of the civil division. She also has private practice experience, serving as an associate in the firm of Molloy, Jones & Donahue. She began her legal career as a clerk for Judge William C. Canby of the Ninth Circuit Court of Appeals.

Judge Zipps is a graduate of the University of Arizona and received her juris doctorate from Georgetown Law. The ABA Standing Committee on the Federal Judiciary has rated Judge Zipps unanimously "Well Qualified."

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRAHAM. Mr. President, I rise to speak on two topics, briefly, the

nomination of Judge Henry Floyd for the Fourth Circuit Court of Appeals, and the motion to proceed on China's currency.

First, Judge Henry Floyd has been nominated by President Obama to serve on the Fourth Circuit Court of Appeals in Richmond, VA. He has a lot of bipartisan support from South Carolina. He was nominated by President Bush to be a district court judge. He served as a State court judge before that, and he has a distinguished record as a State and Federal jurist. He is an outstanding choice by the President to serve on the Fourth Circuit Court of Appeals.

I have known Henry Floyd for many years. I have practiced law with him. I have appeared before him as a State judge and have followed his career. He is unanimously rated as well qualified to proceed to the Fourth Circuit. He has an outstanding legal background, great temperament, and is one of the most qualified district court judges in South Carolina. He will serve the people of the Fourth Judicial Circuit well on the court of appeals. He has the kind of intellect and common sense I think most people in this part of the country will appreciate having on the court.

I want to thank the Obama administration, and I urge my colleagues to vote for this well-qualified, fine man to go to the Fourth Circuit Court of Appeals. He has a lot of bipartisan support at home. Everybody who knows Judge Floyd is a big fan—right, left, and center.

#### CHINA'S CURRENCY EXCHANGE PRACTICES

The issue after this vote is whether the Senate should proceed to debate legislation I have authored with Senator SCHUMER and others dealing with the currency exchange practices of the Communist dictatorship of China. I have been involved in this for almost 7 years. We did a sense-of-the-Senate resolution back in 2004, I believe it was, urging the Chinese to change their currency policy.

But what does this mean to the average American? The exchange rate today is 6.38 yuan to the dollar. When you look at the dollar to the euro, I don't know what it is trading today, but it goes up and down every day. China's economy is growing at 9 and 10 percent. They are the second largest economy in the world. They are moving like gangbusters. Does it really matter for them to suppress the value of the currency? Yes, it does.

Any objective observer, looking at the history of the way the Chinese Government deals with its monetary policy, concludes they keep the yuan below its true value to create a discount on products made in China. Look at it this way. If you are competing with China in the world marketplace, not only do you have cheap labor to compete against, but you have the Government of China directly supporting their industries in a way we don't here, and then add to that intellectual property theft. When you do

business in China, the next thing you know, a Chinese company across the street is producing the very product you went to China to produce.

So the Chinese Government needs to follow the rule of law and live with the norms of international business practices. And when it comes to currency manipulation, it is impossible to believe that the dollar-to-yuan ratio exists without the government manipulating the value of the yuan. People estimate that it is 25 to 40 percent below its true value. What does that mean? It means if you are competing with China, selling the same product made in China, there is a discount on the Chinese product based on the value of their money.

The trade deficit with China has exploded. Last year, it was \$273 billion. We were at \$160.4 billion in July of this year. Cheap exports coming out of China are the source of cash for the Chinese Government and Chinese industry.

We can't convert the currency in China. In the United States, we can take your money and convert it to any currency we would like. But if a Chinese manufacturer sells a product in the United States and gets paid in dollars, they have to convert it to the yuan. They have very restrictive monetary policies, and the ban of trading on the yuan is 0.5 percent day. The dollar can fluctuate based on all kinds of economic forces—our debt, our trade deficit, and what is going on here at home. But the Chinese Government restricts the fluctuation of the currency in a way that costs us jobs.

It is estimated that over 2 million jobs have been lost over the last decade because of currency manipulation alone. It is one way to get an unfair advantage in the marketplace. Over 41,000 jobs have been lost in South Carolina alone because companies can't compete with China.

So this legislation would allow the Treasury Department to create new criteria to monitor the currency practices of the Chinese Government. If it is found to be misaligned or manipulated, the Treasury Department can bring countervailing duty proposals, countervailing duty action against China. We have done this before when the Chinese dumped steel into our market.

If a country is violating the international trading standards or business norms, under the WTO we have the ability to fight back. This legislation would elevate currency manipulation. It is one thing to dump a product such as steel or tires into the American economy, creating an unfair advantage for the Chinese manufacturing community; we have tools to deal with that. But we haven't embraced pushing back against currency.

China should be a great place to do business, but it is not. It should be more balanced than it is. I want to do business with China. I just don't want trade deficits of \$273 billion that are ar-

tificially created. If they do something better than us, they should win in the marketplace. That is just the way business works. But if the government intervenes and creates an advantage for a Chinese company, that is not winning in the marketplace. This would not matter if it were a small country such as the Dominican Republic or some small country where they have to keep the currency in check because they don't want wild swings of their currency. But major economic powers—China, the United States, European countries—can't play that game.

So I hope my colleagues will vote to allow this debate to go forward because this is about American jobs at the end of the day.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Under the previous order, all pending nominations other than the nomination of Henry Floyd are confirmed.

The question is, Will the Senate advise and consent to the nomination of Henry F. Floyd, of South Carolina, to be United States Circuit Judge for the Fourth Circuit?

Mr. BROWN of Massachusetts. 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN), the Senator from Hawaii (Mr. INOUE), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Missouri (Mr. BLUNT).

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 154 Ex.]

YEAS—96

Akaka	Coburn	Heller
Alexander	Cochran	Hoeven
Ayotte	Collins	Hutchison
Barrasso	Conrad	Inhofe
Baucus	Coons	Isakson
Begich	Corker	Johanns
Bennet	Cornyn	Johnson (SD)
Bingaman	Crapo	Johnson (WI)
Blumenthal	DeMint	Kerry
Boozman	Durbin	Kirk
Boxer	Enzi	Klobuchar
Brown (MA)	Feinstein	Kohl
Burr	Franken	Kyl
Cantwell	Gillibrand	Landrieu
Cardin	Graham	Lautenberg
Carper	Grassley	Leahy
Casey	Hagan	Lee
Chambliss	Harkin	Levin
Coats	Hatch	Lugar

Manchin	Portman	Snowe
McCain	Pryor	Stabenow
McCaskill	Reed	Tester
McConnell	Reid	Thune
Menendez	Risch	Toomey
Merkley	Roberts	Udall (CO)
Mikulski	Rockefeller	Udall (NM)
Moran	Rubio	Vitter
Murkowski	Sanders	Warner
Murray	Schumer	Webb
Nelson (NE)	Sessions	Whitehouse
Nelson (FL)	Shaheen	Wicker
Paul	Shelby	Wyden

NOT VOTING—4

Blunt	Inouye
Brown (OH)	Lieberman

The nomination was confirmed.

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

#### LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. MANCHIN). Under the previous order, the Senate will return to legislative session.

#### CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT OF 2011—MOTION TO PROCEED—Continued

##### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant bill 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. 183, S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

Harry Reid, Sherrod Brown, Charles E. Schumer, Tom Udall, Richard J. Durbin, Richard Blumenthal, Benjamin L. Cardin, Daniel K. Akaka, Jack Reed, Joe Manchin III, Debbie Stabenow, Sheldon Whitehouse, Kay R. Hagan, Robert P. Casey, Jr., Kent Conrad, Kirsten E. Gillibrand, Robert Menendez.

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 Calendar No. 183, S. 1619, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The yeas and nays resulted—yeas 79, nays 19, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—79

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

NAYS—19

Blunt	Inhofe	Murkowski
Cantwell	Johnson (WI)	Murray
Coats	Kirk	Paul
Coburn	Kyl	Rubio
Corker	Lee	Toomey
DeMint	Lugar	
Heller	McCaskill	

NOT VOTING—2

Inouye	Lieberman
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The PRESIDING OFFICER. On this vote, the yeas are 79, the nays are 19. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DURBIN. 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.

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

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

Mr. WICKER. Mr. President, I ask unanimous consent to speak as in morning business.

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

CRISIS IN SUDAN

Mr. WICKER. Mr. President, I rise this evening to call attention to the disturbing developments in Sudan and the newly created nation of South Sudan. I fear the ongoing violence there risks undermining the progress that has been made for lasting peace after decades of civil war and bloodshed.

It has been indeed a historic year for the people of South Sudan. Almost 3 months ago, on July 9, South Sudan was formally recognized as a sovereign nation, becoming Africa's 54th state. An overwhelming 98.8 percent of South Sudanese voters chose independence from the central government of Sudan in the referendum held this January. For the millions of people whose lifetimes have known only war, the hope of a better future was finally on the horizon.

Like many, I was cautiously encouraged by the news that the South Suda-

nese decided to take a path toward democracy and toward justice. Like many, I realized this path would be a difficult one as conflict persists in Darfur and other areas around the border, such as Abyei, Blue Nile, and Southern Kordofan.

Unfortunately, recent reports of violence confirm the tenuous relationship between north and south that exists in the wake of independence. Escalating unrest points to the abandonment of peaceful negotiations by the north and a return to military intimidation and fighting. Tragically, civilians have been caught in the crossfire.

According to a post from CNN in late July, hospitals in the Nuba Mountains are overflowing with civilians who have been hurt in attacks by the northern army. This is how the report describes the scene:

In one hospital room a nurse tried to clean the blown apart face of a young boy. In another, a 12-year-old girl suffered from advanced tetanus after her arm was cut off by shrapnel. Doctors said she had little chance of surviving.

This violence, affecting innocent children, is unacceptable. Attacks against civilians are among a number of violations that have been cited by the United Nations against Sudanese President Omar al-Bashir's government, which denies the allegations and insists it is only fighting rebels loyal to South Sudan.

In a report this summer, the United Nations suggests the attacks by Sudanese Armed Forces in the border state of Southern Kordofan have amounted to human rights violations and war crimes. Most of the violence there is affecting the Nuba people, a mostly Christian minority aligned with South Sudan but left on the opposite side of the border. Thousands have been forced to flee to caves for refuge in the Nuba Mountains. Even more worrisome is that the violence is spreading. In May, the Sudanese Armed Forces invaded the disputed area of Abyei and displaced an estimated 100,000, among them nearly 4,000 children. Just last month, the Sudanese Parliament authorized military action in nearby Blue Nile.

We should not forget the legacy of President Bashir's dictatorial regime as these atrocities continue to mount. Mr. Bashir has already been indicted by the International Criminal Court for crimes against humanity and war crimes over the conflict in Darfur, and the United States continues to impose sanctions on the northern government.

The full extent of the violence in the border areas between Sudan and South Sudan is hard to determine because U.N. agencies and humanitarian groups have been denied access. But this is no excuse for ignoring the warning signs of a dangerous predicament. All too often, we recognize crises after far too many lives have been lost.

What we do know about the current situation is ominous. The African Center For Justice and Peace Studies says

supporters of the Sudan People's Liberation Army-North are being arbitrarily arrested on the basis of their perceived political affiliation and subject to extrajudicial killings. Refugees have described execution-style murders. International calls for the northern government to cease its aerial bombings have been blatantly ignored. The U.N. Office for the Coordination of Humanitarian Affairs, OCHA, reports that more than 100,000 people are thought to be displaced by fighting in Blue Nile alone. The U.N. estimates for South Kordofan top 200,000 displaced persons. Just last month, an article in the New York Times reported that a satellite imagery project monitoring parts of Sudan had captured images of mass graves.

We have always known South Sudan would face serious challenges this year and in the coming years as a free independent nation. What we cannot allow is its democratic future to hang in the balance as old scores are reignited and innocent lives are lost. Let's not forget the horrors of the civil war that ensued for 22 years before President George W. Bush engineered the comprehensive peace agreement in 2005. During that civil war, more than 2 million died, more than 4 million were displaced, and 600,000 fled the country as refugees.

I urge my colleagues not to lose focus on the hundreds of thousands of people who have been unfairly hurt by this violence. They have already endured far too much suffering. I join the U.S. State Department in its call for the hostilities to stop and for responsible dialog to resume. The longer the violence continues, the harder it will be to move forward toward lasting peace.

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.

Ms. SNOWE. I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. SNOWE. Mr. President, I rise today in strong support of the bipartisan legislation we will be considering this week regarding the Currency Exchange Rate Oversight Reform Act of 2011. I am very pleased it received overwhelming support for us to proceed to consideration of this most critical legislation.

This day has been a long time in the making, if you ask those of us who have been calling on our government, under the leadership of both Democrats and Republicans, to hold our foreign competitors accountable when they violate our trade laws. In that respect I want to express my gratitude to my colleague from Ohio, Senator SHERROD BROWN, with whom I have partnered in repeatedly calling for a vote on this crucial legislation, as well as the Senator from New York, Senator SCHUMER, and the Senator from South Carolina, Senator GRAHAM, for also being with us

and working on this legislation to address all of the facets of this issue that have been long overdue in consideration by the Congress.

This day has been far too long in coming for the millions of American workers who are out of work and whose wages have been decimated as a result of our inability to compete with unfairly subsidized Chinese imports. Since Congress first began requiring the Treasury to analyze the exchange rate policies of foreign countries in 1988, China has been cited as a currency manipulator five times, all occurring between 1992 and 1994.

Since then, despite China's continued and in many ways intensification of these practices, our government, under both Democratic and Republican administrations, has failed to cite China even once for its policy of fixing its currency to the dollar. This is also despite Congress's repeated efforts to make currency manipulation a top priority in our Nation's trade agenda.

In fact, in April 2005 I joined my Senate colleagues in decisively supporting an amendment calling on China to reform its currency practices. This action is largely viewed as helping to prompt China to allow its currency to gradually appreciate between 2005 and 2008. In July 2007 I joined a majority of colleagues on the Senate Finance Committee in favor of reporting the Currency Exchange Rate Oversight Reform Act of 2007 by a vote of 20 to 1. That was 4 years ago. We started 6 years ago, and yet we still had not had any concrete, substantive action on this fundamental issue. None of these bills were brought up for a vote by the full Senate.

From 2008 to mid-2010, China again froze its exchange rate constant in an effort to maintain its production edge during the financial crisis. It was only last June that China showed signs that it might allow the RMB to gradually appreciate. But according to the Congressional Research Service, it gained only 6 or 7 percent on the dollar over the last year.

Faced with these blatantly inequitable trade distortions, I have witnessed Maine's manufacturers and their employees going to great lengths to improve their competitiveness. According to the Manufacturers Association of Maine, workers in our State have increased output per employee by 6 percent over a period of 8 years—from 60,000 in 2001 to 89,000 in 2009. Yet the dramatic job losses we have witnessed in the American manufacturing sector over the last decade tell a very different story.

According to recent reports, between 2001, when China joined the WTO and 2010, 4.1 million manufacturing jobs were lost in this country, and 1.9 million of those jobs or 47 percent can be directly linked to our growing trade deficit with China.

In Maine, this withering of our manufacturing base has contributed to wage and salary employment levels

falling precipitously through December 2010, with job losses of 26,900, a 4.4-percent drop. Overall, employment numbers in my State have returned to 1999 levels—1999 levels—erasing any economic gains of the previous 10 years.

U.S. manufacturing employees, including thousands who live in small towns throughout my State, are recognized as the most productive workers in the world. These are the types of jobs that should be thriving in a global economy, but they cannot if foreign producers, such as those in China, are playing with a proverbial stacked deck.

For this reason I rise today to urge my colleagues to join us in supporting the Currency Exchange Rate Oversight Reform Act, legislation that I have authored with the Senator from Ohio to enforce the rules and address a paramount contributing factor in the decimation of our Nation's once unparalleled manufacturing base—currency exchange rate manipulation.

For over a decade China has manipulated its exchange rate by pegging the Chinese renminbi to the dollar. As a result, China's currency is estimated to be undervalued by anywhere from 12 to 50 percent according to the Congressional Research Service. In fact, despite the Chinese Government's announcement last year that it would begin allowing its currency to gradually appreciate, the Treasury Department's exchange rate report, released May 27, noted that "the real exchange rate of the renminbi remains substantially undervalued."

Some of my colleagues will no doubt argue that mill closings and layoffs in States such as Maine have little to do with the value of the Chinese currency, and that legislation to hold countries such as China accountable when they intervene in currency markets will not create jobs or grow our economy.

For that matter, proponents of China's entry into the World Trade Organization 10 years ago also claimed that liberalizing trade with China would improve our trade deficit. At the time of its entry into the WTO in December 2001, China agreed to provide greater transparency when it comes to trade policies, to enforce intellectual property rights, and to end discriminatory and unpredictable rules impeding market access for American products.

In fact, as the agreement to allow China into the WTO was being negotiated in 2000, President Clinton argued it would create, in his words, "a win-win result for both countries."

However, as President John Adams once said, "facts are stubborn things." Let's examine some of the evidence.

For one, in January, I met with Microsoft CEO Steve Ballmer a few hours before he attended a private meeting at the White House. Mr. Ballmer told me that in fiscal year 2010 over 30 million PCs were sold in China that ran illegal copies of Windows. Rather telling, he noted that while China is their second largest personal computer market in the world, it is

70th in terms of Microsoft revenue per personal computer.

If one of the largest and most integrated companies in the world is being hamstrung by China's piracy and blatant infringement of intellectual property rights, how can we expect smaller U.S. companies to stand a chance when it comes to entering the Chinese market? On top of its failure to police intellectual property rights infringement, unlike most other countries where exchange rates are determined by market forces, the Chinese Government does not allow the renminbi to fluctuate freely and instead pegs it tightly to the U.S. dollar at a rate that makes it significantly undervalued vis-a-vis the dollar.

As a result, Chinese exports to the United States are artificially made less expensive, as we well know, and the cost of U.S. exports to China and the rest of the world are made more expensive by a similar or equivalent amount.

According to a new report featured last week in the Wall Street Journal, one significant consequence of China's trade practices is that over the last two decades it has surged as an exporter at a "break-neck pace," while the growth of U.S. spending on imports from China has climbed steadily. As indicated by this chart to my right, according to the report, imports from China as a share of U.S. spending climbed from below 1 percent throughout much of the 1990s, to over 5 percent today. There is no question that this trajectory reflects it in this chart, seeing China as a total of U.S. spending, and what has occurred is a dramatic rise—without abatement, without any intervention whatsoever—and we have seen a steady major rise in terms of the amount of imports and spending by Americans on Chinese imports.

