

I yield the floor.

THE PRESIDING OFFICER (Mr. FRANKEN). The majority leader.

Mr. REID. Mr. President, I congratulate my colleague on his fine speech. I was happy to hear him mention some of my family. I think most everyone in Nevada knows that my son Leif is one of his best friends and vice versa. So I congratulate the Senator from Nevada on his first speech. It will be the first of many, and the first one is always the hardest. After that, it is a lot easier.

THE PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, let me add to the remarks of the distinguished majority leader and say congratulations to our brandnew Senator from Nevada for his outstanding inaugural address. He is off to a very fast start representing the people of Nevada and doing a wonderful job. I congratulate him again for an outstanding address.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Oregon.

#### EXTENDING THE GENERALIZED SYSTEM OF PREFERENCES—Continued

Mr. WYDEN. Mr. President, under the leadership of Chairman BAUCUS, I have the honor of chairing the Senate Finance Subcommittee on International Trade. That is why I wish to take a few minutes to outline some of the issues I think are relevant to this important debate, about going to bat for workers under the trade adjustment program.

In my home State, about one out of six jobs depends on international trade. The trade jobs tend to pay better than the nontrade jobs. So I have said my philosophy about international trade is, what we ought to do is everything possible to grow things in Oregon and in the country, to make things in Oregon and across America, add value to them here, and ship them somewhere because this is an extraordinary opportunity we have in front of us in terms of expanding exports.

The fact is, the American brand—the brand that is attached to American goods—the exports we send all over the globe are something consumers worldwide want. That is my first point. More than 90 percent of the world's consumers live outside the United States—90 percent—and they are all potential customers for the products we make in the United States. More customers for American products means American businesses have to make more products. To make more products, they go out and hire more workers. Hiring more workers to make more products to sell to more consumers is the upside of the trade debate we are starting today.

Dismantling trade barriers to American exports gives our businesses access to those new consumers. Doing that creates and supports good-paying

jobs—jobs people can support a family on, with a family-wage job.

As I mentioned, trade-related jobs provide better benefits and pay than many of those jobs unrelated to international trade. That is why when we have an opportunity to open markets to American products and American exports we ought to take advantage of it.

Point No. 2 is that our successful efforts to open markets are undermined when foreign governments and foreign competitors cheat. I use that word specifically because cheating is exactly what engaging in unfair trade practices that work to undermine our producers and our innovators is all about. So a central component of our trade policy always has to be enforcement—enforcement of U.S. trade laws and global trade rules.

Senator SNOWE, Senator PORTMAN, Senator BLUNT, Senator MCCASKILL, Senator SCHUMER, Senator BROWN, and I have been focused specifically on stopping foreign suppliers from laundering their merchandise to evade U.S. antidumping and countervailing duty laws. These are the duties that are put in place to remedy the damage that unfairly traded imports cause to American producers. Those foreign trade cheats, especially those from China, have been found guilty of dumping their goods in our country. Instead of stopping the dumping or paying the appropriate duties, the Chinese goods are shipped into a country such as Korea where the goods get repacked into boxes that say “Made in Korea” in order to avoid the U.S. trade remedy laws.

All of this has been occurring under the sleepy eyes—the sleepy eyes—of our customs agency. Fortunately, with bipartisan support, the Senate is positioned to act on this matter and address the issue. It will not come a minute too soon.

I was stunned when the staff of my Subcommittee on International Trade basically set up a sting operation, set up a dummy company, and we were amazed at the number of firms, particularly from China, that basically said: Look, we are plenty interested in figuring out how to get around American trade laws.

So these foreign trade cheats are out there. They are looking for ways to exploit the fact that the customs agency has not been tough, has not been relentless, particularly not with respect to protecting our manufacturers.

So point No. 2 is to make sure in the days ahead we put in place a stronger response to trade cheating, where cheats from China and other countries literally launder their merchandise, stamp it as coming from somewhere else, in order to avoid our trade laws.

The third point speaks to the bill we discuss today, and especially to the valuable Casey-Brown-Baucus amendment that I hope we will be voting on shortly. America's ability to compete in the global economy rests on opening

foreign markets, enforcing the trade rules, and preparing our workforce—the American workforce, the workforce on which American businesses depend—to be globally competitive for the jobs of tomorrow.

That is what the TAA, trade adjustment assistance, Program is all about. Just as over 90 percent of the world's consumers live outside the United States, so does over 90 percent of the world's workers. Although we have the most productive, innovative workforce in the world, sometimes a foreign producer finds a way to do something better or produce something more efficiently than an American one. The result is, we can have Americans losing jobs through no fault of their own.

So the Congress decided long ago that the best way to respond to global competition was to meet it head on, to meet it directly, and that is what a trade agenda with a robust Trade Adjustment Assistance Program does.

Trade adjustment assistance throws a lifeline to the workers who lose their jobs, and to their families, because we have been open, we have been free, we have been expansionist in the area of trade, particularly when it comes to creating exports. Trade adjustment assistance provides American workers with an opportunity to acquire the skills they need to not just become re-employed but to help American businesses better compete in the global marketplace while those families make their way back to the American economy, where they can earn a wage at which they can support their families.

Trade adjustment assistance is a pretty modest program. The lifeline that is thrown to these workers is modest—just a few hundred dollars a week on average—and the job training that is provided to those workers is typically provided through existing infrastructure such as our community colleges. Trade adjustment assistance provides just enough assistance for resourceful and thrifty and industrious workers to rebound from a trade-related job loss. That, in effect, is what I hope we can start looking at programs such as trade adjustment assistance as being.

What we want these programs to be all about is to be something of a trampoline, where, in effect, people can get a modest amount of assistance, and through that modest amount of assistance be in a position to bounce back to the American economy with skills that have been improved and be in a position to again make a good wage at a company that can be involved in areas such as exports and productivity and innovation-driven services.

