

country. In Kansas, an estimated 1 in 10 adult women will suffer from domestic violence this year.

I am here this evening to try to give a voice to the hopeless—to those who have often been too afraid to speak for themselves. Domestic violence is not just a problem for women; children and men are all too often its victims as well. Throughout October, during Domestic Violence Awareness Month, we are especially mindful of these victims and the urgent need to put an end to the cycle of violence.

I imagine many Americans may assume that domestic violence does not occur in their neighborhoods or among their friends, with those with whom they are acquainted. Unfortunately, this is not the case. Domestic violence does not discriminate by race, gender, age group, education, or social status. Three years ago, citizens in my hometown of Hays, KS, learned of the tragic death of a young woman from domestic violence.

Today, I wish to share with you the story of Jana Lynne Mackey. I shared Jana's story with my colleagues when I served in the House of Representatives, but it bears repeating because it is a solemn reminder of the urgent need to put an end to this so-called silent crime that plagues hundreds of thousands of homes across our country.

Jana was born in 1982 in Harper, KS, and spent her childhood in Hays. She was an active member of 4-H, an athlete, and a talented musician. Upon graduation from high school, Jana completed a bachelor's degree, where she discovered her passion—advocating on the behalf of others.

She went on to pursue a law degree from the University of Kansas and fought for equality and social justice through her work with countless organizations, including volunteer work in Lawrence, KS, at the GaDuGi SafeCenter, a shelter that aids victims of sexual assault and domestic violence. But 3 years ago, on July 3, 2008, at the young age of 25, Jana's own life was taken by domestic violence.

More than 1,100 people gathered at Jana's memorial service to celebrate her life. In her death, Jana's parents, Curt and Christie Brungardt, started the Eleven Hundred Torches Campaign to encourage 1,100 people to carry on Jana's torch. Since its creation, the campaign has attracted more than 1,100 volunteers who now make a difference in lives across the country through civic engagement and voluntarism. Yet there is so much more that must be done.

Throughout our country, an estimated one in four women still suffers abuse during their lifetime. Domestic violence brings fear and hopelessness and depression into the lives of every victim. But we must not only work to end this silent crime; also, we must care for those who are the victims. By volunteering at a local shelter, speaking out when you become aware of domestic violence or making a donation

to a local organization, every citizen can find a way to get involved and make a difference.

This October, and throughout the year, let us be mindful of the victims of domestic violence and do our part to help break the cycle and bring hope to those who suffer. Let each of us be a torch to see that we bring about an end to domestic or family violence.

The tragedy of Jana's death is a rallying cry, calling each of us to make a difference in the lives of others.

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

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

EXECUTIVE NOMINATION

Mr. REID. Mr. President, we were hopeful today that we could clear the nomination of John Edgar Bryson to be Secretary of Commerce. This has been outstanding for a long time. We have been told by our Republican friends that as soon as we got the trade bills done we would work this out. The trade bills are done. So I hope we can move forward. It is very unfortunate that one of the President's very important Cabinet positions; that is, Secretary of Commerce, which is directly related to the jobs we are trying to create, is not filled at this time. Hopefully we can get the minority to work with us in processing this nomination. I hope I do not have to file cloture on it.

COLOMBIA FREE TRADE AGREEMENT

Mr. HARKIN. Mr. President, I have said on a number of occasions that trade is an incredibly important part of our economy, especially in my home State of Iowa. For this reason, I am a longtime supporter of policies designed to open foreign markets to our Nation's exports through new trade agreements. I have fought to break down the barriers that many other countries have erected to block our exports, and I have sought to reduce the practices by which many of them seek to compete unfairly in world markets.

However, trade is more than just the shipment of goods and services across borders. Trade policy and the impacts of trade also have wide ranging consequences for workers and the environment inside the trading countries. Properly designed, our trade policy can expand opportunities and promote the welfare of workers in both the United States and abroad. Ill-designed trade policy can have the opposite effect as well.

