

result of these trade agreements. That is a bit of circular thinking that I don't particularly buy. But at a minimum, because so often when these trade agreements pass, conservative Republican—sort of pro corporate interest—Senators, will say, Well, we want to take care of these workers and let's pass a trade agreement, and then they don't get around to taking care of the workers. That is why we have to do trade adjustment assistance first and to begin to enforce these trade rules.

We saw in Ohio alone in the last 3 or 4 years, because we enforced some trade rules—because the President of the United States, President Obama, and the Commerce Department and the International Trade Commission stood up and enforced trade rules on China's gaming the system on tires, on oil country tubular steel, and less so, but on coded paper—we have seen jobs in the United States come back because we are leveling the playing field so they can't game the system as much.

That is why it is important that we take care of workers before these trade agreements come to the Congress and then we will debate trade agreements. I hope we can defeat them—I think it is going to be hard—and we make sure we do the enforcement of these trade rules that are now in existence that are now part of the law and get that in place and strengthen that before we pass these trade agreements.

It is a pretty simple thing to do, but it is important. In one of the trade agreements the Senator from Nebraska mentioned, he was talking about the Colombia Free Trade Agreement. I could speak on each of the three to the point of perhaps boring some of my colleagues. But on the one trade agreement that is particularly egregious with the country of Colombia, just last year, 50 trade unionists, 50 labor activists in Colombia were murdered—50 murders. They are saying, the supporters of these trade agreements say yes, but they are getting better in Colombia and fewer trade activists are getting murdered so it is getting better.

Not that long ago, a labor rights lawyer was shot. He did not die. He survived, was injured badly. There is something a bit untoward about saying to this country, because you are getting better and fewer trade unionists are getting murdered, we ought to give them free trade, we ought to do a free trade agreement. I hope we will stand back. If we care about justice and human rights and about the values we embody of democracy and fair play, we shouldn't be passing a trade agreement with a country where the labor environment is such that these labor union activists who believe in collective bargaining and free association, collective bargaining—such as the consensus we have in this country around collective bargaining—at least we did until some radicals in Ohio and Wisconsin tried to write and pass legislation that unwinds some of that which has helped create a

middle class. But if we believe in collective bargaining, if we believe in free association, if we believe in the right of the people to voluntarily organize and then bargain collectively, we shouldn't be passing a trade agreement with a country that has an environment where so many labor activists have been murdered.

I wish to remind my colleagues again how important this trade adjustment assistance is before we pass these trade agreements.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

NLRB

Mr. BLUMENTHAL. Thank you, Mr. President.

I rise today to voice my concerns about a great deal of controversy surrounding a complaint issued under the National Labor Relations Act against the Boeing Company. Boeing recently decided to open a new plant in South Carolina. The National Labor Relations Board's acting general counsel issued a complaint because of evidence that this decision was made in retaliation for recent strikes at the Boeing plant in the Puget Sound area.

I hope there is no dispute about a couple of points. First, Boeing is a highly reputable company that produces great products valued around the world, and great jobs. Not just jobs but good jobs. There should be no doubt also about the importance of public debate, robust criticism of government agencies, including the National Labor Relations Board, when it makes decisions that spark disagreement. I have the greatest of respect for my colleagues on both sides of the aisle who may have been critical of NLRB decisions in the past and of this action in the present. There should be no doubt also about the importance of the integrity of the NLRB process which begins with a complaint, which is all we have here against Boeing, and then has a procedure for consideration by an administrative law judge of the facts and the law, then to the full board of the NLRB, and a right of appeal to the Court of Appeals for the District of Columbia circuit.

Here, in this instance, there has been a series of attacks on the complaint and the acting general counsel that involve apparent efforts to impede or derail that process and to prejudice and even preempt that process. The effect is to politicize and potentially stop what should be a legal proceeding handled under the appropriate rules and laws and statutes by an independent government agency. This issue is about the integrity of the process.