For much of the last half of the century, the United States vigorously promoted an open and global economy. As a result, our country launched an effort to become the largest, most dynamic market in the world. Today that global market is more competitive than ever before. The rise of China and India and other emerging markets,

such as Brazil and Russia, provide extraordinary opportunities to our innovators and our producers. But we do not get to be the top economy as a result of some kind of entitlement program. We have to constantly work at it. We have to constantly work at the task of making more innovative and more productive goods and services.

Together, Federal Government officials, businesses, and workers have the opportunity to seize the possibilities that a global economy provides and also overcome its challenges. Certainly, it is more important than ever to do that in the face of growing foreign competition. That means joining again now, on a bipartisan basis, to support trade adjustment assistance.

I would just like to note, having been involved in these issues since I came to the Senate, trade adjustment assistance has historically been a bipartisan program. It has been a program where the Congress, Democrats and Republicans, consistently said we can look at trade, we can look at exports as a vehicle for more family-wage jobs in our country—making things here, growing things here, adding value to them here, and shipping them somewhere. But certainly, in an ever-changing world, we are going to see some of our workers needing the opportunities to upgrade their skills that trade adjustment assistance allows.

So I very much hope my colleagues will support the Casey-Brown-Baucus amendment. It has my full support. It is very much in the spirit of the bipartisan work that has been done on trade adjustment assistance in the past.

Mr. President, I see other colleagues waiting to speak, and with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

#### FISCAL PLANNING

Mr. SESSIONS. Mr. President, yesterday, the President provided a fiscal plan on paper that he said reflects his latest fiscal vision for the country. It seems to be about the fourth vision we have had this year, and he has said we need to be honest with the American people and talk straight to them. I certainly believe that is correct, and I would share some thoughts about the President's plan and express disappointment that he has not been honest and direct with the American people, has not discussed in sufficient depth, in my opinion, the Nation's need to reduce spending because our debt is surging larger than it ever has in our history and presents a danger today and in the future.

The President needs to talk more about that. If we are going to ask the American people to reduce their spending, to take less from the government, to tighten belts, then we need to know why. I do believe he has not been sufficiently informative in his conversations because many of them emphasize increasing investments in various programs, in spending programs he has advocated, but with regard to the plan

that was introduced yesterday he claims it would increase the fiscal year 2012 deficit by \$300 billion; that is, next year it would increase the debt by \$300 billion, but he says it would reduce deficits over the next 10 years, in the outyears, by \$3.2 trillion.

We know what happens now happens. Spending that occurs today—the money is out the door—and promises to raise revenue in the future become less certain as each year passes by.

But assuming this is true, assuming we would actually do in the next 10 years the kind of things that would pay for this short-term spending, I would advise my colleagues that the fundamental claim the President is making—assuming his numbers are correct, and we do the things he suggests—it overstates by \$1.8 trillion the amount of the savings. Mr. President, \$3.2 trillion, no. Mr. President, \$1.8 trillion reduced from that, and we are looking at about \$1.4 trillion in savings and not \$3.2 trillion. That is the fact. I will share with my colleagues the sad, grim fact of that.

How did it happen? Well, the bill, as the Washington Post said, is being criticized because of gimmicks that are in it.

First gimmick: The war-funding gimmick. The plan shows \$1.1 trillion over 10 years in savings from putting a cap on war-spending costs. But those costs are going to decrease as the war effort unwinds whether or not this proposal is in place. They have been long been planned.

The President's proposed caps on war spending manipulate baseline concepts to show the savings that have been long planned and new—something he came up with this week, I suppose—new choices which inflate the spending cuts in his plan. In other words, it inflates the amount of spending he has cut by \$1.1 trillion.

The Congress has dealt with this little gimmick in the budgetary process. I serve as ranking member on the Budget Committee, and we wrestled with these baselines and scoring possibilities. But that gimmick—the \$1.1 trillion gimmick—was rejected during the recent debt ceiling debate, raising the debt limit. We talked about that and we didn't do it because it is not an accurate explanation of the cutting of spending. We don't have any plan to continue to spend in Iraq and Afghanistan the \$158 billion we spend this year. And for 10 years? Give me a break. That has never been our plan and shouldn't be assumed as a baseline for spending. Claiming credit for not continuing that is not a legitimate way to analyze how much you have cut spending.

Some have said PAUL RYAN and the House Republicans, when they passed their budget, included the \$1.1 trillion when they said they reduced spending by \$6.2 trillion. They proposed a budget to cut \$6.2 trillion. They also proposed a growth-oriented tax reduction and simplification plan that would create

economic growth, netting out \$4 trillion in actual savings. But PAUL RYAN and his committee did not—I have checked the numbers—consider \$1.1 trillion in war savings—which no one has disputed should occur—off the present amount we are spending. He did not include that in the \$6.2 trillion. He did have an alternative analysis that showed that, and people have seized upon that to say his fundamental proposal of a \$6.2 trillion spending reduction included it. It did not.

Another big gimmick—one used too often in this body—is what we call the doc fix of Medicare. The Balanced Budget Act, in the late 1990s, proposed substantial reductions in physician fees. As the years have gone by, it has become more and more plain that doctors cannot sustain a 20-percent reduction or more in their fees for doing Medicare work. So each year we put that money back in. But it is part of the plan of a long-term budget. The statute itself has not been changed. So every year we have this little problem: Are we going to cut the doctors 22 percent or are we going to avoid cutting the doctors 22 percent? Well, we don't want to cut the doctors that much. They can't function. That is too big a cut for them. So we find the money some way every year. Mostly, we have borrowed it.

The President's plan assumes that money will be found for the doc fix and they will do it over 10 years to the tune of \$293 billion. This trick counts the higher spending as a given rather than as a policy choice that needs to be offset. Without this gimmick, the President's health care savings of \$320 billion the plan suggests will occur becomes health care savings of only \$27 billion. You don't save \$293 billion because of this gimmick because it is unpaid for. There is no source of income to pay for the President's assumption. We will pay \$293 billion, which means he only saves \$27 billion in health care, not \$320 billion.

I believe this is a truly honest and fair analysis of the President's proposal. It is incorrect, putting it kindly.