For this reason, I have to express my strong opposition to the free trade agreement with Colombia. Simply put, Colombia is one of the most dangerous

countries in the world to be a trade unionist. According to Colombia's National Labor School, ENS, in the last 25 years, over 2,800 Colombian trade unionists have been killed. According to the AFL-CIO, 23 trade unionists have been assassinated this year alone in Colombia, including 16 since the conclusion of the labor action plan, which I will speak more about later. The ENS also reports that over the last 10 years, Colombian trade unionists have faced almost 4,000 death threats.

While some improvements have been made in recent years, the Colombian government has not sought to hold those responsible for these brutal crimes. According to the International Labor Organization's, ILO, High-level Tripartite Mission to Colombia, "the majority of trade unionist killings have not yet been investigated nor have the perpetrators, including the intellectual authors of these crimes, been brought to justice." ENS data indicates that since 1986, only 6 percent of the cases brought to trial have resulted in any convictions.

The current Colombian government led by President Santos has made some progress. I believe that the Colombian action plan related to labor rights that the Obama administration negotiated with the Santos administration is a step in the right direction. If the changes that the Santos administration have begun making are continued, and the labor action plan is fully implemented and enforced, Colombia will have made significant progress to addressing many of my concerns.

But given all that I have described earlier, it would be irresponsible of us to rush into a free trade agreement before we see the results of this endeavor. Unfortunately, while the labor action plan requires the Colombian government to issue new laws, regulations, and reports, there is no mechanism to ensure that these policies will be effective at improving the living and working conditions of Colombians. The only follow-up mechanism included in the labor action plan is a series of meetings to take place in 2012 and 2013. After 2013, those meetings may cease to occur.

Even more, should Colombia not meet its obligations under the labor action plan or take future action that is contrary to the labor action plan, only some portions may be subject to the binding dispute settlement procedures in the text of the agreement. The limited enforceability of the action plan further cautions against moving forward too hastily, as we will not have enough leverage to ensure that fundamental labor rights are respected once the agreement is implemented. As my colleagues may remember, the side agreement to the North American Free Trade Agreement is ultimately meaningless and unenforceable.

One of the goals of our trade policy must be to further the internationally recognized right of workers to organize. Supporting the rights of workers

to organize freely, bargain collectively, and live safely is not just good for workers abroad, but it helps workers in the United States as well.

The United States simply cannot compete in a global race to the bottom when it comes to labor standards. Our workers are some of the most highly skilled and productive workers in the world. But they simply cannot compete against countries that make things more cheaply because they don't respect the rights of their workers, have safe workplaces, or pay their workers a living wage. Unfortunately, this agreement will not help us further that goal.

I would like to raise a second significant concern I have about the Colombia Free Trade Agreement. As many of my colleagues know, I have been working on reducing abusive and exploitative child labor around the world for nearly two decades. I first introduced a bill on this issue in 1992. According to the best estimates by the International Labor Organization, ILO, there are 215 million child laborers between the ages of 5 and 17 who are engaged in today's global economy.

Of these 215 million child laborers, 115 million are engaged in hazardous work. These 115 million powerless children are working in mines, in fishing operations and on coffee plantations. It is appalling that this is still occurring in the 21st century. These children are robbed of their childhoods. Many are denied an education and any hope for a brighter future. They will grow up illiterate and exploited, creating a wellspring of future social conflict and strife.

We have made some progress over the years by funding programs for the remediation of child laborers through our contribution to the ILO's International Program for the Elimination of Child Labor, IPEC. In 2000, I successfully amended the Trade and Development Act with a provision directing that no trade benefits under the Generalized System of Preferences, GSP, be granted to any country that does not live up to its commitments to eliminate the worst forms of child labor. I required that the President submit a yearly report to Congress on the steps being taken by each GSP beneficiary country to carry out its commitments to end abusive and exploitative child labor.

I want to explain clearly to my colleagues what I mean when I refer to abusive and exploitative child labor. It is not children who work part-time after school or on weekends. There is nothing wrong with that. That is not the issue. What I am referring to is the definition set out by ILO Convention 182 on the Worst Forms of Child Labor. This is not just a Western, or a developed-world, standard. It is a global standard that has been ratified by 174 countries. It has been ratified by Colombia. The United States was the third country in the world to ratify this convention.