At this point there is only a complaint against Boeing. This complaint was issued on the basis of statements and documents and actions by the company itself. There is certainly evidence, including at least one Boeing executive's statements, that the com-

pany may have retaliated against workers. The NLRB and Lafe Solomon, the acting general counsel, have not only the right but the responsibility to investigate and act where the facts and the law establish a right and obligation to do so. So no one should be trying to prejudice this case before it goes before the administrative judge, and no one should be seeking a pass from the appropriate process, and no one should be seeking to intimidate or to interfere with this lawful proceeding. I come to the floor today because of the prospect of exactly that danger occurring.

On May 12, Chairman DARRELL ISSA, representing the House Committee on Oversight and Government Reform, sent a letter to the acting general counsel of the NLRB requesting that it produce virtually all internal documents relating to this case. Indeed, the letter has a number of specific paragraphs that are sweeping in their scope, requesting, for example—demanding—that all documents and communications referring or relating to the Office of General Counsel's investigation of Boeing, including but not limited to all communications between the Office of General Counsel and the National Labor Relations Board. The House committee, with all due respect, is not a court. It is not the administrative judge. It is not a proper party to be demanding these documents in the course of a lawful judicial proceeding. The chairman's attempt to insert the committee into this case by conducting its own round of discovery at this point would interfere with the NLRB's ability to prepare and present its case before a real judicial officer.

These actions and some others are an attack on the integrity of the NLRB, an attack on its ability to make decisions and enforce the law as the Congress has instructed it and required it to do based on decisions involving the facts and the law alone. The NLRB is part of our justice system, and it should be given the opportunity to do justice in this instance. It should be given the opportunity to protect fairness and peace at the workplace, which is ultimately its mandate and its very solemn responsibility, and its tradition. Its mandate from the Congress is to protect jobs and foster economic growth by maintaining peace and fairness at the workplace. These priorities should be shared by all of the country. I certainly believe and hope that the people of Connecticut want fairness and peace in the workplace, as we do in our workplaces.

The NLRB, very simply, should be given that opportunity to do justice without improper or inappropriate interference by Members of the Congress or anyone else. My hope is that it will be vindicated and the attacks will cease, and that it will be given the opportunity to go forward lawfully and appropriately and properly.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. McCASKILL.) Without objection, it is so ordered.

Mr. PRYOR. Madam President, are we in morning business?

The PRESIDING OFFICER. We are.

FEMA RECOUPMENT

Mr. PRYOR. I rise to speak for 10 minutes on an issue that is very important to not just my State but really important to the country.

We know flooding is going on around the country. This is a picture from Arkansas, and clearly there are people all over the country or all over the South along the Mississippi River who are underwater. You can see the very end here; this little end is a lawn mower that is sticking up out of the water. The water is coming up to the bottom of the windowsill in this home over in east Arkansas. So we certainly send our prayers and any sort of assistance we can to people in my State, in Louisiana, Mississippi, other places, Missouri—obviously in Missouri they have had a lot of water up there—and Tennessee and other places that are really underwater right now.

What I want to talk about today, though, is not this flooding the country is experiencing right now but a flood in my State that happened 3 years ago. We had a situation 3 years ago where we had some flooding on the White River near a town called Mountain View, and FEMA paid out some money to flood victims there. It turns out some of that money was paid out wrongly.

I want to talk about that in just a minute, but let me start with June 1, 1865. In President Lincoln's Gettysburg Address, he described our government as a government of the people, by the people, and for the people. I like President Lincoln's description of our government, and I firmly believe our government was created by our citizens to protect our citizens. It is there for the benefit of our citizens. That is what I want to talk about today.

Many of you have heard me talk about FEMA's disaster assistance recoupment process, which, by the way, I am 100 percent for recoupment. Our Federal agencies make mistakes, and they send out things in error. There is some double-dipping. There is some lack of oversight. There are poor systems in place from time to time. There is some fraud, some dishonesty out there. I think the Federal Government owes it to the taxpayers to go out and recoup as much of that money as possible. I want to focus on one sliver of that, and even within that sliver, a very small piece of that small sliver; that is, FEMA's disaster assistance recoupment process.

I have a bill on this subject, and since the last time I have spoken about

this on the floor, we have taken our bill, we have been in the Homeland Security Committee, and it has been reworked and modified. Our staff and many other staffs on the committee worked on this late last week and over the weekend and early this week, and I think they spent over an hour with FEMA on the telephone to make sure they understand all of FEMA's processes and how this really works.