There is another little gimmick. When the President talks about cutting spending—when he says we are cutting spending—what does he include in that? He is counting as spending reductions the net interest effects of his proposed policy changes, even though interest costs are the secondary effect of his proposed tax hikes.

For example, if you raise taxes and don't cut spending—and spending has not been cut in this plan—you raise taxes and you reduce projected deficits, we think about \$1.4 trillion under the plan, less than half of what was projected, then you don't pay as much interest because you don't accrue as much debt. And you don't pay as much interest on a debt that is not accrued. They are scoring that as if they cut spending, when it is a natural by-product of increased taxes.

So when you remove the accounting tricks and the Washington gimmicks

that have contributed to this country being in the fiscal condition we are in, you are left with only half of the \$3 trillion in deficit reduction the White House promised.

The White House also claims the President's plan has \$2 in spending cuts for every \$1 in tax hikes—\$2 in spending cuts for every \$1 in tax increases. Indeed, early in the year he suggested we should have a plan that would have \$3 in spending cuts for every \$1 in tax hikes. But is this accurate? Is it true we are achieving \$2 in spending cuts for \$1 in tax hikes?

If you eliminate the gimmicks, you will see it is absolutely not true. Under the plan, total Federal spending—including the jobs plan's stimulus bill—the new stimulus bill—will increase. The President's plan will not decrease total Federal spending. It will increase, not decrease. There is no cut in spending. On balance, there is not a penny of net spending that is cut—on net.

In a speech, the President said:

I'm proposing real serious cuts in spending. When you include the \$1 trillion in cuts that I've already signed into law, these would be among the biggest cuts in spending in our history.

Well, that is not true. It is not accurate. I don't think it bodes well for us to be able to reach an agreement on these very serious issues if the President is pretending his plan cuts war costs or counts interest that shouldn't be counted or proposes we have a doc fix without any money with which to fix it. Those are the kinds of things that get us into trouble.

Despite the substantial increase in taxation under the President's plan, deficits would not be tamed. At no point over the next 10 years would deficits be smaller in nominal terms than the \$459 billion recorded before he became President. That is the highest deficit in history. President Bush was roundly criticized for the \$459 billion during his time. The lowest deficit under today's plan—the lowest over 10 years—would be \$476 billion in the out-years, and it would start going back up again under the plan they propose, leading to a \$565 billion deficit in 2021. And by the way, the last 3 years of deficits have been \$1.3 trillion, \$1.2 trillion, and this year will be \$1.4 trillion in debt. So next year's deficit will actually surge beyond the current projections. We had hoped they would come down. But because of the new spending in this plan, \$350 billion will be added to the deficit next year, putting us well over \$1 trillion in deficit again next year. At a time when we should be reducing deficit spending, the immediate impact of the plan will be to increase spending, fostering more fear and uncertainty in our economy and the conclusion among the financial investors here and worldwide that we still haven't gotten the message and we are still out of control.

Over the next 10 years, deficits would total \$6.4 trillion, and gross Federal debt would grow by \$9.7 trillion. Gross

Federal debt would grow by \$9.7 trillion, exceeding \$24 trillion in 2021, when last year we had about a \$13 trillion debt. That would put our debt over 100 percent of GDP.

Properly accounting for the effect of the President's proposed policy changes, the actual amount of debt reduction proposed by the President is \$1.4 trillion, consisting of \$146 billion in spending increases that would increase the debt and \$1.5 trillion in tax increases. So we may have raised a few weeks ago our legal debt limit, allowing us to run up more debt, but we have breached our economic debt limit. America's \$14.5 trillion gross debt we have today is 100 percent of our economy.

A prominent study from economists Rogoff and Reinhart—praised by Secretary Geithner as “excellent”—shows when a nation's gross debt reaches 90 percent of GDP it loses, on average, a percentage point or more in GDP growth that year. Our debt is depressing growth. Our debt is now 100 percent of GDP, and our growth is unexpectedly slow this year. Could that be a part of the cause? Some economists say no, but it certainly is consistent with the projections in their plan.

So the plan that was presented, I have to say, is gimmick piled upon gimmick, adding up to little more than a tax hike camouflaged as fiscal restraint. Promised spending control is nowhere to be found. When you are in a crisis, you must deal honestly with the American people. You must present the facts, along with a credible solution, and call on the people to respond and sacrifice together. Americans are good, decent, hard-working people who will accept a difficult choice if given to them in honest terms. But the White House is trying to be clever at the expense of being credible.

The debt is destroying jobs today, I believe. If we are going to restore confidence in growth, credibility in the President and in Congress is one asset we cannot afford to borrow against.

I thank the Chair, and I yield the floor.

THE PRESIDING OFFICER. The Senator from Oregon.

MR. SESSIONS. Mr. President, can I ask unanimous consent to have 1 additional minute?

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

MR. SESSIONS. Mr. President, I wish to congratulate my colleague Senator WYDEN on his work on this legislation, and also would thank him for his efforts to reach an agreement to improve our Tax Code. It is a big deal. A lot of expert witnesses have appeared before the Budget Committee. Senator WYDEN is a member of the Budget Committee. Those witnesses have told us that properly improving our Tax Code could improve growth, create jobs, and make America stronger. I appreciate the Senator's hard work and am looking at his proposal and thank him for contributing positively to the debate.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Oregon.

MR. WYDEN. Mr. President, just before he leaves the floor, let me tell Senator SESSIONS how much I appreciate the kind words and enjoy working with him. We serve on the Budget Committee together and talk often about economic issues. I wish to tell my colleague that I look forward to working with him on tax and budget issues in the days ahead especially.

AMENDMENT NO. 626

MR. President, what I would like to do now is take just a couple minutes to talk about the amendment offered by the distinguished Republican leader, Senator MCCONNELL, to extend trade promotion authority—what is known as TPA—for 2 years.

I am certainly interested in working with the leader. Certainly, Chairman BAUCUS has made it very clear that he wants to continue to work on this issue. But I would oppose the McConnell amendment this afternoon, and I want to outline specifically why.