Unfortunately, the Department of Labor's Findings on the Worst Forms

of Child Labor that was released this month, states up front that Colombia, "has not provided adequate resources to the National Strategy to Eradicate the Worst Forms of Child Labor. Children continue to work in agriculture, including forced coca cultivation, and in mining." The report further finds that children are forced to work in domestic service, are sexually exploited, transport illegal drugs, and even are used by armed militants as child soldiers.

In addition to these shocking practices, eight Colombian products appear in the 2011 List of Goods Produced by Child Labor or Forced Labor, also released by DOL this month. These products include coffee, sugarcane, and gold.

Unfortunately, the implementing legislation now before the Senate for free trade with Colombia actually would take us, and the world, a step backward when it comes to protecting children. That is right. This free trade agreement with Colombia, which replaces GSP provisions in governing trade between our two countries, will take us backward with respect to abusive and exploitative child labor.

Under GSP, the President now must report to Congress annually regarding Colombia's child labor practices, and if Colombia is not meeting the obligations that it undertook as a signatory to the ILO Convention, if Colombia is not acting to eliminate the worst forms of child labor, then trade sanctions are available to us to require enforcement of internationally recognized standards. That is so that our companies, and our workers, are not subjected to the unfair competition that abusive labor practices allow. Under this new implementing legislation for free trade with Colombia, on the other hand, if it is enacted, neither of those things I just mentioned will be true.

Our trade negotiators should not be weakening protections that we in Congress put in place to ensure that free trade can be consistent with respect for international child labor standards. Supporting abusive and exploitative child labor abroad does not help create jobs in America. Just the opposite, it hurts that effort. Our workers and our local businesses should not be competing with the worst forms of child labor abroad.

As a result, I strongly believe that we need to put the break on this flawed trade agreement. It is time for us to begin passing fair trade agreements that promote good quality jobs both here and abroad and work to end the worst forms of child labor. This agreement does not meet that test.

PRESIDENTIAL COIN PROGRAM

Mr. GRASSLEY. Mr. President, I ask unanimous consent to have printed in the RECORD my letter dated October 17, 2011, to the minority leader regarding S. 1385.

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

U.S. SENATE,

Washington, DC, October 17, 2011.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR LEADER MCCONNELL: I respectfully request that the Senate not enter into any unanimous consent agreement pertaining to S. 1385, a bill to terminate the \$1 presidential coin program. I have concerns about the impact of this bill, including whether taxpayers will benefit from ending the \$1 presidential coin program.

Thank you.

Sincerely,

CHARLES E. GRASSLEY,
United States Senator.

REMEMBERING ELOUISE COBELL

Mr. TESTER. Mr. President, I rise today to honor this weekend's passing of my friend Elouise Cobell—an extraordinary Montanan, American and American Indian. I am proud to have nominated her for the Congressional Gold Medal. As a role model for every American child, she deserves that highest honor.

Elouise Pepion Cobell was a star—truly a guiding light that will always lead the way for all Americans who fight for justice and fairness. Elouise's tireless leadership set this Nation on a new course, and what she accomplished reminds us that any person in any part of this country has the power to stand up and right a wrong, no matter how difficult it may be.

Sharla's and my thoughts and prayers are with Elouise's husband Alvin, her son Turk, and her entire family. We join the Blackfeet Nation and all Montanans in mourning, honoring and celebrating the life of an extraordinary Montanan. Future generations will learn about Elouise Cobell's legacy and they will be inspired to follow her lead. She will always be remembered as an American hero.

I have many memories of Elouise. I first met her when I was a State Senator. I knew what she was working on but I never imagined she would ever get as far as she did. Not many people in this world have the determination in them that Elouise had. From those early days, until just a few weeks ago, I talked to her numerous times. She had been fighting the Federal Government in court for a decade, and wouldn't take "no" for an answer. She knew what she wanted, and wanted it yesterday.

After I finally convinced her I wanted to help, our relationship changed. We became friends working together on a common goal; a settlement that was fair and balanced. And believe me, as my friend, she was not afraid to call me and tell me what she thought and how to get things done.

But I will never forget talking to her on the afternoon of November 19, 2010. The Senate had just approved the Cobell Settlement. Our bill paved the way to send her settlement to President Obama for his signature. She