Due in large part to China's currency manipulation and other trade-distorting practices, manufacturers in Maine and places like Maine have not been able to compete against this surge in artificially cheap Chinese imports. As Americans spend increasingly more on Chinese products, as illustrated in the chart, these imports displace goods made in the USA.

Consequently, China's currency undervaluation has contributed directly to our soaring trade deficit with China, which has ballooned from \$83 billion, when China joined the WTO in 2001, to \$273 billion in 2010. Those numbers are worth repeating—when you are speaking about \$83 billion, which our trade deficit was in 2001, and now in 2010 it has skyrocketed to \$273 billion.

This ever-expanding, explosive trade deficit, unprecedented, of course, in our history, which grew 20 percent between 2009 and 2010, destroys existing jobs, prevents new job creation and, as economists from the Economic Policy Institute have indicated, increases the global "race to the bottom," in their words, when it comes to middle-class wages.



For example, the Economic Policy Institute recently released a report noting that as plants have closed, workers displaced by trade from the manufacturing sector have had particular difficulty in securing comparable employment, and average wages of those who found new jobs fell by 11 to 13 percent.

As we see on the chart, reflected and demonstrated here, most graphically, the Economic Policy Institute report discovered that since China's entry into the World Trade Organization in 2001 and through 2010, when we saw that explosive growth of the trade deficit from \$83 billion to \$273 billion between 2001 and 2010, the increase in the U.S.-China trade deficit eliminated or displaced 2.8 million American jobs or 310,000 jobs per year.

As we can see illustrated on the chart, virtually every State in America has been affected by the trade deficits with China, with displaced thousands and thousands of jobs, and in less than a decade 2.8 million American jobs.

In my State of Maine this means the trade deficit has displaced nearly 10,000 workers or nearly 2 percent of State employment. As the chart depicts, the pain of job losses is not unique to one individual State or region of the country. Workers in all 50 States, from California to South Carolina, from Michigan to Texas, have been harmed and unable to compete against artificially cheap Chinese imports.

While these charts and reports may paint a picture of doom and gloom, there is recourse available to American workers injured by unfair trade. Under the U.S. countervailing duty law, tariffs can be imposed on imports benefiting from foreign government subsidies if it demonstrates that the subsidies cause or threaten injury to a U.S. industry producing the same or similar product.

But while numerous U.S. industries have attempted to bring allegations of currency manipulation as an export subsidy under our trade laws, in each instance the Department of Commerce has refused to investigate.

For example, it is a little known fact that the U.S. pulp and paper industry employs 900,000 workers—roughly the equivalent number employed by the U.S. auto industry—making it an indispensable economic pillar in rural communities in Maine and across the country.

Last year, several U.S. paper manufacturers with mills in Maine brought forward allegations that China was violating trade rules by illegally subsidizing their products in the U.S. market. Just over a year ago, in 2010, I testified before the International Trade Commission and made the case—and we were ultimately successful on these points—that foreign paper manufacturers in China and Indonesia were illegally selling their products in the United States at unfairly subsidized and underpriced rates.

Amazingly, however, the Commerce Department refused to investigate

whether China's currency practices constituted an illegal—and therefore countervailable—export subsidy.

Simply put, this failure to take action is unacceptable. In response, in November of last year, the Senator from Ohio, Senator BROWN, and I sent a letter to the Senate's leadership asking that a vote be scheduled on legislation directing the Commerce Department to investigate allegations that currency undervaluation provides a countervailable subsidy at the expense of American jobs. When the Senate failed to take action, Senator BROWN and I filed the House-passed currency reform bill as an amendment to the tax extender package in December of 2010.

In January 2011, during Chinese President Hu's visit to the United States, we sent a letter to Secretary Geithner underscoring the need to enforce trade remedy laws to provide U.S. industries affected by China's currency practices with a lifeline to compete. And, finally, in response to our government's failure to investigate these unfair trade practices, on February 10 of this year, Senator BROWN and I introduced our legislation, the Currency Reform for Fair Trade Act.

Simply put, the Department of Commerce has failed to use its authority to respond to currency manipulation by investigating these allegations brought by U.S. industry and placing countervailing duties on foreign imports benefiting from these unfair trade practices. The purpose of our bill is to make clear that Commerce has the ability to investigate—regardless of whether the subsidy is provided to all foreign businesses in a given country or just to those that are exporting.

That is an important point, because if we wait to make that demonstration, they can continue to export their goods to the United States before we could ever reach the point of being able to make that determination on imposing that countervailing subsidy or determining which companies in China are actually doing the exporting. So it is important to eliminate that distinction, because that has been a barrier.

In fact, it certainly prevented the Department of Commerce, in their words, from being able to impose any kind of subsidies or to investigate the case before they could impose a countervailing duty. So this way we eliminate the distinction, irrespective of whether a business is exporting within China their goods. The point is, we don't want to wait for the Department of Commerce to make that determination. Those industries that do export—and once they do export—have already done the damage. So it is clearly important to be able to have the Department of Commerce in a position of being able at the outset to initiate this investigation on those companies that actually export goods to the United States from China at an unfair price.

Notably, our bill does not legislatively deem that a currency undervaluation satisfies the requirement of find-

ing a countervailing subsidy. It just requires Congress to determine on a case-by-case basis whether currency undervaluation is giving foreign companies an unfair competitive advantage over their counterparts in our country.

Since introducing our legislation in February, we have added 11 bipartisan Senate cosponsors, and the House companion to our legislation has over 200 cosponsors. Furthermore, on September 23, I was proud to join as a lead original cosponsor of the bipartisan legislation before us today, which combines the key elements of our bill with critical provisions of the legislation authored by the Senator from New York, Senator SCHUMER, and the Senator from South Carolina, Senator GRAHAM, that I also supported as an initiative when it came before the Senate Finance Committee in 2007.

The merged bill utilizes U.S. trade law to counter the economic damage and harm to U.S. manufacturers caused by currency manipulation and it authorizes new consequences for countries that fail to adopt appropriate policies to eliminate unfair currency undervaluation. Most critically, it will also provide businesses that are damaged by China's trade practices with the tools to respond on behalf of American workers. It ensures our government will heed the requests of a wide range of U.S. industries, such as paper manufacturers in Maine, to investigate whether currency undervaluation by a government provides a subsidy, and one in which we can initiate an action by imposing countervailing duties.

Finally, while some of my colleagues have expressed concerns that challenging China's unfair trade practices could lead that government to retaliate against U.S. goods and jeopardize our economic recovery, the fact is the potential benefit of currency reform is enormous when it comes to fighting unemployment and boosting the American economy, because as of today China essentially rigs the game to undercut true market competition and undermine U.S. businesses.

For example, a study released in June by the Economic Policy Institute discovered that addressing Chinese currency manipulation and enforcing fair trade provisions when it comes to these violations would support the creation of more than 2 million U.S. jobs, increase the gross domestic product by as much as \$285 billion, and reduce the deficit by more than \$70 billion a year.

Failing to act now is not an option. The International Monetary Fund recently announced that China will surpass the United States economically in 2016—a mere 5 years from now. If this turns out to be true, it will be due in large part to our current policies, which are fueling our decline and China's rise. We import more than we export, keep running huge trade deficits, consume more than we produce, and outsource thousands of jobs.

If one manufacturer is compelled to close because we failed to combat subsidized imports, that is one less manufacturer able to export and help grow our economy. And frankly, if there was ever a moment to empower a workforce when it comes to competing in a global economy, is there any doubt, given our dire economic state, that time is now? From Maine to the Midwest, China's currency manipulation has been among the greatest impediments to our manufacturing sector. Unfortunately, the silence of our government when it comes to this issue has become the silence of our factories.

It is time to take action to rebuild our economic foundations, and this legislation will ensure our government has the tools to respond on behalf of American companies and workers by imposing countervailing duties on exports subsidized by currency manipulation undervaluation.

It is absolutely vital we take this action this year—right now—because, as I indicated at the beginning of my remarks, if you look at the historical picture of the consideration of this legislation, it is clear it has been underestimated, it has been overlooked in terms of the value it brings to our country, to the value it brings to the manufacturing segment of our economy, and to the value it brings to our workers. I am deeply concerned, because it also seems as if it is an either/or proposition when we talk about trade-related issues—either we do nothing or we will invite a trade war.

We have to look at the trade practices of our trading partners and the laws which they are required to uphold—in this case, for China, through the World Trade Organization. They made a commitment at the onset when they joined that organization, and they have refused to uphold it when it comes to leveling the playing field and creating the equilibrium—to let the currency flow as required and stipulated under that agreement when they became a member of that organization. They have failed time and again to monitor these agreements and to monitor the actions of their own companies with respect to this practice, and it has decimated many industries across this country.

As I indicated with this chart, virtually every State in America has been damaged as a result of the loss of jobs because we have failed to uphold the standards of fair trade. So it isn't about encouraging a trade war. Far from it. I think it creates not only a level playing field, but it creates an equitable circumstance for our trading partners. And it is important for those countries, such as China, to be prepared to live up to the agreements to which they have subscribed through the World Trade Organization. They are required to live by their agreement, and that means they have to establish the standards where they cannot manipulate their currency, as they have been doing for more than two decades.

It has been a problem, and it has been a persistent problem. Unfortunately, both sides of the aisle—whether it is Democratic or Republican administrations, the presidency or here in Congress—have failed to take a concrete, concerted action that could have made a profound difference long before this point. This could have been averted. Time and again we haven't been able to have a Treasury Secretary designate China as a currency manipulator that I think would have then prompted much more significant action on the part of any administration.

So that issue has been addressed in this legislation—to change the threshold, to redesign and to target the legislation more precisely so that it will give the tools to the administration, and specifically to the Treasury Secretary, to be able to designate China as a currency manipulator, which then kicks in certain safeguards and actions.

The same is true for the Department of Commerce, that they will be able to initiate at the outset an investigation to determine whether devaluing the currency on the part of China has contributed to unfair trading practices and, obviously, adversely affecting our goods and workers and companies here in the United States. It is important to give the tools to our agencies to make sure they can fulfill their obligations.

I know there are times in which they have not done so, even when they have had the tools, and they have been empowered to use those tools, much to the detriment of our industries—much to the detriment of these jobs and these manufacturing companies all across America—that have either closed their doors or they have sharply curtailed their businesses or their level of employment.

I know that firsthand from my State. It has brought tremendous consequences to rural Maine and to rural America as a result, because that is what has been the basis of our economy. The manufacturing segment of our industry has been so critical to good-paying jobs, and that ultimately has been damaged and harmed as a result of this currency manipulation issue that has been persistent on the part of the Chinese, and one that we now have to address through this legislation.

I appreciate this opportunity to address the Senate on this critical issue. As we go forward in the days ahead in debating this legislation, I look forward to working with my colleagues—the Senator from Ohio, who has done yeoman's work on this issue and has brought this issue to the highest levels in terms of its attention and importance to this country, most assuredly. I am looking forward to working with him and our other colleagues to make sure we can fulfill our commitment to passing this legislation.

It is not only about debating it, it is not just voting on it, it is about its becoming law. I think we should bring

this to its logical conclusion and send it to the President for his signature. The time has come, as I said, and it is long overdue. We have failed the workers and the industries of this country who are trying to compete and who can make goods. We are not going to forsake our manufacturing sector, because we have the ability to make the best goods with the most productive workers in the world, and we should be able to continue to do that. The only way we can fulfill that obligation to them is through this legislation. There is no other recourse at this moment in time.

I yield the floor, Mr. President.  
The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I, first of all, thank Senator SNOWE for her leadership on this currency legislation. Its time has come, as she has said. She has been a real leader on this for months—years, for that matter. I so appreciate her work on this problem.

Pure and simple, this is the most important bipartisan jobs bill the Senate will pass in my 4½ years since I have been a Member of the Senate. Senator SNOWE has been here a good bit longer and has been a member of the Finance Committee that understands these issues of how China has gamed the system. Senator SNOWE and I were joined in our legislation, combining it with Senator SCHUMER and Senator GRAHAM in their legislation, also Senator STABENOW, a Democrat from Michigan; Senator SESSIONS, a Republican from Alabama; both Senators from North Carolina, Senator BURR, a Republican and Senator HAGAN, a Democrat; joined by Senator CASEY and the other Maine Senator, Senator CASEY from Pennsylvania, a Democrat, and the other Maine Senator, a Republican, Senator COLLINS. And that just shows the bipartisan support.

We had this vote today. On S. 1619, the cloture vote was 79–19, which is a strong message to the House and to our colleagues that this legislation as we debate this week is so important. It is deserving of basically a week of the Senate's time to discuss and debate what China trade is all about.

We know what China trade is all about. We know, as Senator SNOWE said, the trade deficit with China has ballooned in the 10 years since China has been part of the World Trade Organization. Think of it this way. Every day we buy \$750 million more from China than we sell to China—every single day—Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, Saturday—every day of every week every year. So for the past year, \$750 million we buy from China more than we sell to China. You just can't keep doing that. You can't keep doing that and hold the industrial base that the people of Oregon, the people of Maine, the people from Ohio care about.

Look at it this way. I don't want to inundate my colleagues with figures and numbers and dollars and job numbers and all that, but President Bush I

said \$1 billion in trade surplus or trade deficit translates into 13,000 jobs. He said that 15 years ago. No President has quantified that since. But think about that. Thousands of jobs for every \$1 billion in trade deficit or surplus. Well, with China alone, we have three-quarters of \$1 billion every single day. Our trade deficit with the whole world is \$600 billion, more than that.

So we buy \$600 billion more than we sell to the world every year. How can a country, no matter how wealthy—and this is a rich country still, even though millions of people have been unemployed, have lost manufacturing jobs in my State and other States across the country. How can we continue as a prosperous nation if manufacturing is outsourced and these jobs go somewhere else?

I don't believe ever that I can think of in world history—and I have said this before and nobody has challenged it—have we seen a business plan of American companies moving to China, manufacturing there, and then selling back to the United States. A company such as Proctor & Gamble, on the other hand, they moved production to China, but they sell from their Chinese operations to China, East Asia, probably Taiwan and maybe Japan and Malaysia. They have their production in the areas they sell to. That makes perfect sense. That is good for those countries, good for those workers, good for the United States, and good for Cincinnati where Proctor & Gamble is located. But these companies that have it as their business plan to shut down production here, move to China, and then sell those products that they make in Shanghai and Wuhan and Beijing instead of in Akron, Canton, and Toledo—sell those products back to consumers in Oregon, Ohio, and Maine—that is why this legislation is so important.

A new study said we have lost 2.8 million jobs in the last decade to China because of currency manipulation; 1.9 million of those jobs are in manufacturing. You know what has happened in places such as Portland, and the Senator from Maine knows what has happened in her Portland, and what that has meant to lost jobs in this country. And understanding the reason that happens is because China games the system, because China doesn't play fair—pure and simple, say it straight, because China cheats. They have been given, for all intents and purposes, a 25 or 30 percent subsidy to their products. So because they cheat on currency—putting aside how they subsidize their paper industry, for instance, with water and capital and energy and land. Just on currency alone, when they sell something into the United States, they have a 25 to 30 percent cost advantage. I know companies in places around my State, in Mansfield, Springfield, Zanesville, Chillicothe, will say that the cost of raw materials is higher than the cost of the product when it comes from China. Why? Because China cheats.

And one of the ways they cheat is they undervalue their currency so they have a 25-percent discount on their products sold into the United States. We can't compete with that, no matter that our workers are efficient, no matter that our companies are efficient, no matter that we cut costs in so many ways with the more advanced technologies and advanced manufacturing that we do.

So that is why this was such an important step, passing overwhelmingly and sending to the floor for debate today—79-19—this bipartisan jobs bill called the Currency Exchange Rate Oversight and Reform Act of 2011.

Earlier today I was in Cleveland and I had a meeting with two owners of a company in Brunswick, OH, more or less a Cleveland suburb, Automation Tool & Dye. It is a family company that has been in operation since 1974. The owners, the two sons, Randy and Bill Bennett, spoke today about their company. They have, I believe they said, 55 employees who are a major part of American manufacturing. They are the kind of company that when it is such a disadvantage on currency, it puts them in a less than competitive position sometimes. They are still doing OK, but they know how hard the business climate is when they are at that disadvantage.

So when they are making products, because China has gamed the system and an American company might move to China to do production, they can't up and move their family company of 55 employees—they can't move to China to service the company that has moved to China because of the competitive disadvantage.

So we know how that has worked. We know why this legislation that Senator SNOWE has worked on, the two bills we put together, Senator SNOWE and my bill with Senators SCHUMER and GRAHAM. As I said, we have had good strong bipartisan sponsorship on this bipartisan jobs bill and we have also had a very good vote today that was 79-19 to move this forward.

The Economic Policy Institute issued a new report showing that addressing Chinese currency manipulation could support the creation of 2.25 million American jobs, mostly in manufacturing, mostly the kind of jobs that will create other jobs because of the wealth that Senator SNOWE talked about, the wealth that manufacturing creates. And as Senator SNOWE pointed out, when the opponents to this—and too often we have seen administrations of both parties oppose bills such as this. When opponents say this is protectionism, I don't know what is wrong with protecting our families and protecting our neighbors and protecting our country. But ceding that, they say this is protectionism. This, in fact, is a reaction to Chinese protectionism. And the People's Republic of China has not really believed in the rule of law when it comes to trade. There is an emphatic strong insistence by the U.S. Senate that we do believe in the rule of law for

international trade; that we do think all actors should behave. We do think that everybody in the trading system should work on a level playing field.

Today was the biggest step I have seen the U.S. Senate take since I came here in 2007. We are going to have a long debate this week. Everybody is going to get their chance. Some Members of the Senate who wanted us to debate this are still not quite sure exactly where we go with this. I think it is pretty clear, though, that the U.S. Senate today reflects what the people of this great country believe: That we make things.

My State is the third largest manufacturing State in America. Only Texas and California, States that are twice and three times our size in population, make more than we do. We know how to produce. We need to continue to produce. We know that manufacturing creates wealth.

This is a huge victory—only a first step but a huge first step and a victory for American manufacturing to help us reindustrialize our country.

I thank my colleagues for this 79-19 vote. I thank Senator SNOWE especially for her terrific work on both sides of the aisle in getting this bill moving forward. It is going to matter for workers in Toledo, Dayton, Cleveland, and Columbus. And for that, I am grateful.

Mr. President, 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.