The last time Congress passed trade promotion authority was in 2002, essentially almost one decade ago. The McConnell amendment would simply continue Congress's instructions that were formulated back then, as I said, almost one decade ago. But the fact is, the American economy has changed dramatically since TPA was adopted last, and the overseas trade barriers have changed dramatically. Yet the McConnell amendment simply hasn't kept up with the times. What I wish to do is outline a few examples of areas where we face very different economic challenges.

I would also like to say we talked about this very briefly in the Senate Finance Committee. It was raised by the ranking minority member on our subcommittee, Senator THUNE. So it is clear there is an interest in the Finance Committee in working on this issue.

Trade promotion authority is a hugely important and complicated issue. When it was considered the last time, there were extensive hearings in the Finance Committee. Many amendments were authored. There was considerable time devoted to it. That has not been the case at all with respect to reauthorization, and it is why, in particular, I wish to make sure that when the Congress next deals with trade promotion authority, we deal with some of the most important challenges. I am going to outline a few of those.

Digital goods and services would be of special concern that we have looked at in our community. Digital goods, for an example, would be software. Digital services would highlight cloud computing. I know it is something that has been of great interest in Minnesota. It is all about the Internet playing an increasing role in the American and the global economy. It is a platform for global commerce.

I believe the Internet represents the shipping lane of the 21st century. It is

the shipping lane for goods and services, and the 2002 version of trade promotion authority doesn't have the kinds of policies that are necessary to address today's challenges that affect our ability to export American goods and digital services.

A second example would be the question of labor and environmental standards with respect to our trade goals and intellectual property protection for pharmaceutical drugs.

In May of 2007, congressional Democrats and Republicans got together, on a bipartisan basis, to update trade goals with respect to key issues such as labor and the environment and intellectual property protection as it related to pharmaceutical drugs and therapies. These agreements that were entered into in 2007 aren't reflected in the 2002 version of trade promotion authority. So extending the 2002 version of trade promotion authority is another area where, if we simply support the McConnell amendment this afternoon, trade policy has not kept up with the times.

Finally, I would just like to mention China. The fact is, in 2002, we had a relatively short experience with China at the World Trade Organization and, more than ever before, state-owned enterprises play a role in global commerce, particularly given the rise of China. I think all of us agree our trade agenda ought to include promoting discipline so state-owned enterprises do not undermine the American private sector. That requires reconsidering, again, the provisions found in the 2002 version of trade promotion authority.

What it comes down to is that this issue deserves more consideration than a floor amendment with just a modest number of Senators even being aware of the history and the issues and the complexity of the issues. In fact, it would be fair to say that a significant number of Senators on both sides of the aisle weren't even a member of this body back when trade promotion was considered last in 2002.

So what it comes down to for me is, American trade policy is too important to construct on the back of a galloping horse. That, in my view, would be what the Senate would be doing if it simply adopted the McConnell amendment. Chairman BAUCUS is opposed to this amendment. He, such as myself, has made it clear he is interested in working with colleagues on a bipartisan basis on this issue, and it is an important part of the role of both the executive branch and the Congress in terms of looking at trade policy, and it is particularly important right now when, in a host of areas—I will give another example.

I cited already digital goods and environmental labor standards and state-owned enterprises. We had a very valuable hearing in the Subcommittee on Trade Finance on fishing issues, which are also playing an increasingly important global role in trade agreements and trade policy. That also was not

part of any discussion back in 2002. Those issues and others need to be aired. They ought to be aired on a bipartisan basis.

I thought Senator THUNE, when we were in the Finance Committee, was right to ask about this issue. There is going to be an opportunity in the days ahead to work on this. Chairman BAUCUS has made it clear that he wants to work with colleagues on a bipartisan basis on trade promotion authority. I do as well. I already made that pledge to the ranking member of our subcommittee, Senator THUNE, who has been very easy to work with on a host of these trade issues. He has made some particularly important points with respect to digital goods and services and the opportunity for our high-tech sector—wrote a good article on it just a couple days ago.

Suffice it to say, there is a lot of interest on our side of the aisle in working on this issue. But I would urge colleagues to resist the McConnell amendment this afternoon when it comes up for a vote for the reasons I have outlined, and there will be time for the kind of debate on trade promotion that I think is appropriate, one that reflects the opportunities and challenges of an economy in 2011 that is very different than the one we were addressing when we last did trade promotion authority in 2002.

In an effort to come up with a unanimous consent agreement that can resolve the question of the upcoming votes, I would just say to Senators on both sides of the aisle that certainly the next hour would be a very good time for Senators who would like to speak on the Casey-Brown-Baucus amendment or the McConnell amendment.

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. TESTER. 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. TESTER. I ask unanimous consent to speak as in morning business.

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

#### IRAQ DEADLINE

Mr. TESTER. Mr. President, during a trip to Baghdad this past January, I had the opportunity to meet with several members of the Montana National Guard's 163rd Combined Arms Battalion. That day, I told them that I was proud of each and every one of them, from unit commander LTC T.J. Hull and SGM John Wood, right on down the line. Through courageous service to our country, they were making tremendous sacrifices on our behalf, and they were representing the very best of Montana.

This month, these folks have been coming back home to Montana from their demobilizing station in Wash-

ington State. Today, I join their families, their friends, and their neighbors in welcoming the last group of those citizen soldiers back to Montana.

Job well done, soldiers. And I thank you.

For nearly a year, these 600 Montanans served in some of the harshest conditions imaginable—escorting numerous convoys across dangerous terrain and conducting other critical security missions throughout Iraq. At one point over the last 12 months, this unit accounted for more than half of Montana's best and brightest serving overseas. They gave up the comforts of their families, their homes, and their communities to bring stability to a nation on the other side of the world. Through it all, they showed courage in difficult times. They remained strong. And they were always in our thoughts and prayers.