But the bottom line is, yesterday in Homeland Security, I was able to offer my new substitute bill, which was adopted in the committee, the substitute was adopted—the amendments were adopted to the bill. So we now have a new bill in terms of the text of the bill. The changes were negotiated. Again, we spent a lot of time talking to staff and Members from both sides of the aisle, both sides of the committee.

Basically what it does is very simple, and it is much simpler than what we were doing a week ago. It is very simple. What our bill does is it gives the FEMA Administrator the authority to waive disaster assistance recoupment efforts if three conditions are met. You have to meet all three conditions. First, the disaster assistance must have been distributed based solely on a FEMA error. So there can be no fault on the part of the person but solely on a FEMA error. Second, there cannot be any fraud or any misrepresentation on the part of the debtor. Third, the collection of the debt would be against equity and good conscience. And the reason we chose that phrase, "equity and good conscience," is not because we made it up but because that is the standard that is in current law. The Department of Defense uses that language when they talk about recoupment, the Social Security Administration uses that language, but also OPM has that language in their law as well. So this is not setting a precedent; this is basically applying other standards, recognized standards in the Federal Government, to FEMA.

The reason this is important is FEMA technically has discretion right now. FEMA can't tell us the statistics because they don't keep the statistics, but basically what we hear over and over from FEMA and other folks who are familiar with this process is that they cannot—or they are very reluctant to waive these debts. They feel they have a mandate to go recoup this money and collect this money, and that is what they do.

Quite frankly, in some circumstances what they will do is they will force someone to go through this appeal process, they will make a determination that maybe that person may have \$100 a month in disposable income, and they will basically take that \$100 a month from that person every month for, say, 5 years.

In the case in Arkansas I want to talk about here in just a moment, the people supposedly owe back, according to FEMA, \$27,000. So if they did that and they took all of their disposable in-

come—let's just say it is \$100, and we don't know what it is because we do not know all of the facts. They are in the process of going through the process, but we don't know all of the facts. I am not trying to get in their personal financial information. But the bottom line is, let's say it is \$100 a month, the disposable income. These folks are on Social Security, so you know it is not going to be a whole lot more than that, if that. But for 5 years, FEMA taxes all of their disposable income. At the end of 5 years, FEMA has collected \$6,000 on a \$27,000 debt. I mean, are we really getting what we want out of this? Are we trying to squeeze blood out of a turnip?

I have been working on this legislation for 2 months. All we are trying to do is give FEMA clearly in the statute some discretion to let them make decisions, again, when equity and good conscience would dictate that there ought to be a waiver. And it is not that hard.

I know that right now in the Congress—and this is a good thing—people are very money-conscious. That is good. We are pinching pennies. That is good. We are trying to recover every Federal dollar we can. That is good. I know the Presiding Officer right now has been leading the charge on that, and that is good, and we applaud her. We are cheering for her to continue to do that. We want her to do that. We want that for the government. But one of the things our government should do in dealing with its citizens is consider the equity and consider doing things in good conscience.

I want to talk about the situation here in Arkansas. I want to talk about one family who has received one of these letters from FEMA. There are not very many. We don't know the exact number, but we know there are not very many who will fall under this statute we are trying to address.

But in this one family, they are in their seventies. They are on Social Security. They bought or built this home—I am not sure which—years and years ago on the White River near Mountain View. When they purchased the home, they bought flood insurance. They knew they were on a river. They knew it might flood. It is a river, for crying out loud. It is in Arkansas. It rains a lot from time to time. They knew it might flood, so they bought flood insurance.

Well, after so many years, the flood insurance company said: We are not going to do any more flood insurance. We are not even offering that line anymore.

They went to Lloyd's of London and they bought flood insurance. They went overseas to buy flood insurance so they would have protection. They carried that for a number of years. Finally, Lloyd's of London said: We are not doing flood insurance anymore.

So then they tried to buy flood insurance through the National Flood Insurance Program. They could not do that because the county where they reside