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

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

#### MORNING BUSINESS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### BURMA SANCTIONS

Mr. MCCONNELL. Mr. President, I rise to note final passage last week of the Burmese Freedom and Democracy Act, which extends sanctions on the Burmese regime for another year. As in years past, I am joined in this effort by my good friend, Senator DIANNE FEINSTEIN. Alongside the two of us are 64 other cosponsors, including Senators MCCAIN, DURBIN, and LIEBERMAN. This overwhelming bipartisan support for sanctioning the junta reflects the clear view of the U.S. Senate that the purportedly "new" Burmese regime that took office earlier this year so far appears little different from the "old" regime.

The casual observer could be excused for thinking that things have changed

dramatically for the better in Burma over the past year. After all, elections were held last fall, a “new” regime took office earlier this year, and Aung San Suu Kyi was freed. However, as our experience with Burma has taught us, things there usually require a closer look.

First, the November elections took place without the benefit of international election monitors, and no reputable observers viewed the elections as free or fair. This was in large part because the National League for Democracy—Suu Kyi’s party and the winner overwhelmingly of the last free elections in the country in 1990—was effectively banned by the junta and couldn’t participate in the election. There were restrictions placed on how other political parties could form and campaign. No criticism of the junta was permitted. And the results were unsurprising: the regime’s handpicked candidates won big and the democratic opposition was largely sidelined.

Second, the “new” regime appears to be essentially the junta with only the thinnest democratic veneer. The Constitution, which places great power in the hands of the military, cannot be amended without the blessing of the armed forces. Furthermore, those in parliament are limited in how they can criticize the regime.

The only legitimately good news was Suu Kyi’s release. Yet the extent of her freedom to travel remains an open question. Moreover, despite her release, nearly 2,000 other political prisoners remain behind bars in Burma; they are no better off than before. Neither are the hundreds of thousands of refugees and displaced persons who are without a home due to the repressive policies of the junta.

That the political situation in Burma remains largely unchanged is also reflected in the defection this summer of two Burmese diplomats. One of them was the Burmese Deputy Chief of Mission here in Washington. He wrote a letter to the Secretary of State requesting political asylum and, according to press reports, in the letter, he stated as follows:

My efforts to improve bilateral ties have been continually rejected and resulted in my being deemed dangerous by the government. Because of this, I am also convinced and live in fear that I will be prosecuted for my actions, efforts, and beliefs when I return to Naypyidaw after completing my tour of duty here. The truth is that senior military officials are consolidating their grip on power and seeking to stamp out the voices of those seeking democracy, human rights, and individual liberties.

These words do not come from a Western government or an NGO; they come from a senior Burmese diplomat. His words make clear that the democratic trappings of the “new” regime are in many ways just a façade.

Finally, it is worth noting that there remain important security considerations that must be addressed before ending sanctions. The junta’s increasingly close bilateral military relation-

ship with North Korea, in particular, is a source of much concern.

I am hopeful that the time will soon come when sanctions against the Burmese government will no longer be needed; that like South Africa in the early 1990s, the people of Burma will be able to free themselves from their own government. However, as evidenced in the Deputy Chief of Mission’s letter, the Burmese junta appears to maintain an iron grip on its people, and continues to carry out a foreign policy that is inimical to U.S. interests. The United States must continue to deny this regime the legitimacy it craves by continuing sanctions, and these sanctions must remain in place until true democratic reform comes to the people of Burma.

#### HUNGER ACTION MONTH

Mr. WARNER. Mr. President, this past month we recognized Hunger Action Month, a time for all Americans to focus on the problem of hunger in our communities. As we begin the month of October, we must remember that this is a year-round reality for many individuals and families around the country and that our efforts to eradicate this problem must continue.

Our Nation continues to face both a 9.1-percent unemployment rate, as well as a 15.1-percent poverty rate. Everyone has been touched in some way by this challenging economy. Many of our friends, neighbors and family members still might be struggling in ways that they never imagined with less money to spend and tough choices to make. Thankfully, there have been a number of community assistance organizations that have been able to step up and help out.

Many of these are local food banks and soup kitchens that are challenged to find resourceful ways to do more with less in order to provide services to those in need in their communities. One such organization that is still making a significant difference is the Arlington Food Assistance Center, AFAC. For over 20 years the AFAC has partnered with local churches, schools and social service agencies to assist over 1,200 families weekly with their basic food needs. Last year the AFAC was able to distribute over 2.3 million pounds of food directly to Arlington community residents. Community support of AFAC and thousands of organizations like it across the country is integral to their ability to provide the necessary services to those most in need. We must continue to give our support.

I hope my colleagues will join me in recognizing the Arlington Food Assistance Center and the many other organizations like it, as well as the importance of our commitment to addressing the problem of hunger across the Nation.

#### CUBA

Mr. RUBIO. Mr. President, I ask unanimous consent to have printed in the RECORD an article highlighting the Castro regime’s continued abuse of the Cuban people as they organize efforts to create a freer Cuba. The people being held unjustly and abused in Cuban prisons—as well as those being intimidated and repressed outside of prison—need the continued support of America.

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

[From the Wall Street Journal, Oct. 3, 2011]

AMERICA’S: CUBA’S REPRESSION ESCALATES

(By Mary Anastasia O’Grady)

Former New Mexico Gov. Bill Richardson returned home from an attempted hostage-rescue mission to Cuba last month empty-handed and “still scratching [his] head” as to why the Castro regime double-crossed him. What is truly baffling is why Mr. Richardson expected anything different from a dictatorship operating in extreme-repression mode.

In a Sept. 14 interview with CNN’s Wolf Blitzer, Mr. Richardson said he had been invited to the island to discuss the release of U.S. Agency for International Development contractor Alan Gross. Mr. Gross was arrested in December 2009 and is serving a 15-year sentence.

Mr. Richardson admitted that he got stiffed by Cuba’s “foreign ministry, which a lot of the people there I know and have been friends” with. What he could not grasp is why those “friends”—a strange designation for individuals who might one day be hauled before an international human-rights tribunal—don’t appreciate the Obama administration’s outreach. Yes, they are “hardliners,” he admitted, but they ought to understand that the White House has been bending over backward to get along.

Actually they do understand, and that’s why they treated him so badly.

Mr. Richardson told Mr. Blitzer that he was “flabbergasted” when, after a “delightful” three-hour lunch discussing how U.S.-Cuba relations might be improved—including, he told me by phone Friday, the possibility of removing the country from the list of state sponsors of terrorism after the release of Mr. Gross—the foreign minister “slammed me three ways: one, no seeing Alan Gross; no getting him out; and no seeing Raul Castro.”

What happened was very predictable. The “loosened travel restrictions” and increased “remittances [from] Cuban-Americans” that Mr. Richardson cited as signs of Mr. Obama’s willingness to deal are read as weakness by the bullying regime. It has something, i.e., somebody, the U.S. wants back very badly, and the administration acts as if it is powerless. Why should Castro deal?

Mr. Richardson did even less for Cuba’s dissidents. One Richardson pearl of wisdom, shared on CNN, was that Cuba’s “human-rights situation has improved.” In fact, human rights in Cuba are rapidly deteriorating. To claim otherwise is to abandon the island’s brave democrats when they most need international solidarity.

Ask Sonia Garro, pictured in the nearby photo (See accompanying photo—WSJ October 3, 2011) . . . For years Ms. Garro has denounced the regime’s discrimination against Afro-Cubans. Despite her own poverty, in 2007 she created a recreation center in her home for poor, unsupervised children, according to a report by an independent Cuban

journalist. One of her goals: to get young girls out of prostitution. Ms. Garro is also a member of Ladies in Support, a group that pledges solidarity to the Ladies in White, which was founded by the wives, sisters and mothers of political prisoners in 2003 to work for their liberation.

In October 2010, Ms. Garro was detained by state security and held for seven hours. She emerged from the ordeal with a broken nose. Another woman taken into custody with Ms. Garro had her arm broken.

The nongovernmental organization Capitol Hill Cubans has reported that in the first 12 days of September, authorities detained 168 peaceful activists. These "express detentions" are designed to break up dissident gatherings, which risk spreading nonconformist behavior. Locking up offenders for long periods would be preferable, but the regime wants people like Mr. Richardson to go around saying that human rights have improved. The regime is also making greater use of civilian-clothed "rapid response" brigades that are trained, armed and organized to beat up democracy advocates.

Mr. Richardson told me he considers Cuba's record improved because 52 political prisoners were sent to Spain in 2010. Yet exiling promising opposition leadership hardly qualifies as a humanitarian gesture. Nor are gruesome Cuban prisons anything to ignore.

Last month in a speech in New York, one former prisoner, Fidel Suarez Cruz, described his seven years and seven months of solitary confinement, including two years and eight months in a cell with no windows, ventilation or artificial light. One favorite pastime of his torturers: Four military men would pick him up and then drop him on the floor. His testimony, posted on Capitol Hill Cubans website, is required viewing for anyone who doubts the evil nature of this regime.

Nevertheless, Cuba's dissidents remain relentless, and there are signs that the regime is giving up on the express-detention strategy. Fearless democracy advocate Sara Marta Fonseca and her husband Julio Leon Perez have been in jail since Sept. 24. Ms. Fonseca's son has seen her and says she is black and blue all over and has an injury to her spinal column. Word is the regime is preparing to charge the couple; 11 other dissidents are awaiting trial. Meanwhile, Yris Perez Aguilera, the wife of the prominent dissident Jorge Luis Garcia Perez "Antunez," and two peers were detained on Sept. 26. Their whereabouts are unknown.

Any hope of protecting these patriots lies in international condemnation. Mr. Richardson could help by returning to CNN to correct the record.

#### TRIBUTE TO MARY ELLEN NELSON

Mr. BAUCUS. Mr. President, 18 years ago, Mary Ellen Nelson started in my Kalispell office. In that time, Mary Ellen earned the respect and admiration of her colleagues both in my offices across the State, in Washington, DC and with the Finance Committee. Staff always enjoyed getting the chance to talk with Mary Ellen and hear her words of wisdom. I have treasured her caring nature and thoughtful advice and am grateful for all her hard work over the years. It is important to note: my staff members don't just work for me—they work for all Montanans. Mary Ellen has served the young, the old, the successful, the downtrodden, and Montanans of all political stripes. It has been an honor to have her on staff and to work together for the State we cherish.

Working for VISTA is what brought Mary Ellen to Montana where she met and married her husband Ray of 34 years. A few years later they moved to Kalispell where she worked for the school system and the mentally disabled children of Flathead Valley before her work in the U.S. Senate. Mary Ellen's compassion to others resonates in her dedication to her family, community and the constituents of Montana. Mary Ellen has helped thousands of Montanans work their way through Social Security, Medicare, and other issues throughout the years. Her calm, nurturing character and commitment to helping others have benefitted thousands of Montanans throughout her 18 years of service.

A few years ago when Mary Ellen's two sons were graduating from college, I told her that graduations and weddings were important events and needed to be celebrated. The same is true of retirements. Mary Ellen will be enjoying her hours with her family, including her son Matthew in Kalispell, son George and daughter-in-law Monica in DC, her 90-year-old father, Leo Holland, and visiting her first grandchild Dominic who was born on Mary Ellen's birthday January 24 of this year. Mary Ellen, congratulations, good luck, and enjoy your retirement. Thank you for your many years of service in my office, the U.S. Senate, the community of Kalispell, and countless Montanans for your tireless work to help others. We are sure going to miss you, your talents, and your warm and accommodating personality.

Mary Ellen is proud of her Irish heritage so I would like to end with this Irish Retirement Blessing:

May you always have work for your hands to do.  
May your pockets hold always a coin or two.  
May the sun shine bright on your windowpane.  
May the rainbow be certain to follow each rain.  
May the hand of a friend always be near you.  
And may God fill your heart with gladness to cheer you.

#### TRIBUTE TO COLONEL TRACEY L. WATKINS, USAF

Mr. LEAHY. Mr. President, I wish to recognize the service of COL Tracey L. Watkins of the U.S. Air Force on the occasion of his reassignment from the Air Force Congressional Budget and Appropriations Liaison Office and to say hail and farewell.

Colonel Watkins graduated from the Citadel in 1991 and since then has served in a variety of comptroller assignments across the Air Force. He has held leadership positions at all field and staff levels, including assignments in personnel, logistics, and operational planning. Colonel Watkins' time in the Air Force has included three joint tours: on the Joint Staff, as part of Combined Joint Task Force 76 in Uzbekistan, and in the Multi National Corps in Iraq.

Colonel Watkins' experiences in those tours were a benefit when he assumed the directorship of the Air Force's Congressional Budget and Appropriations Liaison Office. In that role, Colonel Watkins directed all Air Force appropriations liaison work on the Hill, including arranging key engagements for Air Force senior leaders with Members of Congress and helping to prepare their testimony during Appropriations Committee hearings. In each of those engagements, Colonel Watkins served as the Air Force point man for working with the Congress on all budgetary and appropriations issues. His office also supports congressional delegation trips and Colonel Watkins accompanied me on an important trip to Russia.

I have been impressed with many of the staff that Colonel Watkins led during his tenure as Director of the Air Force Congressional Budget and Appropriations Liaison Office, which I find to be the mark of an outstanding leader and manager. I am sure that my colleagues join me in expressing our appreciation to Colonel Watkins for his service to the Air Force and to the Congress. On the occasion of his reassignment to command the Mission Support Group at Little Rock Air Force Base in Arkansas, I wish Colonel Watkins, his wife Kelly, and his children all the very best in the years to come.

#### TRIBUTE TO HOWARD FRANK MOSHER

Mr. LEAHY. Mr. President, one of the great treasures of Vermont is Howard Frank Mosher. Mr. Mosher is a writer who knows and understands Vermont, and in books like "Where The Rivers Flow North," he makes any Vermonter know they are home.

A recent article in The Burlington Free Press by Sally Pollak speaks to the man he is, and I would like to take this opportunity to share this with the Senate.

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

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

[From the Burlington Free Press]  
ALL ROADS LEAD TO KINGDOM COUNTY  
(By Sally Pollak)

(Vermont author Howard Frank Mosher has lived in the Northeast Kingdom since 1964 and the region is character-like in his books. Free Press Staff Writer Sally Pollak and Free Press photographer Glenn Russell spent a day traveling the roads in the north country with Mosher, listening to his stories and discovering his sense of place.)

IRASBURG—The tan Nissan rolling down the dirt road in Brownington came to a slow stop, and the man behind the wheel surveyed the shallows and grooves of mud in front of him. The place he wanted to go was on the far side of the mud pit, and up a small hill that curved out of sight.

Two men with trucks were on the other side of the mud ravine. The Nissan driver left his car to approach the men. I was in the

back seat of the Nissan. Glenn Russell, a Free Press photographer, had the front seat.

Through the window, we watched the three locals talk mud, and discussed if we'd try to forge the muddy road if we were driving. No way, I said.

Glenn said he might if he were Howard Frank Mosher, our tour guide that day. Mosher knows the people and trucks around here; he can always get a tow.

Mosher, meanwhile, had made another arrangement.

If he couldn't get to the other side of the mud, where Margery Moore, 91, his longtime friend lives, then Moore would come to him. One of the men Mosher had been talking to was her son, Michael; he'd pick up his mother in his truck and drive her through the mud to Mosher.

While we waited for Moore to arrive, Mosher, 68, told us stories. Delightful and engaging tales—warm and humorous, with a north country bite. The kind of stories you might read in his Kingdom County novels.

And now here we were, deep in the Northeast Kingdom on Moore Lane in Brownington, waiting to meet a woman of Mohawk ancestry, whom Mosher got to know 47 years ago, his first year in the Kingdom.

She showed up in a big blue rig to say hello. Her son lifted her from his truck and helped her into a wheelchair. Moore greeted Mosher with a hug.

He gave her a copy of his most recent novel, "Walking to Gatlinburg." After some talking, we headed back to the Nissan.

Michael Moore called to us as we walked to the car: "Don't let Howard lead you astray out here!"

To read Mosher is to be led, if not astray, then away—to a place that is, at once, invented and familiar, enchanted and real, made-up and true.

The truth can be found in Mosher's evocation of the place he calls Kingdom County, a rugged, rural border landscape where people scratch out hardscrabble livings, go without spring, learn to read the woods and rivers, build strong allegiances and cast a wary eye on newcomers. Mosher's county and the characters who inhabit it are informed by and created from the landscape and people around him: He uses for his material a place that is distinct and fascinating, yet one that's been changing—maybe merging with outer and other regions—even as Mosher put pen to paper: making it last.

In Mosher's 1999 novel, "The Fall of the Year," the book's central figure, Father George Lecoeur, is writing "A Short History of Kingdom Common." Mosher, too, is the author of a history of the Kingdom—his history is contained in the thousands of pages that make up his 11 books.

The words Mosher uses to describe "A Short History," can be applied to his own work. They are narrated by Frank Bennett, Father George's adopted son, as Frank settles down to read the history: "I could hear Father George's voice in my head, hear it slightly speculative, wry resonance. And at that moment, whatever else I still did not understand about the events of the past summer, I realized that long after the passing of the hill farms and the big woods and Kingdom Common as we had known it, these stories would remain: a golden legacy, to me and to the village, from Father George."

#### A SPECIAL PLACE

Mosher and his wife, Phillis, a retired teacher and school counselor, have lived in the Northeast Kingdom since 1964. It is where they raised their two children, Jake and Annie. Advertisement I was like a kid in the backseat on a recent drive to the hot spots of Mosher's adopted home turf.

The kid thing involved a surprise and recurring attack of carsickness: no fun! On the upside, it meant that as a passenger of Mosher's, even a newcomer from Burlington, I was given a free pass to the Kingdom, embraced by the old timers on Moore Lane.

Like a kid who (still) believes in the grownups up front, I saw the world through the eyes and observations of the driver—which thankfully transcended my own hazy vision. As we pulled out of the driveway of his Irasburg home, not far from the town green, Mosher enticed us. First stop, he said, was a place he'd had an "epiphany."

What and where it was, we'd find out when we arrived at the scene: Orleans' sleepy main street. This is going to be a fun trip, I thought. Anyone who can have an epiphany in downtown Orleans, is the right person to ride with.

The street was deserted the day Mosher steered his grandfather's Super 88 Oldsmobile into town. He and Phillis, farm kids from upstate New York barely in their 20s, were in Orleans to interview for teaching jobs.

The Kingdom quiet was busted that day by two rough-looking drunks in fisticuffs, fighting their way down the otherwise empty street. Mosher rolled down his window to speak a sentence that revealed the budding wordsmith within: "Could one of you gentlemen please tell me how to get to the high school?"