Now they are home. It is our duty to continue our support by providing the benefits, quality care, and services they need as they transition back to their families, to their jobs, and to their communities. Many Iraqi veterans make that transition with success, coming home to good jobs and welcoming communities. But for others, making that transition is no easy task. It is no secret that there is a potential for higher rates of substance abuse, higher divorce rates, higher unemployment rates. The effects of post-traumatic stress disorder and traumatic brain injury can impact entire families. Thankfully, veterans often look after each other. We should recognize the important role of America's veterans service organizations and their willingness to help with that transition.

Montana was one of the first States in the Nation to adopt the Beyond the Yellow Ribbon Program. It involves entire families of National Guard soldiers and airmen, preparing them for the changes that come before, during, and after deployment. The Beyond the Yellow Ribbon Program is a success, and I am pleased that in the last Congress my colleagues gave all States the resources to implement it.

Furthermore, I will do my best to make sure we keep up our end of the bargain. Whether it is college education, health care, or compensation for an injury suffered on the field of battle, we will honor our commitment to our heroes. We make this promise to the men and women of the 163rd and to Montanans who make up the many other units of the Montana National Guard that were deployed this year and to those folks who are part of Montana's Red Horse Squadron, now in Afghanistan. To our reservists and to the folks serving in the Active-Duty military today, we make the same commitment.

Even as we make this commitment, many folks in Montana are wondering what should happen next in Iraq. Since 2003, our Nation has sent hundreds of thousands of young men and women to

fight in Iraq. We have done so at an enormous cost—4,474 Americans have given their lives, and more than 32,000 have been wounded. We cannot put a number on those who suffer from the injuries that are unseen. And let's not forget that the price tag of this war that was put on our children is quickly approaching \$1 trillion, and then there are the tens of billions of dollars in waste and fraud.

The war in Iraq started with political leaders who had their own agenda. They went there looking for weapons that never existed. But through it all, the professionalism of our military never faltered. They provided security and democracy to a nation that had never known it.

But for far too long, Iraqi politicians did nothing to secure their own future. I first went to Iraq in 2007 and returned there again this past January. I was struck by how much it changed in those 4 years. Iraq was finally moving forward after too many wasted years, too many wasted dollars, and too many lives lost. There are many reasons for the change. The improved security from our military and the training provided by our troops played a big role. But American diplomats and military leaders told me that the biggest reason for the progress in Iraq was this: The Iraqis were told in no uncertain terms that the United States was leaving. Our military presence would end on December 31 of this year. That was what galvanized Iraqi politicians to take control of their own country.

Today, I am sending a letter to the President calling on him to stand by his commitment to pull all U.S. Operation New Dawn troops out of Iraq by the end of this year. We should bring the last of them home on schedule. U.S. marines will still guard our embassy, as they always have, and we will still maintain a strong diplomatic presence in Iraq.

Despite this year's deadline, I know there is talk of the possibility of keeping a sizable force of U.S. troops in Iraq through next year. If that is the case, it is not good. We cannot afford moving the goalposts. Across Montana and this Nation, people are saying: Come home and come home now. I know sectarian violence in Iraq will continue. We should not be asking American troops to referee a centuries-old civil war. That conflict is likely to continue into the distant future regardless of our presence.

Iraq now has the tools it needs to secure its economy. Iraq must solve the problems for its own people. Keeping thousands of U.S. troops in Iraq would needlessly put them in more danger, it would cost American taxpayers more money, and it would further distract us from our core objectives of protecting U.S. citizens and further dismantling al-Qaida and other terrorist groups. That is where our focus must be, and that is why I am saying let's end this war for good.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, I ask unanimous consent to speak as in morning business for about 5 minutes.

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

HONORING OUR ARMED FORCES  
SERGEANT JOSHUA J. ROBINSON

Mr. JOHANNIS. Mr. President, I rise today to remember a fallen hero, U.S. Marine Corps Sergeant Joshua J. Robinson of Douglas, Nebraska. Sergeant Robinson was killed in action on August 7, 2011, while conducting patrol operations in the Helmand Province of Afghanistan. He was in his third tour of duty. His story of service comes to us at a time when many are reflecting on the 10th anniversary of the September 11th terrorist attacks—a fitting time to recognize the patriotism of a fallen hero.

Sergeant Robinson enlisted in the Marine Corps in 2003, a time when Operation Iraqi Freedom was in the beginning stages and many were unsure of what was to come. He felt the call to serve and was rightfully proud of his commitment to defend and protect our country. Sergeant Robinson's love of the outdoors provided him with many of the skills needed to be the best Marine he could be.

Sadly, his life was cut short too soon, and the Robinson family laid their Marine to rest in Hastings, Nebraska on August 16, 2011. Sergeant Robinson returned to his birthplace with valor and honor, having been awarded the Purple Heart, the Combat Action Medal, the Iraq Campaign Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Expeditionary Medal, and many other decorations during his military career. He died a brave and most honorable death. We are proud to call him one of our own.

The tradition of military service is strong in our great state of Nebraska, but strong soldiers are not possible without the support of family. I am confident Nebraskans will rally around Sergeant Robinson's family during this difficult time. He is mourned by his wife, two sons, mother and stepfather, sisters, and many others. It is the strength of his wife Rhonda that will remind Wyatt and Kodiak of the love their father had for them and for his country.

His mother Misi provided insight into her son's position to serve when she said:

Our freedom was put on the line. It takes young men like Josh to enlist and protect the USA.

I know his family is proud of him and will always remember his spirit, his competitiveness, and his enthusiasm for adventure.

May God bless the Robinson family and all of our fighting men and women in harm's way.

I yield the floor and 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.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

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

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

DON'T ASK, DON'T TELL REPEAL

Mr. COONS. Madam President, I rise today to mark a momentous day and to stand with the millions of Americans for whom the end of don't ask, don't tell means the beginning of a real era of new equality for our Nation. It has been 60 days since Secretary Panetta, Chairman Mullen, and President Obama certified the U.S. Armed Forces were ready for the repeal of don't ask, don't tell. After 18 long years, today that policy finally comes to an end.

This is an important day. It is a good day. Today is a good day because our Nation, in my view, is taking a major step forward not just in the pursuit of equal rights but in the pursuit of equal responsibility. Today is a good day because we always talk about equal rights, but with don't ask, don't tell we are talking about Americans who sought equal responsibility, Americans who wanted to serve their Nation.

Nearly 14,000 LGBT Americans wanted to serve their Nation in their military but were deemed unfit to serve not because of what they did but because of whom they loved, as if loving another man made a soldier unable to aim a rifle or unwilling to die for his country. But for as many servicemembers who were drummed out—both literally and figuratively—under don't ask, don't tell, I cannot help but wonder how many more served in silence, proud of their uniform but made to feel ashamed of the person underneath.

LTC Charles George served his country for more than 30 years, including 28 years as a commissioned officer in the U.S. Army. His uniform is decorated with a wide range of medals and ribbons for dedicated service. When he graduated from ROTC in 1980, Charlie's boyfriend Dennis was there, and he wrote to me recently about his experience. He said:

I sat next to his mother, keeping quiet so I wouldn't draw attention to our relationship. During his actual pinning, my eyes never left his for the entire process. I was so proud of him. At one point, his eyes found me in the audience and we smiled at each other. I still remember that moment.

That was the last of those moments they would have. In 30 years of dedicated Army service, that ROTC ceremony was the only military activity of Charlie's that Dennis would be able to be a part of. Charlie was determined to serve our Nation, and so they had to keep their relationship a secret.

Charlie steadily rose through the ranks to first lieutenant and then to captain. He was promoted to major and ultimately lieutenant colonel. These were all proud moments for Charlie,

but Dennis could not be in the room for any of them. "The only thing harder than being a soldier is loving one," they would later recall hearing. I would offer the only thing harder than loving a soldier would be having to keep that love a secret from the world for a decade.

After 9/11, then-MAJ Charlie George was activated from Reserve duty, and like so many military families they discussed their now uncertain future. If Charlie had died in the service of his country, there would be no call on Dennis's phone from the Army, no knock on his door. Dennis would receive no crisply folded flag presented by a military honor guard. Dennis would never be able to be buried next to Charlie at the Arlington National Cemetery.

For 31 years they kept their relationship and their love a secret. Colonel George retired this year—a milestone he will celebrate next month in Rehoboth Beach, DE. For the first time since that ROTC ceremony more than three decades earlier, Dennis will be there proudly looking on. No more secrets, no more hiding, just the respect and dignity they both deserve—not just because of Charlie's long and dedicated service to the U.S. Army or because of Dennis's silent sacrifice but because they are both Americans.

I was proud to cosponsor the repeal of don't ask, don't tell last fall. I was even prouder to vote for it. Madam President, 3 months ago I was 1 of 13 Senators to record a video telling the gay, lesbian, bisexual, and transgender youth of this country that it gets better. As Americans we tell our kids that equality for all is a founding principle of our Nation, but our actions in so many ways have in the past failed to live up to these brave words. Our video was a promise to this generation of Americans, to the generation of my children, a promise that we are working to build an America free of legal discrimination, free of discrimination in our society; that LGBGT youth have a future in this country where they will be entitled to the same rights, privileges, and responsibilities as every other American.

Bit by bit we are going to tear down these walls of discrimination. This is how we make it better. Don't ask, don't tell was discrimination, plain and simple. But today it is no more. Today is a good day.

Thank you, Madam President.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. I thank the Chair.

(The remarks of Mr. INHOFE and Mr. BLUNT pertaining to the introduction of S. 1583 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BLUNT. Madam President, I wish to speak for a few minutes today about the bill that is on the floor, the amendment, in fact, to the general system of trade preferences bill. That amendment is trade adjustment assistance.

Frankly, it is not a bill I would have drafted on my own, but my guess is neither would have the two people who negotiated the bill. This is a compromise between Chairman CAMP in the House and the Senator from Montana here. It is a compromise that reflects exactly that. It is not what either one of them may have come up with, and certainly not what I would have come up with. But, based on the President's determination, it is essential to move on to the three trade agreements that have been waiting to be voted on for 3 years now.

I intend to vote for this. I am looking carefully at the amendments. I am supportive of the two amendments we will vote on today. But if they would disrupt the balance of this agreement that has been made, I am going to look very carefully at that as these votes are cast.

Certainly, I wish for this President and all of his successors to have trade promotion authority. I think we have seen the difficulty of the President being able to negotiate a treaty as an agreement. A trade agreement that comes to the Senate and that could be amended by the Senate and which takes two-thirds of the Senate to approve—those days are over. Before trade promotion authority, we had essentially gotten out of the treaty agreement on trade because who wants to make that kind of agreement? Who wants to get into a room and negotiate a trade agreement only to see the thing maybe they thought was the biggest thing they had given up or the biggest thing they had gotten taken out of the agreement before the Senate votes on it?

So this up-or-down, yes-or-no, majority-in-the-Senate and majority-in-the-House trade promotion authority is very important. I wish we had an agreement that this President wanted right now, and that the next President—whoever that is and whenever that is—would have the ability to continue, because since we ran out of the trade promotion authority law, we have not had any agreements negotiated.

In fact, the three we have negotiated now, I want to talk about for a minute, but they have been available for 3 years and I am eager for the President to send them up. The President says this TAA issue, this trade adjustment assistance issue, has to be understood to be completed and will be completed, or at least he has to be assured it will be completed, before we get those three agreements.

It would be fine with me if we could adjust this some. I want to see the bill of my good friend from Oregon, who is on the floor, Mr. WYDEN, considered, of which I have cosponsored, on transshipments, where many of us in this body have problems in our States—I have two major problems I could talk about for a long time, but I will not today—where the proper authority has looked at what is happening, and they

said: No, you have unfair trade practices. So there is a penalty on the country that is using those unfair practices to compete. But then what that country does is they start labeling the product as if it were from somewhere else, and they may ship the product through that other country and get it labeled there or they may short circuit that and put the label on it in their own country and say it was made somewhere else so when it comes in here, suddenly it does not have that penalty. Whether that is relabeling or I think, as my good friend from Oregon calls it, merchandise laundering, where you make the merchandise appear to be something it is not, so you no longer pay the penalty, I would love to see that on a bill here in the near future.