We'll do you one better, promised the brawlers. We'll take you there. With a welcome from Mosher, they climbed into the backseat of the Oldsmobile and directed the teaching recruits to the school.

"I was beginning to get the idea we had come to a special place," Mosher said. Just how special, was soon to be revealed: After the gentlemen disembarked from Mosher's car, Phillis turned around to peek at the two. She saw they had started punching each other again, and suggested Mosher take a look.

"Well, honey," she said. "Welcome to the Christly Kingdom."

#### RECITING FROST AT A COVERED BRIDGE

Kingdomy words like Christly—if there's another word like Christly—were flowing from the front seat, sprinkling my way that day.

Gool, Glenn said. What is that word?

It's a dam, Mosher said.

At least he thinks it is, and that's how he uses it. He picked it up from the locals many years ago; people talk about taking a walk to the gool after supper.

What about carcajou? Glenn asked.

"Wolverine," Mosher replied.

We talked about poems and poets and novels and writing that day in the car—and outside it, too.

At a covered bridge in Coventry, which Mosher noted with appreciation was set afire after it received historic designation, we talked about Kingdom colors and seasons, poised for change. The novelist recited a poem by Robert Frost: Nature's first green is gold, Her hardest hue to hold.

Her early leaf's a flower; But only so an hour.

Then leaf subsides to leaf.

So Eden sank to grief, So dawn goes down to day.

Nothing gold can stay.

Switching tenor and tone, Mosher launched into a story of a Depression era whiskey runner and friend who, fleeing the law, missed the curve at the bridge and wound up in the river. He hid in the river while the feds passed by on the bridge above, satisfied his thirst, and finally made his way to Barre.

Stories like these, which Mosher heard from Kingdom old-timers and which still

give him a kick, persuaded Mosher he had found his living and writing place. ("Imagine if Faulkner got here first," he said.)

#### WISE PEOPLE OF THE KINGDOM

Mosher found, in the woods and village, not just stories, but wisdom and guidance and important friendship—in particular from two people. As a pair, the two are as improbable as Mosher's talking turtle or spire-climbing tomboy.

James Hayford, who died in 1993 at age 79, was a Montpelier-born poet who settled in Orleans, where he had a teaching career. Hayford studied poetry with Robert Frost at Amherst College, and captured the life of his village in verse.

The memory of meeting Hayford, at a teachers' party in Orleans, is as vivid as the day his kids were born, Mosher said. Hayford, a scholar of Vermont, assured Mosher he would find his voice as a novelist.

Frost had assured Hayford he would find his poet's voice, Mosher said.

From Moore, a close friend, he heard real life stories of traveling in a boxcar with a menagerie of animals, of cooking in a lumber camp and waitressing in a dance hall. He heard a different voice assure him he'd find his way.

After her first marriage fell apart, Moore allowed herself to cry only after her sow's 13th—and final—piglet was born.

"Margie, my girl," she said to herself. "What have you done with your life?"

"And she told me that right when I was trying to figure out what to do with mine," Mosher said.

In their ways, characterized by a fierce independence of mind, Hayford and Moore are among the great people he has known, geniuses to some degree, Mosher said.

"They could've gone anywhere, done anything and been anything including president of the United States," Mosher said.

"What they wanted to do was live in the Northeast Kingdom."

Mosher spoke wise words of his own that day from the front seat. After asking if we'd like to stop for lunch at McDonald's—holy moley! McDonald's in the land of the localvores and I'm carsick!—Mosher said something I've passed on to my daughter.

He told Glenn and me he's never known a person who pursued an interest in the arts and regretted it.

But he could think of many people who turned away from artistic interests and talents, and did.

#### GO BACK WHILE YOU CAN

Teachers' pay wasn't so great in Orleans back in 1964, Mosher discovered not long after the drunk brawlers guided him to the school. By then, however, he'd had his first Kingdom epiphany—and that was clearly worth something.

Still, the working plan was to teach a few years, save money and go to graduate school. Was it possible on a salary of \$4,100, and less than that for Phillis? Sensing hesitation from the teaching recruits from upstate New York, the superintendent asked the couple if they fished. When they answered yes, he took them to the Barton River.

The trout were jumping that spring day, making their way up river.

"I looked at Phillis, she looked at me," Mosher said. The sight of the fish jumping the falls persuaded them to move to Orleans. They accepted the teaching jobs, and taught for a few years before moving to California, where Mosher planned to get his master's of fine arts in writing. He scrapped that plan after eight days, long enough for a truck driver to pull up to the Mosher's car at Hollywood and Vine in L.A., and deliver a message on seeing their green license plates. "I'm from Vermont, too," the trucker driver

said. "Go back while you still can." The stories Mosher wanted to tell were rich and ready and far from Hollywood and Vine. "I cut myself off from all my material before I understood it well enough to write about it," Mosher said. They headed home; Mosher to write, Phillis to teach. "We knew right away we had found a gold mine of stories," Mosher said. "And we found out nobody had written them. I couldn't believe it. It took me 15 years or so to begin to figure out how to do it."

Much of his first novel, "Disappearances," was written in the library/opera house in Derby Line, a granite and brick building that straddles the U.S.-Canada border. Mosher would place half his chair in the U.S., and half in the foreign country, when he wrote. He sometimes got such a kick from his own work, he created a disturbance. Or so the librarian thought. "I would burst into gales of laughter with each new outrageous passage," Mosher recalled. "'Mr. Mosher,' he was warned, if you can't control yourself, we will have to ask you to leave.'"

#### KEEP THE KIDS OUT OF THE MILL

Talking in hushed library tones in the dual nation reading room where he wrote *Disappearances*," Mosher said he was amusing himself during the writing of the book. "But I was also in a state of desperation," he said. "There's a degree of desperation about the writing."

Decades later, Mosher is amused by the response to "Disappearances" of Wallace Stegner, the famous novelist who lived in Greensboro. Stegner read Mosher's book to write a possible blurb for the cover.

Stegner, the story goes, didn't get too far before crumpling up the manuscript and throwing it in the fire, announcing: "This book is a hymn to irresponsibility."

"I didn't know enough to use it," Mosher said.

Mosher drove us past the place in Irasburg that would serve as a springboard for perhaps his best known story: the house where a black minister was living in the summer of 1968, when his home was shot at. The racial shooting, which came to be called the Irasburg Affair, informed Mosher's 1989 novel, "A Stranger in the Kingdom."

We visited, too, a place that will figure in the book Mosher is writing. His forthcoming novel also has a black man as a central character: Alexander Twilight, believed to be the first black person in the country to graduate from college (Middlebury, 1823).

We walked outside the wonderful stone schoolhouse, reminiscent of the Middlebury campus, Twilight designed and built on a quiet plateau in Brownington. Twilight was principal of the school, and a minister and state legislator.

"He had a dream," Mosher said of Twilight.

"There's no doubt about it."

When the Moshers started teaching in Orleans, they were instructed by the district superintendent to "keep the kids out of the mill." The administrator was referring to the Ethan Allen furniture factory, which appears in Mosher's novels as American Heritage.

Mosher, whose first apartment was next to the mill, said he heard the words "keep the kids out of the mill; keep the kids out of the mill" rise in rhythmic chant from the plant's vents outside his window.

It is unlikely the long-ago superintendent, issuing that directive, had in mind the manner by which Mosher would fulfill the mandate. But any Kingdom kid who has found his way to Mosher's novels, is transported to a place that is true to the mill, and the river nearby, yet worlds apart and away.

#### TRIBUTE TO JACK WILLIAMS

Mr. BROWN of Massachusetts. Mr. President, I rise today to recognize Jack Williams of Boston, MA. For the past 30 years, Jack, a well-respected veteran news anchor, has hosted WBZ-TV's "Wednesday's Child", the longest-running adoptive-family-recruitment TV feature in the Nation. Since "Wednesday's Child" first aired on WBZ in 1981, Jack Williams has used the weekly news segment to tell the story of more than 1,000 special needs children who are in need of loving, safe and permanent homes. Thanks to Jack's effort, many of these children have found "forever" homes with viewers of the weekly segment.

Jack Williams has used his notoriety and public platform to provide an invaluable service that has changed the lives of so many children and their adoptive parents. "Wednesday's Child" is backed by the Endowment for Wednesday's Child, an exemplary nonprofit with very little overhead and no employees. In fact, Jack and Marcie are the sole employees of the Endowment for Wednesday's Child; they have never drawn a salary and run the foundation out of a home office.

The Endowment for "Wednesday's Child" is supported by individual and corporate donations including Wendy's Restaurants, as well as Volvo, which donates a vehicle for the "Win a Volvo, Help 'Wednesday's Children'" campaign. The endowment has raised and donated millions to worthy nonprofits that assist with special needs adoptions. Among these are the Massachusetts Adoption Resource Exchange and group homes including the Walker Home, St. Ann's Home in Methuen and the Italian Home for Children in Jamaica Plain.

I also thank WBZ-TV for being exemplary stewards of the public airwaves in allowing Jack to use his position for such a noble cause.

On November 6, the Massachusetts Adoption Resource Exchange, other Wednesday's Child beneficiaries and Wednesday's Child "alumni" will gather to honor Jack Williams' 30 years of service to Massachusetts' foster children in need of permanent homes. I join them in congratulating Jack and Marcie and all those who support Wednesday's Child for their hard work and generosity.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO CORPORAL DAVID J. BIXLER

• Mr. BOOZMAN. Mr. President, today I honor Corporal David J. Bixler for his courage, heroism and selfless dedication to the U.S. Army and his fellow soldiers.

CPL David J. Bixler of Harrison, AR, recently received the United Service Organizations Soldier of the Year Award for distinguishing himself both on the battlefield and during his recovery

from the wounds he received from his actions during a firefight in the Arghandab River Valley of Afghanistan.

On September 30, 2010, Corporal Bixler and his platoon conducted a patrol in the volatile and dangerous region to talk with some local elders. During the mission, Corporal Bixler was assigned a small team of Afghan National Army soldiers to lead. The patrol came under heavy enemy fire forcing the unit to turn back to safety.

Corporal Bixler's following actions are heroic and inspiring. As the patrol turned around, one of the Afghan Army partners stepped outside of the cleared path and Corporal Bixler, recognizing the danger ran after the Afghan soldier. As he attempted to shove the soldier back onto the cleared path, he detonated an IED that caused extensive damage to his body. Through this courageous and selfless action, he saved the life of the Afghan soldier and the other members of his patrol. For his heroism, he was awarded the Silver Star.

Throughout his difficult recovery at Walter Reed Army Medical Center, Corporal Bixler has been an inspiration to those around him and to his unit that continues its service overseas.

CPL David Bixler has not only met the criteria for the Soldier of the Year Award, but eclipsed it. Words cannot express how proud I am of Corporal Bixler and his valor and bravery now how grateful I am for his service. We thank him, and all our servicemen and women, for their sacrifice and efforts on our behalf. ●

#### AMERICAN ACADEMY OF ARTS AND SCIENCES

• Mr. KERRY. Mr. President, today I wish to commend the American Academy of Arts and Sciences on the occasion of the institution's October 1, 2011, induction ceremony for the 231st class of members in Cambridge, MA. These 211 new members earned election to the American Academy of Arts and Sciences for extraordinary individual achievement and are among the world's most influential artists, scientists, scholars, authors, and institutional leaders. In accepting membership into the American Academy of Arts and Sciences, these individuals agreed to contribute their talents, experience, and knowledge to help the academy advance the Nation's social welfare.

The American Academy of Arts and Sciences is an august, quintessentially American institution founded by Massachusetts' own John Adams and other scholar-patriots during our Nation's struggle for independence. The American Academy of Arts and Sciences is currently chaired by Louis W. Cabot and led by President Leslie C. Berlowitz and is a vital center of knowledge focused on the great challenges and concerns of the day, from science and technology policy to global security; social policy to the humanities; and culture, and education.

I won't read all 211 of the new members' names, but listed among these brilliant individuals are;

Dr. Daniel Arie Haber, the leading physician-scientist whose research has focused on the molecular genetics of human cancer. He identified genes implicated in breast cancer development and in Wilms' tumor, a children's kidney cancer.

Chester C. Langway, Jr., who is responsible for launching the era of deep ice core drilling programs. He recruited scientists from other disciplines and countries to work on ice cores and collaborated closely with them. Consequently, international teams of sci-

entists have extracted fundamental information from ice cores, and studies have provided detailed climatological and other environmental data, over a geological time period including the Holocene and late Pleistocene ages, on the regional and global conditions existing at the time of snow deposit. Results reveal man's impact on the changing environment and long-term evidence regarding abrupt global climate changes and led to discovery of the Dansgaard-Oeschger event.

Dr. W. Jason Morgan, who was the first to propose that Earth's surface is made up of a number of rigid crustal blocks, establishing the kinematic

framework for the paradigm of plate tectonics, which revolutionized the study of Earth and its history.

Also included in this group is Robert Kraft, who is probably best known as the owner of our beloved New England Patriots but has also dedicated his life to advancing science, philanthropy, the arts, and education.

I am including for the RECORD the names of all 211 inductees into the American Academy of Arts and Sciences. I wish them all the best and thank them for their contribution to the knowledge of our Nation.

The information follows:

THE 231ST CLASS OF MEMBERS, AMERICAN ACADEMY OF ARTS AND SCIENCES

Name	Affiliation	Location
Dr. Richard Warren Aldrich	University of Texas at Austin	Texas
Mr. Paul Gardner Allen	Vulcan, Inc.	Washington
Dr. Victor Ambros	University of Massachusetts Medical School	Massachusetts
Professor Luc E. Anselin	Arizona State University	Arizona
Professor Frances Hamilton Arnold	California Institute of Technology	California
Dr. Wanda M. Austin	Aerospace Corporation	California
Mr. Jesse Huntley Ausubel	Rockefeller University/Alfred P. Sloan Foundation	New York
Professor Thomas Banks	University of California, Santa Cruz/Rutgers, State University of NJ	California
Professor John Andrew Bargh	Yale University	Connecticut
Professor Mary Beard	University of Cambridge	United Kingdom
Dr. Anna Katherine Behrensmeier	Smithsonian Institution	Virginia
Professor Roland J.M. Benabou	Princeton University	New Jersey
The Honorable Douglas Joseph Bennet, Jr.	Wesleyan University	Connecticut
Professor Marsha J. Berger	Courant Institute of Mathematical Sciences, New York University	New York
Professor Timothy J. Besley	London School of Economics and Political Science	United Kingdom
Dr. Clara Derber Bloomfield	Ohio State University	Ohio
Professor Philip V. Bohlman	University of Chicago	Illinois
Mr. Yves Bonnefoy	Paris, France	France
Dr. Melissa Foster Bowerman	Max-Planck-Institut für Psycholinguistik	The Netherlands
Mr. Dave Brubeck	Wilton, Connecticut	Connecticut
Dr. Anthony S. Bryk	Carnegie Foundation for the Advancement of Teaching	California
Mr. John E. Bryson	Edison International	California
Mr. Kenneth L. Burns	Florentine Films	New Hampshire
Dr. R. Paul Butler	Carnegie Institution for Science	Washington, D.C.
Ms. Elizabeth J. Cabraser	Lieff Cabraser Heimann & Bernstein LLP	California
Mr. Thomas P. Campbell	Metropolitan Museum of Art	New York
Dr. James Ireland Cash, Jr.	Harvard Business School	Massachusetts
Dr. Francisco G. Cigarroa	University of Texas System	Texas
Professor Edmund Melson Clarke	Carnegie Mellon University	Pennsylvania
Professor James Clifford	University of California, Santa Cruz	California
Professor Geoffrey W. Coates	Cornell University	New York
Mr. Ernest H. Cockrell	Cockrell Interests, Inc./Cockrell Foundation	Texas
Mr. Leonard Norman Cohen	Montreal, Canada	Canada
Professor Timothy J. Colton	Harvard University	Massachusetts
Professor Robert K. Colwell	University of Connecticut	Connecticut
Professor David Paul Corey	Harvard Medical School/HHMI	Massachusetts
Professor Stanley A. Corngold	Princeton University	New Jersey
Professor Robert Howard Crabtree	Yale University	Connecticut
Dr. George William Crabtree	Argonne National Laboratory/University of Illinois at Chicago	Illinois
Professor Peter W. Culicover	Ohio State University	Ohio
Dr. George Q. Daley	Children's Hosp. Cancer Inst./HMS/HHMI	Massachusetts
Dr. Chi Van Dang	Johns Hopkins University School of Medicine	Maryland
Professor Marcetta York Darensbourg	Texas A&M University	Texas
Mr. Daniel Michael Blake Day-Lewis	New York, New York	New York
Professor Juan José de Pablo	University of Wisconsin-Madison	Wisconsin
Baron David de Rothschild	Rothschild Group	France
Dr. Raymond J. Deshaies	California Institute of Technology/HHMI	California
Dr. Vishva Dixit	Genentech, Inc.	California
Ambassador Edward P. Djerejian	Rice University; Djerejian Global Consultancies, LLP	Texas
Dr. John P. Donoghue	Brown University	Rhode Island
Professor Steven Neil Durlauf	University of Wisconsin-Madison	Wisconsin
Mr. Bob Dylan	Malibu, California	California
Professor Penelope Dorothy Eckert	Stanford University	California
Dr. Jonathan A. Epstein	University of Pennsylvania, Perelman School of Medicine	Pennsylvania
Professor Alex Eskin	University of Chicago	Illinois
Dr. Edward W. Felten	Princeton University	New Jersey
Dr. Russell Dawson Fernald	Stanford University	California
Professor Martha Finnemore	George Washington University	Washington, D.C.
Professor Claude S. Fischer	University of California, Berkeley	California
Professor Philip Fisher	Harvard University	Massachusetts
Professor Nancy Foner	City University of New York, Hunter College and The Graduate Center	New York
Professor Catherine S. Fowler	University of Nevada	Nevada
Professor Scott E. Fraser	California Institute of Technology	California
Dr. Joseph Francis Fraumeni, Jr.	National Cancer Institute, National Institutes of Health	Maryland
Professor Glenn H. Fredrickson	University of California, Santa Barbara	California
Dr. Julio Frenk	Harvard School of Public Health	Massachusetts
Professor Sarah A. Fuller	State University of New York at Stony Brook	New York
Mr. Thomas W. Gaehtgens	Getty Research Institute	California
Professor Franklin I. Gamwell	University of Chicago Divinity School	Illinois
Professor Daniel E. Garber	Princeton University	New Jersey
Professor Sylvester James Gates, Jr.	University of Maryland	Maryland
Professor Sharon C. Glotzer	University of Michigan	Michigan
Professor Annette Gordon-Reed	Harvard University/HLS/Radcliffe Institute	Massachusetts
Dr. Maxwell E. Gottesman	Columbia University Medical Center	New York
Mr. Hugh Grant	Monsanto Company	Missouri
Mr. Paul Anthony Griffiths	Manorbier, United Kingdom	United Kingdom
Professor Sol Michael Gruner	Cornell University	New York
Mr. John Guare	New York, New York	New York
Mr. Robert D. Haas	Levi Strauss & Company/Levi Strauss Foundation	California
Dr. Daniel Arie Haber	Harvard Medical School/Massachusetts General Hospital/HHMI	Massachusetts
Professor Jacquelyn Dowd Hall	University of North Carolina at Chapel Hill	North Carolina
Reverend Ray A. Hammond	Bethel African Methodist Episcopal Church	Massachusetts
Professor Martin P. Head-Gordon	University of California, Berkeley	California
Professor Jeffrey Henderson	Boston University	Massachusetts
Professor James Higginbotham	University of Southern California	California
Mr. Robert F. Higgins	Highland Capital Partners/Havard Business School	Massachusetts