The other Senator from Oregon and I have a bill on affordable footwear that has trade impact I would love to see on a bill. This is a bill that potentially might have jurisdiction to go on. But that is not the agreement that has been made between the House and the Senate. I am going to be supporting that agreement and not doing anything that makes it impossible for us to get these three trade agreements. I am absolutely banking on the commitment by the President of the United States that if this happens, the three trade agreements come to the Congress. When they come to the Congress, I believe they pass the House and Senate, and they create great opportunity for American workers to send their products to other countries.

One of these agreements that has been there for a long time is the agreement with Colombia. Colombia already is able to ship its products in here without tariff under something that routinely passes the Congress called the Andean Preferences Act. So this is not about whatever labor conditions there are in Colombia. Their products already come here. This is about whether U.S. workers are going to have every possible advantage in Colombia. This is about whether Caterpillars made in the United States or John Deere tractors or moving equipment made in the United States has the same advantage in Colombia that the same piece of equipment made in Canada has. Right now, they do not have that advantage. We need to see that they do.

As to Korea, the European Union negotiated a trade agreement long after we negotiated this agreement, but it went into effect the first of July, and the year-to-year comparison, July over July, is, I think, 38 percent bigger this July than it was last July. The only difference between this July and last July is the trade agreement.

These are three countries where all of their trading history, all of their buying history—Panama being the third of the three—would be that given the choice of an American product to buy or a product from any other country but their own, they would give preference to the American product.

But we are giving away that market advantage by not creating this opportunity for American workers and American companies, big and small.

Agriculture is a huge beneficiary of these agreements. Lots of agriculture, lots of grain crop agriculture, lots of meat crop agriculture—whether it is chickens or poultry of all kinds or pork or beef—is very dependent on American family farmers who will see a great opportunity in each of these countries, given the opportunity to get their product under these agreements.

I am hoping that enough of my colleagues and I are able to get this general system of preferences bill, as amended with the TAA, done so we can get on to the job-creating work of these three trade bills. These are opportunities to create more private sector American jobs. Over and over, almost every Member of the Senate says that should be our No. 1 priority. The President says that is his No. 1 priority.

This work, combined as we get to the trade agreements, lets us do the easiest part of job creation and our No. 1 priority, which is to let American workers compete in places where the consumer wants to buy American products, eliminate those barriers, and move forward with these agreements and the bill on the floor today. Then, hopefully, we can get to the transshipment bill; hopefully, we can get to the Affordable Footwear Act, and, hopefully, we will eventually see TPA. The Senator from Utah has a bill that would synchronize trade adjustment assistance with any trade bill. And, of course, we should do that.

But let's get this work done. I look forward to this being done, and the President sending the bills up so that before the next month passes, hopefully, we will be seeing American products have the advantage they have been waiting for now or at least eliminate the disadvantage they have had needlessly for the 3 years since these agreements were all negotiated.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Madam President, I want to respond very briefly to my friend from Missouri, and then I know the Senator from California is here, and she wishes to speak for about 10 minutes. I am going to be very brief.

First, I want to thank Senator BLUNT for working with us in a bipartisan way. He played a key role in trying to advance this issue and worked very closely with all of us in the Finance Committee, Chairman BAUCUS, myself, and others.

The Senator from Missouri is absolutely right with respect to the tariff issue. The fact is, the American market is open. We essentially have some of the lowest tariffs around. In many of the markets around the world—and certainly in a number of areas with these three countries—we face much higher tariffs. So if we come up with an

effort to, in effect, level the playing field, that means American companies, particularly American exporters, benefit more than do the folks around the world. So I think the point the Senator from Missouri has made is a very valid one.

I also want to thank him for his comment with respect to the trade cheats. We are going to have further discussions with respect to TPA, and I see the distinguished ranking minority member. When we talked about this in committee, I made it very clear I intend to keep working with Senator HATCH and Senator THUNE, who is the ranking member of the subcommittee. The challenge is to make sure TPA keeps up with the times. Because if we just reauthorize in 2011 TPA of 2002, we are not going to be dealing with digital goods and digital services, we are not going to be dealing with State-run enterprises, we are not going to be dealing with labor and environmental issues. That is why we are going to have to continue that work in a bipartisan way.

Madam President, Senator BOXER was going to speak next. Then I understand Senator HATCH wants to discuss his amendment, and I intend to remain for that.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

Mrs. BOXER. Madam President, first, I want to say thank you to the leadership on this bill. This trade adjustment assistance is so critical. When we talk about creating jobs, we also want to talk about retraining those who need, in this century, the new kinds of training it takes to keep up in this economy and this world economy. So I want to thank them for their leadership.

#### JOB AND DEFICIT REDUCTION

Madam President, I want to talk about jobs and deficit reduction. The good news on this front is that President Obama has presented to the Nation both a jobs plan and a deficit reduction plan. He has shown the Nation, through this plan, that while we must cut the deficit and the debt in the long term, we have to focus on jobs in the short term. His plan ensures that middle-class Americans get the jobs and the opportunities they need to continue to move ahead. It also makes sure we have a fair tax system in place so everyone pays his or her own fair share—not too much, not too little, but fair. So this approach is welcome.

I will tell you why I welcome it. Because the approach outlined by President Obama—deficit and debt reduction, investments in jobs—was the same vision that worked before when Bill Clinton was the President. I had the honor of being here in this body to support those policies. People forget

that when Bill Clinton became President, there were deficits and debt as far as the eye could see, and this country was going on the wrong path. What he did was to make sure everyone paid his or her own fair share so we had the revenues we needed to make the investments we needed to create the jobs we needed.