THE 231ST CLASS OF MEMBERS, AMERICAN ACADEMY OF ARTS AND SCIENCES—Continued

Name	Affiliation	Location
Dr. Katherine Ann High	University of Pennsylvania, Perelman School of Medicine	Pennsylvania
Professor Oscar Hijuelos	Duke University	New York
Dr. Okihide Hikosaka	National Eye Institute	Maryland
Mr. Edward Hoagland	Edgartown, MA	Vermont
Dr. E. Brooks Holifield	Emory University	Georgia
Mrs. Jenny Holzer	Hoosick Falls, New York	New York
Dr. Eric Joel Horvitz	Microsoft Research	Washington
Professor Thomas Yizhao Hou	California Institute of Technology	California
Dr. Leah H. Jamieson	Purdue University	Indiana
Professor Jay H. Jasanoff	Harvard University	Massachusetts
Professor Farish Alston Jenkins, Jr.	Harvard University	Massachusetts
Mr. W. Thomas Johnson, Jr.	Cable News Network	Georgia
Mr. Alex S. Jones	Harvard Kennedy School	Massachusetts
Professor Michael I. Jordan	University of California, Berkeley	California
Professor Marcel Kahan	New York University School of Law	New York
Professor Frances Myrna Kamm	Harvard University/Harvard Kennedy School	Massachusetts
Dr. Linda P.B. Katehi	University of California, Davis	California
Professor Kazuya Kato	University of Chicago	Illinois
Professor Jonathan N. Katz	California Institute of Technology	California
Professor Thomas Forrest Kelly	Harvard University	Massachusetts
Professor J. Mark Kenoyer	University of Wisconsin-Madison	Wisconsin
Dr. Talmadge Everett King, Jr.	University of California, San Francisco	California
Dr. Robert E. Kingston	Harvard Medical School/Massachusetts General Hospital	Massachusetts
Professor Joseph Klaffer	Tel Aviv University	Israel
Dr. Steven Knapp	George Washington University	Washington, D.C.
Mr. Robert Kraft	The Kraft Group	Massachusetts
Professor David I. Laibson	Harvard University	Massachusetts
Professor Chester Charles Langway, Jr.	State University of New York at Buffalo	Massachusetts
Dr. Lewis Lee Lanier	University of California, San Francisco	California
Professor L. Gary Leal	University of California, Santa Barbara	California
Dr. Andrei Dmitriyevich Linde	Stanford University	California
Professor John A. List	University of Chicago	Illinois
Professor Beatrice Longuenesse	New York University	New York
Professor William Roger Louis	University of Texas at Austin	Texas
Mr. Morton Mandel	Parkwood Corporation/Mandel Foundation	Ohio
Professor Todd Joseph Martinez	Stanford University	California
Dr. Raghunath A. Mashelkar	Global Research Alliance; CSIR	India
Professor Mark A. Mazower	Columbia University	New York
Mr. Bill McKibben	Middlebury College	Vermont
Professor H. Jay Melosh	Purdue University	Indiana
Professor Louis Menand	The New Yorker/Harvard University	Massachusetts
Dr. Jeffrey H. Miller	University of California, Los Angeles	California
Professor Geoffrey P. Miller	New York University School of Law	New York
Dr. Chad A. Mirkin	Northwestern University	Illinois
Dame Helen Mirren	London, United Kingdom	United Kingdom
Professor Margaret M. Mitchell	University of Chicago Divinity School	Illinois
Professor Gregory Winthrop Moore	Rutgers, The State University of New Jersey	New Jersey
Dr. W. Jason Morgan	Harvard University/Princeton University	Massachusetts
Dr. Richard I. Morimoto	Northwestern University	Illinois
Dr. Ellen Mosley-Thompson	Ohio State University	Ohio
Mr. Alan Roger Mulally	Ford Motor Company	Michigan
Professor Shree K. Nayar	Columbia University	New York
Dr. William Barlow Neaves	Stowers Institute for Medical Research	Missouri
Professor Ei-ichi Negishi	Purdue University	Indiana
Professor Ann E. Nelson	University of Washington	Washington
Professor Dr. Angelika Neuwirth	Freie Universität Berlin	Germany
Dr. Katherine S. Newman	Johns Hopkins University	Maryland
Professor Dr. Svante Pääbo	Max-Planck-Institut für evolutionäre Anthropologie	Germany
Dr. David Conrad Page	Massachusetts Institute of Technology/HHMI	Massachusetts
Professor Scott E. Page	University of Michigan	Michigan
Professor David G. Pearce	New York University	New York
Professor Monika Piazzesi	Stanford University	California
Professor Hugh David Politzer	California Institute of Technology	California
Professor Trevor Douglas Price	University of Chicago	Illinois
Mrs. Roberta Cooper Ramo	Modrall Sperling	New Mexico
Professor Peter B. Reich	University of Minnesota	Minnesota
Dr. Robert D. Reischauer	Urban Institute	Maryland
Professor David N. Reznick	University of California, Riverside	California
Sir Adam Roberts	British Academy/ University of Oxford	United Kingdom
Dr. Malcolm Austin Rogers	Museum of Fine Arts, Boston	Massachusetts
Professor Thomas Romer	Princeton University	Massachusetts
Professor C. Brian Rose	University of Pennsylvania	Pennsylvania
Dr. Rodney J. Rothstein	Columbia University Medical Center	New York
Dr. Martine F. Roussel	St. Jude Children's Research Hospital/University of Tennessee	Tennessee
Dr. Roberta L. Rudnick	University of Maryland	Maryland
Dr. David W. Russell	University of Texas Southwestern Medical Center	Texas
Professor Laurent Saloff-Coste	Cornell University	New York
Professor Larry Samuelson	Yale University	Connecticut
Professor Michael Scammell	Columbia University	New York
Professor Michael H. Schill	University of Chicago Law School	Illinois
Dr. Amita Sehgal	University of Pennsylvania, Perelman School of Medicine/HHMI	Pennsylvania
Professor Louis Michael Seidman	Georgetown University	Washington, D.C.
Dr. Sybil Putnam Seitzinger	Royal Swedish Academy of Sciences	Sweden
Dr. Patricia Griffiths Selinger	IBM Almaden Research Center	California
Professor Eric Ursell Selker	University of Oregon	Oregon
Professor James S. Shapiro	Columbia University	New York
Professor Kevan M. Shokat	University of California, San Francisco/HHMI	California
Professor Peter Williston Shor	Massachusetts Institute of Technology	Massachusetts
Mr. Paul Simon	New York, New York	New York
Professor P. Adams Sitney	Princeton University	New Jersey
Dr. David J. Skorton	Cornell University	New York
Dr. Bruce David Smith	Smithsonian Institution	Virginia
Professor Eduardo E. M. Souto de Moura	Universidade do Porto/Souto Moura-Arquitectos SA	Portugal
Dr. Debora L. Spar	Barnard College	New York
Professor Gabrielle M. Spiegel	Johns Hopkins University	Maryland
Professor Charles Haines Stewart III	Massachusetts Institute of Technology	Massachusetts
Professor Howard A. Stone	Princeton University	New Jersey
Dr. Gisela T. Storz	National Institutes of Health	Maryland
Professor Thomas J. Sugrue	University of Pennsylvania	Pennsylvania
Dr. Wesley I. Sundquist	University of Utah	Utah
Professor Michael K. Tanenhaus	University of Rochester	New York
Dr. Ann Taves	University of California, Santa Barbara	California
Professor Herbert F. Tucker	University of Virginia	Virginia
Professor Christopher R. Udry	Yale University	Connecticut
Ms. Luisa Valenzuela	Buenos Aires, Argentina	Argentina
Mr. Michael R. Van Valkenburgh	Michael Van Valkenburgh Associates, Inc., Landscape Architects P.C.	New York
Mr. J. Mario Pedro Vargas Llosa	Madrid, Spain	Spain
Professor Lothar von Falkenhausen	University of California, Los Angeles	California
Professor Brian A. Wandell	Stanford School of Medicine	California
Dr. Jean Yin Jen Wang	University of California, San Diego	California
Mr. Samuel A. Waterston	West Cornwall, Connecticut	Connecticut
Professor Sandra Robin Waxman	Northwestern University	Illinois

Name	Affiliation	Location
Professor Daniel Merton Wegner	Harvard University	Massachusetts
Professor Barbara Weinstein	New York University	New York
Mr. Miles D. White	Abbott	Illinois
Professor Henry S. White, Jr.	University of Utah	Utah
Dr. Marvin Pete Wickens	University of Wisconsin-Madison	Wisconsin
Professor Avi Wigderson	Institute for Advanced Study	New Jersey
Mr. Robert Wilson	Watermill Center/The Byrd Hoffman Watermill Foundation	New York
Professor Hisashi Yamamoto	University of Chicago	Illinois
Professor Stephen Campbell Yeazell	University of California, Los Angeles School of Law	California
Dr. Shigeyuki Yokoyama	Riken Systems and Structural Biology Center	Japan
Professor Yuk Ling Yung	California Institute of Technology	California
Professor James C. Zachos	University of California, Santa Cruz	California
Professor Shoucheng Zhang	Stanford University	California
Professor Shou-Wu Zhang	Columbia University	New Jersey

TRIBUTE TO DR. ALFONSO BATRES

• Mrs. MURRAY. Mr. President, I would like to take a moment today to recognize Dr. Alfonso Batres with the Department of Veterans Affairs for his dedicated service to our Nation's veterans. Dr. Batres is a Vietnam veteran who now serves as the chief officer for Readjustment Counseling Service, where he has devoted his career to building a national network of community-based vet centers. At these vet centers, veterans can obtain counseling, job assistance, and medical referrals, in addition to other services.

Dr. Batres was recently awarded a 2011 Samuel J. Heyman Service to America Medal from the Partnership for Public Service. The award, also known as a "Sammy," is awarded annually to exceptional Federal employees. Specifically, Dr. Batres was awarded the 2011 Career Achievement Medal, which recognizes a Federal employee for significant accomplishments throughout a lifetime of achievement in public service.

Under Dr. Batres' leadership, the number of vet centers across the country has dramatically expanded from 200 to 300 in an effort to meet the growing needs of hundreds of thousands of combat veterans and their families. In addition, Dr. Batres created and launched 50 mobile vet centers, greatly improving the access to services available to veterans. Dr. Batres also developed the Combat Call Center, a national call-in service where combat veterans can call in to talk to another combat veteran regarding any readjustment issues they may be facing.

Dr. Batres is an especially deserving recipient of the Career Achievement Medal as he has led the Vet Center Program to provide services to a record level of veterans and their family members. As a result of Dr. Batres' efforts, over 191,000 veterans and their family members visited vet centers nearly 1.3 million times in the year 2010 alone.

Vet centers have proven so successful due to the unique services they provide, which seek to treat the whole person. At vet centers, combat veterans can receive counseling from other combat veterans who truly understand the struggles veterans face. In 2010, approximately 80 percent of vet center staff members were veterans, 60 percent were combat veterans, and ap-

proximately one third of all Vet Center staff had served in Iraq or Afghanistan.

In addition, vet centers are located in convenient locations within communities that possess a large population of underserved veterans. The programs are constantly adapting to meet the evolving needs of veterans and have strict protections in place in order to ensure maximum privacy for veterans. This is a truly revolutionary method of delivering services and Dr. Batres' vision, along with his natural propensity to foster young talent, have proven invaluable in its success.

Dr. Batres' selfless service on behalf of our Nation's veterans has greatly improved the lives of many, and I am so pleased to see his achievements recognized.●

TRIBUTE TO W. TODD GRAMS

• Mrs. MURRAY. Mr. President, I would like to take a moment today to recognize W. Todd Grams for his service to our Nation's veterans. Mr. Grams serves as the chief financial officer and executive in charge for the Office of Management at the Department of Veterans Affairs, VA, where he has led the effort to improve the provision of benefits for our veterans through efficient financial management.

Mr. Grams was recently awarded the prestigious 2011 Samuel J. Heyman Service to America Management Excellence Medal from the Partnership for Public Service. The award, also known as a "Sammy," is one of the most important annual awards provided to Federal civil servants who have made a significant contribution to our country. Mr. Grams was recognized for his leadership in integrating and streamlining VA's operations, reducing costs, and improving delivery of services to veterans.

Mr. Grams is a worthy recipient of the Management Excellence Medal. In his role as VA chief financial officer, he has demonstrated not only the courage, but also the creativity and tenacity necessary to help VA maximize value for our veterans. Along with the help of his qualified team, Mr. Grams' initial push for an in-depth analysis of VA's financial management priorities allowed VA to serve veterans with higher quality service and care. He redirected resources to lower the cost and risk for investment for VA. Furthermore, Mr. Grams integrated the

management governance structure and established systems that allowed VA to spend money more wisely and improve services to veterans.

I appreciate Mr. Grams' hard work and dedication at VA, and I am so pleased that his extraordinary talents and effort have been recognized.●

TRIBUTE TO THEODORE M. DOLNEY

• Mr. TESTER. Mr. President, today I honor Theodore M. Dolney, a veteran of World War II and a member of this Nation's Greatest Generation.

Mr. Dolney, on behalf of all Montanans and all Americans, I stand to say "thank you" for your service to this Nation.

I am proud to share Mr. Dolney's story of heroism, because like so many others, it is a story that should never be forgotten.

Ted Dolney joined the Army in April of 1941, after spending the first 19 years of his life growing up on his family farm in Glenville, SD. After training, the Army sent Mr. Dolney to northern Africa. In February of 1943, German troops captured him and took him as a prisoner of war.

Mr. Dolney spent 27 months more than 2 years of his life imprisoned by Nazis. Mr. Dolney was moved from place to place in Germany. Conditions were cruel and brutal. Food was scarce. In fact, Mr. Dolney says many American POWs would have died if it had not been for supplemental food packages sent by the Red Cross.

Because Mr. Dolney knew how to speak German, and because he had the strength to work as a POW on railroads, he sometimes got extra food.

On the eve of the invasion of Normandy, some of the prisoners smuggled in a radio. Hours later, they heard news of the allies landing in France.

Months later, when Germany lost the war, the Nazi guards simply ran away. Mr. Dolney and the others left on foot to find help. After walking several days, they finally encountered American soldiers. And they were sent home as heroes.

Ted Dolney returned to the United States. He moved to Montana where he met Darlene, his wife of 50 years. He worked for three decades as a lineman for the Rural Electrification Administration.

But Mr. Dolney never received recognition for his service and sacrifice as

a Prisoner of War in World War II. And throughout his life, he never complained.

In 1973, his military records were destroyed by a fire in St. Louis.

But after his family reached out to my office, we were able to secure the medals Mr. Dolney never received.

Last month, I had the honor of presenting to Ted, a Bronze Star, and a European-African-Middle-Eastern Campaign Medal with four Bronze Service Stars.

It was also my honor to present an American Defense Service Medal, and a World War II Victory Medal.

Last month I also presented to Ted: a Combat Infantryman Badge First Award, a Good Conduct Medal, and the Honorable Service Lapel Button, World War II.

These seven medals are small tokens, but they are powerful symbols of true heroism, sacrifice, and dedication to service.

These medals are presented on behalf of a grateful nation.●

#### TRIBUTE TO JOHN HORIGAN

● Mr. TESTER. Mr. President, today I wish to honor John L. Horigan, a veteran of Vietnam.

John, on behalf of all Montanans and all Americans, I stand to say "thank you" for your service to this Nation.

It is my honor to share the story of John Horigan's sacrifice in Vietnam, because no story of heroism should ever fall through the cracks.

John joined the Army in October of 1967. He was part of the 86th Transportation Company, based in Long Binh, Vietnam.

His job? Operating equipment and driving trucks for the Army in unimaginable, dangerous conditions.

On August 26, 1968, John's unit came under fire. And he was shot in the arm and in the back.

John returned to the United States after 2 years of service to this Nation. He worked as a millwright in California, and eventually moved with his wife Cindy to the Big Sky State of Montana, where he is welcome as a hero.

After his return home, the military lost John Horigan's records. And he never received the recognition he earned more than 40 years ago. Throughout that time, he never complained.

Last month, I had the honor of presenting to John, in the presence of his family, a Purple Heart, and a Vietnam Service Medal and Bronze Star Attachment.

It was also my honor to present a Meritorious Unit Commendation, and a National Defense Service Medal.

Last month I also presented to John: a Republic of Vietnam Campaign Ribbon with Device, and the Cold War Recognition Certificate.

These six decorations are small tokens, but they are powerful symbols of true heroism, sacrifice, and dedication to service.

These medals are presented on behalf of a grateful nation.●

#### TRIBUTE TO POSTMASTER SHAUNA D. ANDREWS

● Mr. WYDEN. Mr. President, today I want to recognize and honor Postmaster Shauna D. Andrews, of Hereford, OR, for her exceptional service to her customers and dedication to her neighbors.

Located in eastern Oregon, Hereford is a highly rural, unincorporated community in Baker County. Although Hereford is unincorporated it has a post office that serves approximately 100 postal patrons. Like many rural postmasters, Shauna knows her customers well and connects with them on a regular basis; especially older folks who don't have access to the Internet, cell phones, and other conveniences that are driving down the traditional use of post offices. In Hereford, the post office is a place where people send and receive packages, including mail order prescriptions and vote by mail.

Over the years, Shauna, who is also a first responder, has demonstrated a strong commitment to the folks she considers customers and neighbors. During the week of September 19, 2011, she became concerned when an 85-year-old patron who lives alone on a rural route failed to collect her mail. After 2 days, she grew worried and decided to go to the patron's home. When Shauna and her 19-year-old son arrived at the patron's house, they discovered the woman lying incapacitated on the floor. Shauna immediately called Baker City for transport to the nearest hospital, located 38 miles from Hereford. As of last week, the patron remained in the hospital in Baker City. It is more than a possibility that by taking the time to check on her postal patron, Shauna saved this woman's life.

Shauna has displayed exceptional service and dedication to her customers and neighbors. The Hereford Post Office is on the national closure study list and as we address the future of the Postal Service, it is absolutely imperative that we examine the function of post offices in rural communities. As Shauna has demonstrated, many rural postmasters know their customers well and having a post office is central to a town's identity and vitality.

I recognize Shauna Andrews for her exceptional service to the community of Hereford. Her example is one from which we can all learn.●

#### 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 and withdrawals which were referred to the appropriate committees.

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

#### LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-KOREA FREE TRADE AGREEMENT—PM 24

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports and papers; which was referred to the Committee on Finance:

*To the Congress of the United States:*

I am pleased to transmit legislation and supporting documents to implement the United States-Korea Free Trade Agreement (Agreement), a landmark agreement that supports American jobs, advances U.S. interests, and reflects America's fundamental values.

The Agreement levels the playing field for U.S. businesses, workers, farmers, ranchers, manufacturers, investors, and service providers by offering them unprecedented access to Korea's nearly \$1 trillion economy. The Agreement eliminates tariffs on over 95 percent of U.S. exports of industrial and consumer goods to Korea within the first 5 years and, together with the agreement entered into through an exchange of letters in February 2011, addresses key outstanding concerns of American automakers and workers regarding the lack of a level playing field in Korea's auto market. The Agreement also ensures that almost two-thirds of current U.S. agricultural exports will enter Korea duty-free immediately. In addition, the Agreement will give American service providers much greater access to Korea's \$580 billion services market.

The Agreement contains state of the art provisions to help protect and enforce intellectual property rights, reduce regulatory red tape, and eliminate regulatory barriers to U.S. exports. The Agreement also contains the highest standards for protecting labor rights, carrying out covered environmental agreements, and ensuring that key domestic labor and environmental laws are enforced, combined with strong remedies for noncompliance.

Increased U.S. exports expected under the Agreement will support more than 70,000 American jobs. The Agreement will bolster our economic competitiveness in the Asia-Pacific region and our regional security interests. The United States once was the top supplier of goods exported to Korea. Over the past decade, our share of Korea's import market for goods has fallen from 21 percent to just 10 percent—behind China and Japan, and barely ahead of the European Union (EU). The EU and several other trading partners are negotiating or have recently concluded trade agreements with Korea. If

the United States-Korea trade agreement is not approved, the United States could lose further market share, export-supported jobs, and economic growth opportunities, with damage to our leadership position in the region.

As a part of an ambitious trade agenda, it is important that the Congress renew a strong and robust Trade Adjustment Assistance Program consistent with reforms enacted in 2009. Renewal of that program is necessary to support Americans who need training and other services when their jobs are adversely affected by trade. As we expand access to other markets abroad, we need to ensure that American workers are provided the tools needed to take advantage of these opportunities and are not left behind in the global economy.

Approving and implementing the Agreement is an opportunity to shape history. We must seize the moment together to support jobs for the American people today and to sustain U.S. leadership well into the 21st century. I urge the Congress to enact this legislation promptly.

BARACK OBAMA.

THE WHITE HOUSE, October 3, 2011.

LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT—PM 25

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports and papers; which was referred to the Committee on Finance:

*To the Congress of the United States:*

I am pleased to transmit legislation and supporting documents to implement the United States-Panama Trade Promotion Agreement (Agreement). The Agreement is an important part of my Administration's efforts to spur economic growth, increase exports, and create jobs here in the United States, while promoting our core values. The Agreement will create significant new opportunities for American workers, farmers, ranchers, manufacturers, investors, and businesses by opening Panama's market and eliminating barriers to U.S. goods, services, and investment.

The Agreement also represents an important development in our relations with Panama, and accords with the goal, as expressed by the Congress in the Caribbean Basin Trade Partnership Act, to conclude comprehensive, mutually advantageous trade agreements with beneficiary countries of the Caribbean Basin Initiative trade preference program. The Agreement further reflects a commitment on the part of the United States to sustained engagement in support of democracy, economic growth, and opportunity in Panama and the region.

Panama is one of the fastest growing economies in Latin America. Upon

entry into force of the Agreement, Panama will immediately eliminate its tariffs on over 87 percent of U.S. exports of consumer and industrial goods and on more than half of U.S. exports of agricultural goods. Panama will eliminate most other duties on U.S. exports within a 15-year transition period. Eighty-five percent of U.S. businesses exporting to Panama are small- and medium-sized enterprises. The elimination of duties provided for in the Agreement will help to level the playing field for them and for all U.S. exporters, based on 2010 trade flows, as approximately 98 percent of our imports from Panama already enjoy duty-free access to the U.S. market. In addition, the Agreement will give American service providers greater access to Panama's \$20.6 billion services market.

The Agreement contains state of the art provisions to help protect and enforce intellectual property rights, reduce regulatory red tape, and eliminate regulatory barriers to U.S. exports. The Agreement also contains the highest standards for protecting labor rights, carrying out covered environmental agreements, and ensuring that key domestic labor and environmental laws are enforced, combined with strong remedies for noncompliance. Panama has already made significant reforms related to the obligations it will have under the labor chapter.

As a part of an ambitious trade agenda, it is important that the Congress renew a strong and robust Trade Adjustment Assistance Program consistent with reforms enacted in 2009. Renewal of that program is necessary to support Americans who need training and other services when their jobs are adversely affected by trade. As we expand access to other markets abroad, we need to ensure that American workers are provided the tools needed to take advantage of these opportunities and are not left behind in the global economy.

Approval of the Agreement is in our national interest. The Agreement will strengthen our economic and political ties with Panama, support democracy, and contribute to further economic integration in our hemisphere and economic growth in the United States. I urge the Congress to enact this legislation promptly.

BARACK OBAMA.

THE WHITE HOUSE, October 3, 2011.

LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT—PM 26

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports and papers; which was referred to the Committee on Finance:

*To the Congress of the United States:*

I am pleased to transmit legislation and supporting documents to imple-

ment the United States-Colombia Trade Promotion Agreement (Agreement). The Agreement is an important part of my Administration's efforts to spur economic growth, increase exports, and create jobs in the United States, while promoting our core values. The Agreement will create significant new opportunities for American workers, farmers, ranchers, businesses, and consumers by opening the Colombian market and eliminating barriers to U.S. goods, services, and investment.

The Agreement also represents a historic development in our relations with Colombia. Colombia is a steadfast strategic partner of the United States and a leader in the region. The Agreement reflects the commitment of the United States to supporting democracy and economic growth in Colombia. It will also help Colombia battle production of illegal crops by creating alternative economic opportunities.

Under the Agreement, tariffs on over 80 percent of U.S. consumer and industrial exports will be eliminated immediately. United States agricultural exports in particular will enjoy substantial new improvements in access to Colombia's market. Currently, no U.S. agricultural exports enjoy duty-free access to Colombia. Once the Agreement enters into force, almost 70 percent, by value, of current U.S. agricultural exports will be able to enter Colombia duty-free immediately. In addition, the Agreement will give American service providers greater access to Colombia's \$134 billion services market. This will help to level the playing field, since 91 percent of our imports from Colombia have enjoyed duty-free access to our market under U.S. trade preference programs.

The Agreement contains state of the art provisions to help protect and enforce intellectual property rights, reduce regulatory red tape, and eliminate regulatory barriers to U.S. exports. The Agreement also contains the highest standards for protecting labor rights, carrying out covered environmental agreements, and ensuring that key domestic labor and environmental laws are enforced, combined with strong remedies for noncompliance. Colombia has already made significant reforms related to the obligations it will have under the labor chapter. A number of these steps have been taken in fulfillment of the commitments Colombia made in the agreed Action Plan Related to Labor Rights that President Santos and I announced on April 7. Colombia must successfully implement key elements of the Action Plan before I will bring the Agreement into force.

This Agreement forms an integral part of my Administration's larger strategy of doubling exports by the end of 2014 through opening markets around the world. In addition, the Agreement provides an opportunity to strengthen our economic and political ties with the Andean region, and underpins U.S. support for democracy

while contributing to further hemispheric integration and economic growth in the United States. This Agreement is vital to ensuring Colombia continues on its trajectory of positive change.

As a part of an ambitious trade agenda, it is important that the Congress renew a strong and robust Trade Adjustment Assistance Program consistent with reforms enacted in 2009. Renewal of that program is necessary to support Americans who need training and other services when their jobs are adversely affected by trade. As we expand access to other markets abroad, we need to ensure that American workers are provided the tools needed to take advantage of these opportunities and are not left behind in the global economy.

Approval of the Agreement is therefore in our national interest. I urge the Congress to enact this legislation promptly.

BARACK OBAMA.

THE WHITE HOUSE, October 3, 2011.

LETTERS EXCHANGED BETWEEN THE UNITED STATES AND KOREA THAT CONTAIN THOSE COMMITMENTS, WHICH FURTHER ENHANCE THE UNITED STATES-KOREA FREE TRADE AGREEMENT—PM 27

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports and papers; which was referred to the Committee on Finance:

*To the Congress of the United States:*

By separate message, I have transmitted to the Congress a bill to approve and implement the United States-Korea Free Trade Agreement. In that message, I highlighted new commitments that my Administration, in close coordination with the Congress, successfully negotiated to provide additional market access and a level playing field for American auto manufacturers and workers exporting to Korea.

Herewith I am transmitting the letters exchanged between the United States and Korea that contain those commitments, which further enhance the most commercially significant trade agreement the United States has concluded in more than 17 years. The documents I have transmitted in these two messages constitute the entire United States-Korea trade agreement package.

BARACK OBAMA.

THE WHITE HOUSE, October 3, 2011.

DISTRICT OF COLUMBIA'S BUDGET REQUEST ACT FOR FISCAL YEAR 2012—PM 28

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Com-

mittee on Homeland Security and Governmental Affairs:

*To the Congress of the United States:*

Pursuant to my constitutional authority and as contemplated by section 446 of the District of Columbia Self-Government and Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's 2012 Budget Request Act. This transmittal does not represent an endorsement of the contents of the D.C. government's requests.

The proposed 2012 Budget Request Act reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For 2012, the District estimates total revenues and expenditures of \$10.9 billion.

BARACK OBAMA.

THE WHITE HOUSE, October 3, 2011.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on September 29, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. HARRIS) has signed the following enrolled bills:

H.R. 2005. An act to reauthorize the Combating Autism Act of 2006.

H.R. 2017. An act making continuing appropriations for fiscal year 2012, and for other purposes.

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on September 29, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House agreed to the amendments of the Senate to the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes.

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 Ms. KLOBUCHAR (for herself, Mr. SESSIONS, and Mr. LEAHY):

S. 1636. A bill to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself and Mr. SESSIONS):

S. 1637. A bill to clarify appeal time limits in civil actions to which United States officers or employees are parties; to the Committee on the Judiciary.

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

S. 1638. A bill to authorize the Secretary of the Interior to conduct a special resource study of P.S. 103 in West Baltimore, Maryland and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TESTER (for himself and Mr. HELLER):

S. 1639. A bill to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY:

S. 1640. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to determine the price of all milk used for manufactured purposes, which shall be classified as Class II milk, by using the national average cost of production, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS (for himself, Mr. HATCH, and Mr. MCCONNELL) (by request):

S. 1641. A bill to implement the United States-Colombia Trade Promotion Agreement; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. HATCH, and Mr. MCCONNELL) (by request):

S. 1642. A bill to implement the United States-Korea Free Trade Agreement; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. HATCH, and Mr. MCCONNELL) (by request):

S. 1643. A bill to implement the United States-Panama Trade Promotion Agreement; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself, Mr. CARDIN, Mr. DURBIN, and Mr. AKAKA):

S. Res. 285. A resolution supporting the goals and ideals of World Habitat Day, October 3, 2011; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. INOUE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 50, a bill to strengthen Federal consumer product safety programs and activities with respect to commercially-marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities.

S. 102

At the request of Mr. MCCAIN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 381

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 381, a bill to amend the Arms Export Control Act to provide that certain firearms listed as curios or relics may be imported into the United

States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes.

S. 504

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 504, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 542

At the request of Mr. BEGICH, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 542, a bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 556

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 556, a bill to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

S. 566

At the request of Ms. MURKOWSKI, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 566, a bill to provide for the establishment of the National Volcano Early Warning and Monitoring System.

S. 570

At the request of Mr. TESTER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloging the purchases of multiple rifles and shotguns.

S. 606

At the request of Mr. CASEY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 606, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the priority review voucher incentive program relating to tropical and rare pediatric diseases.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 680

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 680, a bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum.

S. 798

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr.

BEGICH) was added as a cosponsor of S. 798, a bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

S. 810

At the request of Ms. CANTWELL, the name of the Senator from New York (Mrs. GILLIBRAND) 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. 834

At the request of Mr. CASEY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 834, a bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.

S. 951

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes.

S. 968

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1025

At the request of Mr. LEAHY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1214

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1214, a bill to amend title 10, United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions.

S. 1251

At the request of Mr. CARPER, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Louisiana

(Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1299

At the request of Mr. MORAN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1301

At the request of Ms. MIKULSKI, her name was added as a cosponsor 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. 1354

At the request of Mrs. HAGAN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1354, a bill to authorize grants to promote media literacy and youth empowerment programs, to authorize research on the role and impact of depictions of girls and women in the media, to provide for the establishment of a National Task Force on Girls and Women in the Media, and for other purposes.

S. 1369

At the request of Mr. CRAPO, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. 1369, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 1421

At the request of Mr. PORTMAN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of 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. 1460

At the request of Mr. BAUCUS, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Arkansas (Mr. PRYOR) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1500

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr.

BEGICH) was added as a cosponsor of S. 1500, a bill to give Americans access to affordable child-only health insurance coverage.

S. 1508

At the request of Mr. MENENDEZ, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 1508, a bill to extend loan limits for programs of the Federal Housing Administration, the government-sponsored enterprises, and the Department of Veterans Affairs, and for other purposes.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from Missouri (Mr. BLUNT) 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. 1513

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1513, a bill to amend title XII of the Social Security Act to extend the provision waiving certain interest payments on advances made to States from the Federal unemployment account in the Unemployment Trust Fund.

S. 1514

At the request of Mr. TESTER, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Michigan (Ms. STABENOW), the Senator from Iowa (Mr. HARKIN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1514, a bill to authorize the President to award a gold medal on behalf of the Congress to Elouise Pepion Cobell, in recognition of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice.

S. 1538

At the request of Ms. COLLINS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1538, a bill to provide for a time-out on certain regulations, and for other purposes.

S. 1540

At the request of Mr. CASEY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1540, a bill to amend the Internal Revenue Code of 1986 to allow credits for the purchase of franchises by veterans.

S. 1576

At the request of Ms. LANDRIEU, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1576, a bill to measure the progress of relief, recovery, reconstruction, and development efforts in Haiti following the earthquake of January 12, 2010, and for other purposes.

S. 1578

At the request of Mr. TOOMEY, the names of the Senator from Wyoming

(Mr. BARRASSO) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1578, a bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

S. 1583

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1583, a bill to amend the Internal Revenue Code of 1986 to provide a tax deduction for the purchase, construction, and installation of a safe room or storm shelter, and for other purposes.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1619

At the request of Mr. BROWN of Ohio, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1621

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1621, a bill to create livable communities through coordinated public investment and streamlined requirements, and for other purposes.

S. 1623

At the request of Mr. CASEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1623, a bill to provide a processing extension for emergency mortgage relief payments, and for other purposes.

S. RES. 80

At the request of Mr. KIRK, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Res. 80, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 232

At the request of Mr. MENENDEZ, the name of the Senator from Arkansas (Mr. BOOZMAN) 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.

S. RES. 274

At the request of Mr. WHITEHOUSE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 274, a resolution expressing the sense of the Senate that funding for the Federal Pell Grant program should not be cut in any deficit reduction program.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 1638. A bill to authorize the Secretary of the Interior to conduct a special resource study of P.S. 103 in West Baltimore, Maryland and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CARDIN. Mr. President, today I am proud to introduce the Justice Thurgood Marshall's Elementary School Study Act. The elementary school that Justice Marshall attended, known as PS 103, located in my hometown of Baltimore, is a place of national significance because it marks the site where one of our Nation's greatest legal minds began his education.

Thurgood Marshall is well known as one of the most significant historical figures of the American civil rights movement. By the time he was 32, he was appointed the chief legal counsel for the National Association for the Advancement of Colored People, NAACP. He served at the NAACP a total of 25 years and was a key strategist to end racial segregation throughout the United States.

Perhaps the greatest illustration of this effort was his victory before the Supreme Court overturning the Plessy doctrine of 'separate but equal' and ending school segregation with the landmark decision in *Brown v. Board of Education of Topeka, KS* in 1954. Not only did this case open up educational opportunity and sparked the civil rights movement in this nation, it also established Thurgood Marshall, still a young attorney from Baltimore, as one of the greatest legal minds in all the land. This case was just one of the 29 cases he won before the U.S. Supreme Court.

Fittingly, Marshall was the first African American confirmed to the Supreme Court. He was nominated by President Lyndon B. Johnson in 1967 and served 24 years, until 1991. On the high court, Marshall continued his fight for the Constitutional protection of individual human rights.

But Thurgood Marshall was not always a legal giant. He was once a young boy growing up in West Baltimore. He received the first 6 years of his public education at PS 103. An apocryphal story goes that a young Thurgood Marshall studied the U.S. Constitution in the basement of the

building while serving detention. Regardless of whether or not this is true, the building powerfully tells the story of racial segregation in America, PS 103 was a “blacks only” school when Justice Marshall was a student there, and the rise of one of the country’s paramount thinkers and pioneers in the civil rights movement.

The building is located at 1315 Division Street in the Upton Neighborhood of Old West Baltimore. The building is part of the Old West Baltimore National Register Historic District, and is listed as a contributing historic resource for the neighborhood. The Old West Baltimore historic district is one of the largest predominately African American historic districts in the country, and its significance is centered on the African American experience in the area.

In Baltimore, we are fortunate to have the National Park Service operate two historical sites, Fort McHenry and the Hampton Mansion. Adding PS 103 is a unique opportunity for the National Park Service to work in Baltimore’s inner-city and to expand its ability to engage people around African American history.

Needless to say, Thurgood Marshall’s legacy is one that should be preserved. He was one of our country’s greatest legal minds and a prominent historical figure of one chapter of our country’s great history—the civil rights movement. This bill authorizes the Secretary of the Interior to conduct a special resource study of PS 103 to evaluate the suitability and feasibility of establishing the building as a unit of the National Park Service. Preserving the building that was Justice Marshall’s elementary school will give Americans insight into Justice Marshall’s childhood.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1638

*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 “Thurgood Marshall’s Elementary School Study Act”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **STUDY AREA.**—The term “study area” means P.S. 103, the public school located in West Baltimore, Maryland, which Thurgood Marshall attended as a youth.

**SEC. 3. SPECIAL RESOURCE STUDY.**

(a) **STUDY.**—The Secretary shall conduct a special resource study of the study area.

(b) **CONTENTS.**—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the study area;

(2) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the

study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(4) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals;

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives; and

(6) identify any authorities that would compel or permit the Secretary to influence local land use decisions under the alternatives.

(c) **APPLICABLE LAW.**—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(d) **REPORT.**—Not later than 3 years after the date on which funds are first made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 285—SUPPORTING THE GOALS AND IDEALS OF WORLD HABITAT DAY, OCTOBER 3, 2011**

Mr. KERRY (for himself, Mr. CARDIN, Mr. DURBIN, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 285

Whereas the United Nations has designated the first Monday of October every year as World Habitat Day, and the theme of 2011 World Habitat Day is Cities and Climate Change;

Whereas World Habitat Day calls on global citizens to reflect on the state of our towns and cities and the importance of adequate shelter and serves as a reminder of our collective responsibility for the future of the human habitat;

Whereas approximately 51 percent of the world’s population currently lives in cities of all sizes and produces the majority of the world’s economic output;

Whereas projections indicate that ⅔ of the world’s population will reside in cities just over a generation from now;

Whereas approximately 1,000,000,000 people currently live in slums, and more than half of this population is under the age of 25;

Whereas it is estimated that, by 2030, the number of people living in slums will double;

Whereas, according to the Center for Disease Control and Prevention, approximately 884,000,000 people lack adequate access to safe water, and nearly 50 percent of the developing world’s population, over 2,500,000,000 people, lack access to sanitation services;

Whereas the Center for Disease Control and Prevention estimates that unsafe drinking water, inadequate sanitation, and poor hygiene contribute to the deaths of more than 1,500,000 children younger than 5 years of age per year;

Whereas, according to the World Bank, more than 1,400,000,000 people still live without electricity, a critical component of economic growth and development;

Whereas insecure lease and real property ownership tenure often subject slum dwellers

to arbitrary, supra-market rents, forced evictions, threats, and harassment;

Whereas insecurity of land and property tenure severely inhibits economic development by undermining investment incentives and constraining the growth of credit markets, imperils the ability of families to achieve sustainable livelihoods and assured access to shelter, and often contributes to conflict over property rights;

Whereas women are affected disproportionately by forced evictions and insecure tenure as a result of gender-based discrimination, often including gender-biased laws that define women as legal minors or otherwise prevent them from acquiring and securing land, property, and housing lease or ownership rights, making them more vulnerable to poverty, violence, and sexual abuse;

Whereas many of the world’s large cities are located in low-lying coastal areas that are more susceptible to environmental events and face serious threats from the effects of climate change such as storm surges;

Whereas the slum dwellers in low-lying coastal cities are disproportionately affected by disasters;

Whereas, according to the International Organization for Migration, there could be up to 200,000,000 environmentally-induced migrants by 2050, many of whom will be forced from their homes by rising sea levels and the increased frequency of flooding or drought, thereby challenging the security of the United States and United States allies;

Whereas adequate housing and universal access to basic shelter serve as catalysts for economic, social, and democratic development in the United States and elsewhere;

Whereas international organizations, faith-based groups, and nonprofits are working towards providing safe, affordable, and decent shelter for all; and

Whereas the 2006 National Security Strategy states, “America’s national interests and moral values drive us in the same direction: to assist the world’s poor citizens and least developed nations and help integrate them into the global economy”: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of World Habitat Day; and

(2) reflects on the state of our cities and towns and the importance of adequate shelter and is reminded of our shared responsibility for the future of the human habitat;

(3) underscores the importance of a sustainable urban development strategy that—

(A) promotes equitable access to—

(i) basic shelter and affordable housing, particularly by residents of slums and informal settlements and similar densely populated, impoverished urban areas; and

(ii) safe water and sanitation;

(B) promotes gender equality and women’s empowerment;

(C) supports access to sustainable and renewable sources of energy;

(D) employs innovative approaches to urban development challenges;

(E) leverages United States Government resources through collaborative partnership with foreign governments, intergovernmental organizations, private sector entities, and nonprofit and community-based organizations;

(F) operates to a scale that ensures sustainability;

(G) addresses current and future effects of climate change on cities; and

(H) improves environmental sustainability in urban areas; and

(4) encourages the leaders and citizens of cities, which are the source of, and solution to, many of the world’s development challenges, to build upon their successful experiences and develop more ambitious goals for



urban sustainable development at the upcoming United Nations Conference on Sustainable Development to be held June 4-6, 2012, in Rio de Janeiro, Brazil.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 669. Mr. MERKLEY (for himself, Mr. ENZI, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 669. Mr. MERKLEY (for himself, Mr. ENZI, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ MANDATORY DISCLOSURE BY THE UNITED STATES IF MEMBERS OF THE WORLD TRADE ORGANIZATION FAIL TO DISCLOSE SUBSIDIES UNDER THE AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.**

(a) IN GENERAL.—The United States Trade Representative shall—

(1) review each notification of subsidies submitted under Article 25 of the Agreement on Subsidies and Countervailing Measures by a member of the World Trade Organization with which the United States maintains a material and persistent trade deficit;

(2) identify any such member that, for 2 consecutive years—

(A) fails to submit such a notification; or

(B) omits information or includes inaccurate information in such a notification that is material with respect to the totality of the subsidies of the member; and

(3) notify the Committee on Subsidies and Countervailing Measures under Article 25 of the Agreement on Subsidies and Countervailing Measures of the subsidies of a member identified under paragraph (2) not later than 180 days after—

(A) in the case of a member identified under paragraph (2)(A), the date on which the second notification not submitted by the member was required to be submitted; or

(B) in the case of a member identified under paragraph (2)(B), the date of the submission of the second notification in which the information was omitted or the inaccurate information was included, as the case may be.

(b) AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES DEFINED.—The term “Agreement on Subsidies and Countervailing Measures” means the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

#### NOTICES OF HEARINGS

##### 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 4, 2011, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the Secretary of Energy Advisory Board’s Shale Gas Production Subcommittee’s 90-day report.

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 INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 6, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled “Internet Infrastructure in Native Communities: Equal Access to E-Commerce, Jobs and the Global Marketplace.”

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

##### PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing entitled, “Excessive Speculation and Compliance with the Dodd-Frank Act.” The Subcommittee plans to hold a hearing on speculation in the commodities markets and implementation of the Dodd-Frank Act’s provisions on speculative position limits for futures, options, and swap contracts for oil and other commodities. Hearing witnesses will include a panel of experts and the Chairman of the Commodity Futures Trading Commission.

The Subcommittee hearing has been scheduled for Thursday, October 6, 2011, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at (202) 224-9505.

#### PRIVILEGES OF THE FLOOR

Mr. SCHUMER. Mr. President, I ask unanimous consent that the following members of my staff and the committee staff be granted the privilege of the floor during consideration of S. 1619: Jane Beard, Sarah Babcock, Danielle Fidler, Sara Harshman, Madeline Forbis, Laura Jaskierski, Stephen Simpson, Jonathan Goldman, Cosimo Thawley, and Miranda Dalpiaz. The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### SMALL BUSINESS PROGRAM EXTENSION AND REFORM ACT

On Monday, September 26, 2011, the Senate agreed to the motion to concur to the amendment of the House to the amendment of the Senate to H.R. 2608, with an amendment, as follows:

H.R. 2608

*Resolved*, That the bill from the House of Representatives (H.R. 2608) entitled “An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.”, do pass with the following Senate amendment to House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the House amendment to Senate amendment, insert the following:

*That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2012, and for other purposes, namely:*

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2011 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2011, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Department of Defense Appropriations Act, 2011 (division A of Public Law 112-10).

(2) The Full-Year Continuing Appropriations Act, 2011 (division B of Public Law 112-10).

(b) The rate for operations provided by subsection (a) is hereby reduced by 1.503 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2011 or prior years; (2) the increase in production rates above those sustained with fiscal year 2011 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2011.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2011.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or

authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2012, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2012 without any provision for such project or activity; or (3) November 18, 2011.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2012 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2011, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2011, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2011 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2011, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. (a) Except as provided in subsection (b), each amount incorporated by reference in this Act that was previously designated as being for contingency operations directly related to the global war on terrorism pursuant to section

3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such amount shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress. Section 101(b) of this Act shall not apply to any amount so designated.

(b) Subsection (a) shall not apply to amounts for "Department of Justice—Federal Bureau of Investigation—Salaries and Expenses".

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2012 that were provided in advance by appropriations Acts shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. Notwithstanding section 101, amounts made available by this Act for "Department of Defense—Operation and Maintenance—Operation and Maintenance, Air Force" may be used by the Secretary of Defense for operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: Provided, That the authority made by this section shall continue in effect through the date specified in section 106(3) of this Act: Provided further, That section 9014 of division A of Public Law 112-10 shall not apply to funds appropriated by this Act.

SEC. 117. Notwithstanding section 101, funds made available in title IX of division A of Public Law 112-10 for "Overseas Contingency Operations" shall be available at a rate for operations not to exceed the rate permitted by H.R. 2219 (112th Congress) as passed by the House of Representatives on July 8, 2011.

SEC. 118. The authority provided by section 127b of title 10, United States Code, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. The authority provided by section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as extended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4623), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 120. Notwithstanding section 101, amounts are provided for "Defense Nuclear Facilities Safety Board—Salaries and Expenses" at a rate for operations of \$29,130,000.

SEC. 121. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading "District of Columbia Funds" for such programs and activities under title IV of H.R. 2434 (112th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under "District of Columbia Funds—Summary of Expenses" as included in the Fiscal Year 2012 Budget Request Act of 2011 (D.C. Act 19-92), as modified as of the date of the enactment of this Act.

SEC. 122. Notwithstanding section 101, amounts are provided for the necessary expenses of the Recovery Accountability and Transparency Board, to carry out its functions under title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), at a rate for operations of \$28,350,000.

SEC. 123. (a) Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

(b) Notwithstanding section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)), the Small Business Technology Transfer Program

shall continue in effect through the date specified in section 106(3) of this Act.

(c) Notwithstanding section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)), the pilot program under section 9(y) of such Act shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 124. Section 8909a(d)(3)(A)(v) of title 5, United States Code, is amended by striking "September 30, 2011" and inserting the date specified in section 106(3) of this Act.

SEC. 125. (a) Notwithstanding section 101, amounts are provided for "Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief" at a rate for operations of \$2,650,000,000: Provided, That the Secretary of Homeland Security shall provide a full accounting of disaster relief funding requirements for such account for fiscal year 2012 not later than 15 days after the date of the enactment of this Act, and for fiscal year 2013 in conjunction with the submission of the President's budget request for fiscal year 2013.

(b) The accounting described in subsection (a) for each fiscal year shall include estimates of the following amounts:

(1) The unobligated balance of funds in such account that has been (or will be) carried over to such fiscal year from prior fiscal years.

(2) The unobligated balance of funds in such account that will be carried over from such fiscal year to the subsequent fiscal year.

(3) The amount of the rolling average of non-catastrophic disasters, and the specific data used to calculate such rolling average, for such fiscal year.

(4) The amount that will be obligated each month for catastrophic events, delineated by event and State, and the total remaining funding that will be required after such fiscal year for each such catastrophic event for each State.

(5) The amount of previously obligated funds that will be recovered each month of such fiscal year.

(6) The amount that will be required in such fiscal year for emergencies, as defined in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)).

(7) The amount that will be required in such fiscal year for major disasters, as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(8) The amount that will be required in such fiscal year for fire management assistance grants, as defined in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187).

SEC. 126. Any funds made available pursuant to section 101 for the Department of Homeland Security may be obligated at a rate for operations necessary to sustain essential security activities, such as: staffing levels of operational personnel; immigration enforcement and removal functions, including sustaining not less than necessary detention bed capacity; and United States Secret Service protective activities, including protective activities necessary to secure National Special Security Events. The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 127. The authority provided by section 532 of Public Law 109-295 shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 128. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 129. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this Act for "October 4, 2011".

SEC. 130. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C.

4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011”.

SEC. 131. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (42 U.S.C. 1701 note), concerning Service First authorities, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 132. Notwithstanding section 101, section 1807 of Public Law 112–10 shall be applied by substituting “\$374,743,000” for “\$363,843,000” and “\$10,900,000” for “\$3,000,000”.

SEC. 133. The second proviso of section 1801(a)(3) of Public Law 112–10 is amended by striking “appropriation under this subparagraph” and inserting “appropriations made available by this Act”.

SEC. 134. Notwithstanding section 101, amounts are provided for “Federal Mine Safety and Health Review Commission—Salaries and Expenses” at a rate for operations of \$14,510,000.

SEC. 135. Sections 399AA(e), 399BB(g), and 399CC(f) of the Public Health Service Act (42 U.S.C. 280i(e), 280i–1(g), 280i–2(f)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011”.

SEC. 136. Notwithstanding section 101, section 2005 of division B of Public Law 112–10 shall be applied by substituting “\$0” for each dollar amount.

SEC. 137. The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011” in section 7 of such Act.

SEC. 138. Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2011”.

SEC. 139. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715e–3 and 1735c), shall not exceed a rate for operations of \$25,000,000,000: Provided, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at \$80,000,000 multiplied by the number of days covered in this Act.

SEC. 140. (a) RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.—

(1) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(2) RULE OF CONSTRUCTION.—This section shall be deemed to be a “renewal resolution” for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

(b) EFFECTIVE DATE.—This section shall take effect on July 26, 2011.

(c) APPLICABILITY.—This section shall not be subject to any other provision of this Act.

This Act may be cited as the “Continuing Appropriations Act, 2012”.

## DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

On Monday, September 26, 2011, the Senate passed H.R. 2017, as amended, as follows:

### H.R. 2017

Resolved, That the bill from the House of Representatives (H.R. 2017) entitled “An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes.”, do pass with the following amendments:

Strike all after the enacting clause and insert the following:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2012, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2011 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2011, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Department of Defense Appropriations Act, 2011 (division A of Public Law 112–10).

(2) The Full-Year Continuing Appropriations Act, 2011 (division B of Public Law 112–10).

(b) The rate for operations provided by subsection (a) is hereby reduced by 1.503 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2011 or prior years; (2) the increase in production rates above those sustained with fiscal year 2011 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2011.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2011.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2012, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2012 without any provision for such project or activity; or (3) October 4, 2011.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2012 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2011, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2011, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2011 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2011, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. (a) Except as provided in subsection (b), each amount incorporated by reference in this Act that was previously designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, except that such amount shall be available only if the President subsequently so designates such amount and transmits such designation to the Congress. Section 101(b) of this Act shall not apply to any amount so designated.

(b) Subsection (a) shall not apply to amounts for “Department of Justice—Federal Bureau of Investigation—Salaries and Expenses”.

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2012 that were provided in advance by

appropriations Acts shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. Notwithstanding section 101, amounts made available by this Act for "Department of Defense—Operation and Maintenance—Operation and Maintenance, Air Force" may be used by the Secretary of Defense for operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: Provided, That the authority made by this section shall continue in effect through the date specified in section 106(3) of this Act: Provided further, That section 9014 of division A of Public Law 112-10 shall not apply to funds appropriated by this Act.

SEC. 117. Notwithstanding section 101, funds made available in title IX of division A of Public Law 112-10 for "Overseas Contingency Operations" shall be available at a rate for operations not to exceed the rate permitted by H.R. 2219 (112th Congress) as passed by the House of Representatives on July 8, 2011.

SEC. 118. The authority provided by section 127b of title 10, United States Code, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 119. The authority provided by section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2412), as extended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4623), shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 120. Notwithstanding section 101, amounts are provided for "Defense Nuclear Facilities Safety Board—Salaries and Expenses" at a rate for operations of \$29,130,000.

SEC. 121. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading "District of Columbia Funds" for such programs and activities under title IV of H.R. 2434 (112th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under "District of Columbia Funds—Summary of Expenses" as included in the Fiscal Year 2012 Budget Request Act of 2011 (D.C. Act 19-92), as modified as of the date of the enactment of this Act.

SEC. 122. Notwithstanding section 101, amounts are provided for the necessary expenses of the Recovery Accountability and Transparency Board, to carry out its functions under title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), at a rate for operations of \$28,350,000.

SEC. 123. (a) Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

(b) Notwithstanding section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)), the Small Business Technology Transfer Program shall continue in effect through the date specified in section 106(3) of this Act.

(c) Notwithstanding section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)), the pilot program under section 9(y) of such Act shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 124. Section 8909a(d)(3)(A)(v) of title 5, United States Code, is amended by striking "September 30, 2011" and inserting the date specified in section 106(3) of this Act.

SEC. 125. (a) Notwithstanding section 101, amounts are provided for "Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief" at a rate for operations of \$2,650,000,000: Provided, That the Secretary of Homeland Security shall provide a full accounting of disaster relief funding requirements for such account for fiscal year 2012 not later than 15 days after the date of the enact-

ment of this Act, and for fiscal year 2013 in conjunction with the submission of the President's budget request for fiscal year 2013.

(b) The accounting described in subsection (a) for each fiscal year shall include estimates of the following amounts:

(1) The unobligated balance of funds in such account that has been (or will be) carried over to such fiscal year from prior fiscal years.

(2) The unobligated balance of funds in such account that will be carried over from such fiscal year to the subsequent fiscal year.

(3) The amount of the rolling average of non-catastrophic disasters, and the specific data used to calculate such rolling average, for such fiscal year.

(4) The amount that will be obligated each month for catastrophic events, delineated by event and State, and the total remaining funding that will be required after such fiscal year for each such catastrophic event for each State.

(5) The amount of previously obligated funds that will be recovered each month of such fiscal year.

(6) The amount that will be required in such fiscal year for emergencies, as defined in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)).

(7) The amount that will be required in such fiscal year for major disasters, as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(8) The amount that will be required in such fiscal year for fire management assistance grants, as defined in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187).

SEC. 126. Any funds made available pursuant to section 101 for the Department of Homeland Security may be obligated at a rate for operations necessary to sustain essential security activities, such as: staffing levels of operational personnel; immigration enforcement and removal functions, including sustaining not less than necessary detention bed capacity; and United States Secret Service protective activities, including protective activities necessary to secure National Special Security Events. The Secretary of Homeland Security shall notify the Committees on Appropriations of the House of Representatives and the Senate on each use of the authority provided in this section.

SEC. 127. The authority provided by section 532 of Public Law 109-295 shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 128. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 129. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) shall be applied by substituting the date specified in section 106(3) of this Act for "October 4, 2011".

SEC. 130. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 131. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (42 U.S.C. 1701 note), concerning Service First authorities, shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 132. Notwithstanding section 101, section 1807 of Public Law 112-10 shall be applied by substituting "\$374,743,000" for "\$363,843,000" and "\$10,900,000" for "\$3,000,000".

SEC. 133. The second proviso of section 1801(a)(3) of Public Law 112-10 is amended by striking "appropriation under this subparagraph" and inserting "appropriations made available by this Act".

SEC. 134. Notwithstanding section 101, amounts are provided for "Federal Mine Safety

and Health Review Commission—Salaries and Expenses" at a rate for operations of \$14,510,000.

SEC. 135. Sections 399AA(e), 399BB(g), and 399CC(f) of the Public Health Service Act (42 U.S.C. 280i(e), 280i-1(g), 280i-2(f)) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 136. Notwithstanding section 101, section 2005 of division B of Public Law 112-10 shall be applied by substituting "\$0" for each dollar amount.

SEC. 137. The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011" in section 7 of such Act.

SEC. 138. Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) shall be applied by substituting the date specified in section 106(3) of this Act for "September 30, 2011".

SEC. 139. Commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715e-3 and 1735c), shall not exceed a rate for operations of \$25,000,000,000: Provided, That total loan principal, any part of which is to be guaranteed, may be apportioned through the date specified in section 106(3) of this Act, at \$80,000,000 multiplied by the number of days covered in this Act.

SEC. 140. (a) RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.—

(1) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(2) RULE OF CONSTRUCTION.—This section shall be deemed to be a "renewal resolution" for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

(b) EFFECTIVE DATE.—This section shall take effect on July 26, 2011.

(c) APPLICABILITY.—This section shall not be subject to any other provision of this Act. This Act may be cited as the "Continuing Appropriations Act, 2012".

Amend the title so as to read: "An Act making continuing appropriations for fiscal year 2012, and for other purposes."

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: No. 359; that the nomination be confirmed the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

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

The nomination considered and confirmed is as follows:

#### DEPARTMENT OF STATE

Robert Stephen Ford, of Vermont, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Syrian Arab Republic.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate returns to legislative session.

ORDERS FOR TUESDAY, OCTOBER 4, 2011

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, October 4, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to S. 1619, the Currency Exchange Rate Oversight Reform Act, postcloture; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly caucus meetings; finally, that at 2:30 p.m., all postcloture time on the motion to proceed to S. 1619 be yielded back and, following the reporting of the bill, the majority leader be recognized.

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

PROGRAM

Mr. BROWN of Ohio. Mr. President, we will begin consideration of S. 1619 during Tuesday's session. Senators will be notified when votes are scheduled.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN of Ohio. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:28 p.m., adjourned until Tuesday, October 4, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF AGRICULTURE

MICHAEL T. SCUSE, OF DELAWARE, TO BE UNDER SECRETARY OF AGRICULTURE FOR FARM AND FOREIGN AGRICULTURAL SERVICES, VICE JAMES W. MILLER, RESIGNED.

MICHAEL T. SCUSE, OF DELAWARE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE JAMES W. MILLER, RESIGNED.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

EARL W. GAST, OF CALIFORNIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE KATHERINE ALMQUIST, RESIGNED.

DEPARTMENT OF STATE

ROBERTA S. JACOBSON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AN

ASSISTANT SECRETARY OF STATE (WESTERN HEMISPHERE AFFAIRS), VICE ARTURO A. VALENZUELA, RESIGNED.

NATIONAL INSTITUTE OF BUILDING SCIENCES

JAMES T. RYAN, OF UTAH, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2013, VICE JAMES BROADDUS, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE DEPARTMENT OF STATE FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

TIMOTHY M. BASHOR, OF TEXAS  
DANIEL C. CALLAHAN, OF VIRGINIA  
MIGNON TURNER CARDENTEY, OF NORTH CAROLINA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

HOLLY CASSANDRA ALLEN, OF ARIZONA  
HAYWARD M. ALTO, OF CALIFORNIA  
D. HEATH BAILEY, OF NEVADA  
LYDIA BETH BARRAZA, OF TEXAS  
SETH G. BLAYLOCK, OF VIRGINIA  
BRANDON LAUT BORKOWICZ, OF CALIFORNIA  
MARK J. BOSSE, OF CALIFORNIA  
CHRISTOPHER IAN BREDDING, OF TEXAS  
DONALD A. BROWN, OF LOUISIANA  
CHARLES L. BROWN II, OF TEXAS  
ROBERTA R. BURNS, OF NEW YORK  
MICHAEL J. CARNEY, OF SOUTH CAROLINA  
LISA BARANOWSKI CONESA, OF WISCONSIN  
THOMAS PATRICK DALTON, OF TEXAS  
THOMAS ROBERT DEBOR, JR., OF PENNSYLVANIA  
HADI K. DEEB, OF INDIANA  
JACOB M. DOTY, OF OREGON  
MARGARET ANN EHR, OF MICHIGAN  
KELLEE ARDEN FARMER, OF KANSAS  
KRIS FRESONKE, OF WASHINGTON  
KEVIN W. FRILLOUX, OF TEXAS  
PETER PAUL GALUS, OF CALIFORNIA  
JUAN JAIME GAMBOA, OF TEXAS  
PAUL ANTHONY GHIOTTO, JR., OF FLORIDA  
VALLERA MICHELLE GIBSON, OF GEORGIA  
SEAN S. GREENLEY, OF SOUTH CAROLINA  
SILJE M. GRIMSTAD, OF VIRGINIA  
DELLA R. HARELAND, OF NEVADA  
THOMAS N. KATEN, OF VIRGINIA  
SHAMIM KAZEMI, OF MARYLAND  
JAY MARSHALL KIMMEL, OF VIRGINIA  
ELIZABETH K. LEE, OF CALIFORNIA  
MARY LOFRISCO-MCCLURE, OF FLORIDA  
DARRIN WILLIAM STUART MACKINNON, OF VIRGINIA  
THERESA J. MANGIONE, OF FLORIDA  
KUNDAI VICTORIA MASHINGAIDZE, OF CALIFORNIA  
GEORGE D. MATHEWS, OF VIRGINIA  
CATHERINE JEAN MCFARLAND, OF FLORIDA  
BETHANY MILTON, OF NEW YORK  
RICHARD MORRIS, OF COLORADO  
MATTHEW ABRAHAM MYERS, SR., OF FLORIDA  
WILLIAM RICHARD NELSON, OF WISCONSIN  
LAREINA L. OCKERMAN, OF VIRGINIA  
RYAN M. REID, OF ALASKA  
AMY E. ROTH, OF LOUISIANA  
CHRISTOPHER DAVID SCHEFFMAN, OF TEXAS  
DAVID RYAN SECKINGER, OF TEXAS  
GARY BARTON STOKES, OF THE DISTRICT OF COLUMBIA  
FRANK P. TALLUTO, OF NEW HAMPSHIRE  
ALEXANDER TATSIS, OF NEW HAMPSHIRE  
ESPERANZA MARIE TILGHMAN, OF CALIFORNIA  
JOSEPH ANTHONY TORDELLA, OF FLORIDA  
RUBANI I. TRIMIEW, OF NEW JERSEY  
JOACHIM VAN BRANDT, OF VIRGINIA  
STAFFORD ASHLEY WARD, OF GEORGIA  
CLINT ALLAN WATTS, OF COLORADO  
RICHARD VANCE WHITTEN, OF FLORIDA  
WHITNEY SCOTT WIEDEMAN, OF TEXAS  
ANDREA JP WIKTOWY, OF THE DISTRICT OF COLUMBIA  
BRYAN G. WOCKLEY, OF VERMONT  
DARYN L. YODER, OF VIRGINIA  
ADAM ZERBINOPOULOS, OF TEXAS

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SUEMAYAH M. ABU-DOULEH, OF ILLINOIS  
MICHAEL K. AGNER, JR., OF FLORIDA  
MEGAN AHEARN, OF PENNSYLVANIA  
TRISTAN J. ALLEN, OF ARKANSAS  
JONATHAN R. ANDERSON, OF VIRGINIA  
FAULINE W. ANDERSON, OF CALIFORNIA  
MICHAEL P. ARENA, OF VIRGINIA  
BEIAN DAVID ASCHER, OF FLORIDA  
OSCAR D. AVILA, OF ILLINOIS  
JASON PERRY AZEVEDO, OF MASSACHUSETTS  
FRANCESCO CARLO BARBACCI, OF VIRGINIA  
ANDREW BARWIC, OF COLORADO  
JEREMY D. BERTSCH, OF VIRGINIA  
TEANUM T. BEVANS, OF VIRGINIA  
RICHMOND PAUL BLAKE, OF PENNSYLVANIA  
JAKE L. BRANSON, OF VIRGINIA  
PAMELA L. BRANSON, OF VIRGINIA  
KETURA DEMARIS BROWN, OF MASSACHUSETTS  
LASEAN BROWN, OF GEORGIA  
MICHELLE A. BROWNE-APPIAH, OF VIRGINIA  
CAROLINE R. BUDDENHAGEN, OF THE DISTRICT OF COLUMBIA  
LAURA A. BURNS, OF VIRGINIA  
KILLASHANDRA CANCEL, OF VIRGINIA  
YUNG JYONG CERANA, OF VIRGINIA  
HANNAH CHA, OF OHIO  
PETER H. CHRISTIANSEN, OF ALASKA  
JULIA CLARKE, OF VIRGINIA  
TAVON COOKE, OF NEW JERSEY  
MERCEDES LAVEL CROSBY, OF MASSACHUSETTS  
CHAD SPENCER CRYDER, OF INDIANA  
CHANSONETTA C. CUMMINGS, OF VIRGINIA  
MATTHEW D. CUSTANCE, OF VIRGINIA  
CYNTHIA CHANG-WEN DAVILA, OF MINNESOTA  
RAFAEL DIAZ, OF NEVADA  
ANDREW H. DOEBLER, OF MARYLAND  
CLARE E. DOWDLE, OF THE DISTRICT OF COLUMBIA  
STEVEN R. DUKE, OF VIRGINIA  
ANNA DUPONT, OF NEW YORK  
EDY ZOHAR DURAN, OF TEXAS  
TIM EDGE, OF CALIFORNIA  
LINDSEY M. ERICKSON, OF MARYLAND  
PARVANEH A. FAKHERI, OF VIRGINIA  
MARY K. FANOUS, OF VIRGINIA  
CHRISTOPHER R. FARLOW, OF FLORIDA  
DAVID W. FARNHAM, OF MARYLAND  
JESSE F. FERRARA, OF VIRGINIA  
LAUREN FRANCES FONDRE, OF TEXAS  
DAVID FREITAS, OF FLORIDA  
EDUARDO GARCIA, OF TEXAS  
KAM J. GORDON, OF UTAH  
LUKE GREICIUS, OF NEW YORK  
RACHEL L. GROSS, OF CALIFORNIA  
KAY T. HAIRSTON, OF VIRGINIA  
SHARON MONIQUE HAJI MKANGA, OF MASSACHUSETTS  
ALEXANDER FERRELL HALL, OF MINNESOTA  
KARLENE M. HENNINGER FRELICH, OF MARYLAND  
ANDREW M. HAMILTON, OF MARYLAND  
HAMMAD B. HAMMAD, OF CALIFORNIA  
CHRISTINA E. D. HARDAWAY, OF GEORGIA  
JENNIFER ANNE-MARIE HARWOOD, OF MARYLAND  
MICHAEL M. HOLLAND, OF MARYLAND  
CHRISTIANA M. HOLLIS, OF FLORIDA  
AARON THEODORE JACKSON, OF CALIFORNIA  
ADAM JAGELSKI, OF WASHINGTON  
JESSICA LYNN JARCEV, OF WASHINGTON  
SARAH H. JESSUP, OF MARYLAND  
KATHLEEN JUDGE-MITCHELL, OF FLORIDA  
JAMES J. KANIA, OF PENNSYLVANIA  
ASHOK KAUL, OF NEVADA  
MIRA J. KIM, OF ILLINOIS  
CHELSEA M. KINSMAN, OF NEW YORK  
GRETCHEN MARIE KISER, OF VIRGINIA  
JENNIFER KLARMAN, OF FLORIDA  
COURTNEY KLINE, OF PENNSYLVANIA  
JOSEPH B. KRINOCK, OF THE DISTRICT OF COLUMBIA  
BORCHEN LAI, OF THE DISTRICT OF COLUMBIA  
JEFFREY R. LAKSHAS, OF WASHINGTON  
RENEE L. LARIVIERE, OF VERMONT  
BARBARA LYNN LAWSON, OF VIRGINIA  
GABRIELLE LEGEAY, OF THE DISTRICT OF COLUMBIA  
BARBARA ELLEN LESTER, OF PENNSYLVANIA  
VICTORIA B. LIU, OF VIRGINIA  
DAVID K. LORIO, OF VIRGINIA  
AZZAM LOSTAN, OF CALIFORNIA  
MICHAEL B. LUMMUS, OF VIRGINIA  
DEC LY, OF VIRGINIA  
CATHERINE MATHES, OF ILLINOIS  
JOSHUA MCCAVE, OF MARYLAND  
JENNIFER MCGOWAN, OF VIRGINIA  
SHANNON MERLO, OF VIRGINIA  
SCOTT E. MILGROOM, OF MASSACHUSETTS  
KYLE JOHN MISSBACH, OF TEXAS  
DANIELLE F. MONAGHAN, OF NEW JERSEY  
CHARLEY LUTHER MONTGOMERY, OF CALIFORNIA  
SCOTT E. MURPHY, OF VIRGINIA  
NINA MURRAY, OF NEBRASKA  
JOHNATHAN S. NASH, OF VIRGINIA  
JULIANA A. NELSON, OF CALIFORNIA  
STEPHANIE D. NISIVOCIA, OF VIRGINIA  
RACHEL OREOLUWA OKUNUBI, OF THE DISTRICT OF COLUMBIA  
AMBER M. OLIVA, OF ALASKA  
SEAN P. OLMSTEAD, OF THE DISTRICT OF COLUMBIA  
ADAM R. OLSZOWKA, OF ILLINOIS  
NATALIE L. PETERSON, OF OHIO  
MATTHEW PIERSON, OF VIRGINIA  
WALTON C. PORTER, JR., OF VIRGINIA  
NATHAN CLYDE POWELL, OF VIRGINIA  
LISBETH SANDOY, OF VIRGINIA  
DINA L. SCHORR, OF THE DISTRICT OF COLUMBIA  
DAVID CLAYTON SCHWARTZ, OF VIRGINIA  
MATTHEW WILLIAM SCRANTON, OF PENNSYLVANIA  
D. ROSALIND SEWELL, OF GEORGIA  
TAU NKOKHELLI SHANKLIN ROBERTS, OF THE DISTRICT OF COLUMBIA  
WESLEY C. SHELTON, OF NEVADA  
MARY ANN SHEPHERD, OF THE DISTRICT OF COLUMBIA  
TAMARA RENEE SHIE, OF VIRGINIA  
KRISTEN MICHELLE EDIANN SMART, OF THE DISTRICT OF COLUMBIA  
CARLA ELENA SNYDER, OF FLORIDA  
THERESA A. CARPENTER SONDOJO, OF MARYLAND  
LACHLYN M. SOPER, OF WISCONSIN  
CELESTE J. STEWART, OF MONTANA  
KARYN M. STOVALL, OF ILLINOIS  
AKASH RAJ SURI, OF CALIFORNIA  
PAMELA S. TAYLOR, OF VIRGINIA  
AARON C. TRUAX, OF NEW HAMPSHIRE  
KARINA A. VERAS, OF NEW YORK  
VANJA VUKOTA, OF FLORIDA  
WILLIAM W. WACHTER, OF NEW JERSEY  
JEFFREY M. WARNER, OF CALIFORNIA  
ALLISON L. WERNER, OF THE DISTRICT OF COLUMBIA  
RICHARD J. WILLIAMS, OF CALIFORNIA  
ZAINABU ZAWADI WILLIAMS, OF THE DISTRICT OF COLUMBIA

JAMES S. WILSON, OF VIRGINIA  
 LAUREN E. YOST, OF VIRGINIA  
 SYLVIE YOUNG, OF CALIFORNIA  
 RAFAELA ZUIDEMA, OF PENNSYLVANIA

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CONFIRMATIONS

Executive nominations confirmed by  
 the Senate, October 3, 2011:

THE JUDICIARY

HENRY F. FLOYD, OF SOUTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

NANNETTE JOLIVETTE BROWN, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA.

NANCY TORRESEN, OF MAINE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MAINE.

WILLIAM FRANCIS KUNTZ, II, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.

MARINA GARCIA MARMOLEJO, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

JENNIFER GUERIN ZIPPS, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

DEPARTMENT OF STATE

ROBERT STEPHEN FORD, OF VERMONT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SYRIAN ARAB REPUBLIC, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM DECEMBER 22, 2010, TO JANUARY 5, 2011.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on October 3, 2011 withdrawing from further Senate consideration the following nominations:

TERRY D. GARCIA, OF FLORIDA, TO BE DEPUTY SECRETARY OF COMMERCE, VICE DENNIS F. HIGHTOWER, RESIGNED, WHICH WAS SENT TO THE SENATE ON MAY 16, 2011.

JAMES T. RYAN, OF UTAH, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2013, VICE JAMES BROADDUS, RESIGNED, WHICH WAS SENT TO THE SENATE ON JULY 22, 2011.