In those years, the investments were in high-tech and biotech, and we really broke through on the global scene. Madam President, 23 million jobs were created and deficits were turned into surpluses. I remember looking back at the record. Some of my Republican colleagues who are still here today said: The Clinton approach is going to lead to the worst deficits, no job creation. They were incorrect.

We lived through it, and we know that vision of cutting spending on what does not work, increasing spending on investments, everyone paying their fair share—all that turned into prosperity, 23 million jobs. What perplexes me is that my colleagues on the other side of the aisle want to go back to the Bush years, trickledown economics, more tax breaks for millionaires and billionaires, no investments, so we even lose funding for our teachers, our firefighters, our nurses, and even our transportation stakeholders.

I am so grateful we passed an extension of the highway bill for 6 months. But, believe me, we face perils ahead because the House cuts that bill by a third, and we have to make sure that does not happen because 1.8 million jobs are at stake.

So I am perplexed that my Republican friends only evidence compassion and concern for the millionaires and the billionaires, but not for the middle class. Their compassion for the wealthiest is overwhelming. Their expressions of concern for billionaires—mind boggling. They call them the job creators, even though they are not the ones creating the jobs. The jobs are being created, if they are at all, by the way, by the small businesspeople. For 64 percent of new jobs, the creation comes from small business. They do not earn a million dollars. No way. So they call millionaires and billionaires job creators, which they are not, and they cry bitter tears that we might ask a millionaire or a billionaire to pay a fair share.

When I was young—and maybe I shouldn't tell the truth because this is going to date me—there was a show on television called "Dragnet." The star of it was Joe Friday. Joe Friday used to say: "Just the facts." So let's look at just the facts. Let's look at the facts. Why are my Republican friends defending the wealthiest among us? Since 1995, the wealthiest 400 Americans have seen their tax rates fall by 40 percent, while their average income has quadrupled. Let me say that again. The wealthiest 400 families saw their income go up by four times and their tax rates went down by 40 percent. Why do they have to cry for that situation? Why the tears?

Here is another fact and this is amazing. The wealthiest 400 families are worth more than 50 percent of American families. Let me say that again. The wealthiest 400 families in America are worth more than 50 percent of America's families. Senator BERNIE SANDERS from Vermont brought that fact to us. Why the tears for those 400 families?

One of those people, Warren Buffett, came forward. Bless his heart. He said his effective tax rate is lower than his secretary's. His effective tax rate is lower than his secretary's. Why are we crying for people who earn millions and billions and pay a lower effective tax rate than their secretaries? I thank Warren Buffett for coming forward and other millionaires and billionaires have come forward and basically underscored that. Here is what he said:

My friends and I have been coddled long enough by a billionaire-friendly government. It's time for our government to get serious about shared sacrifice.

I think he is right. Why should a millionaire or billionaire pay an effective lower tax rate than firefighters who risk their lives every day, than nurses who save lives every day, than their own assistants and secretaries who are so important in running their enterprises? Our President Obama has suggested millionaires and billionaires pay the same effective tax rate as their employees. That should be embraced, not attacked as class warfare.

I ask, is it class warfare to say to a millionaire or a billionaire they should pay the same effective tax rate as their secretary or is that just the moral thing to do? It is the moral thing to do. Is it the fair thing to do? It is the fair thing to do. Our country needs everyone to help us as we tackle the deficit. So why the tears? Why the tears? These are not the job creators. These are not people who have given the last 10 years. We have seen their incomes rise exponentially and their taxes go down.

So I don't think it is class warfare at all. It is just a talking point for Republicans. But since they have raised it, I would say this. I don't think it is class warfare to ask millionaires and billionaires to pay the same effective tax rate as their secretaries, but I think Republican policies are class warfare on the middle class. Look at their policies. They would end Medicare and put middle-class senior citizens in jeopardy. They want to privatize Social Security and put middle-class seniors in jeopardy. They want to cut one-third of the funds from transportation, which would mean 600,000 layoffs for middle-class workers.

They stopped us from helping small business by blocking Senator LANDRIEU's Small Business Innovation Act. They blocked the EDA—the Economic Development Act—which would have created 1 million jobs over 5 years. They have taken no action on the FAA bill. They have not appointed conferees, and we can't get that bill done that is hundreds of thousands of jobs.

When Republicans took control of the House, gross domestic product had grown at an average of 2.5 percent after the Recovery Act. Now it is down to 0.7 percent—from 2.5 percent of growth to 0.7 percent. The Republican Congress put the brakes on job creation, and that is a strong reason why this economy has slowed.

Even before they have read the fine print of President Obama's proposal, they say it is dead on arrival. So let us be clear: Again, asking millionaires and billionaires to pay the same as their secretaries is not class warfare, it is moral. Mark Cuban, the owner of the Dallas Mavericks, says it is the most patriotic thing we can do.

So instead of crying for millionaires and billionaires, I am thinking of sending a box of Kleenex tissues over there to PAUL RYAN, who is lamenting this attack on millionaires and billionaires. Poor thing. Poor guys, poor gals. Instead of doing that, let's fight for the middle class around here. Let's get our arms around deficit reduction by asking everyone who can to pay their fair share.

By the way, let's give tax breaks to the middle class. Do you know these same Republicans who are crying their tears for the millionaires and billionaires say they do not want to give a tax break to working people? They are against the payroll tax proposal which would suspend that payroll tax for a period of time. I ask them to stop blocking bills that would create jobs. Stop blocking tax breaks for the middle class. Stop going after middle-class seniors. Stop crying for billionaires and help us pass elements of the Obama jobs plan which include bipartisan proposals all of us have supported in the past.

I think that is critical. We did this before with Bill Clinton—we created jobs, we strengthened the middle class, and we created surpluses by asking everyone to pay their fair share. Remember, when our President took over, this country was bleeding 700,000 jobs a month. I remember that—700,000 a month. We were on the verge of losing our automobile industry. This President took action. He doesn't get the credit for that, and that is OK. There will be time enough to spell it out. But all we have to do is look back to those days. Credit was frozen.

The Presiding Officer remembers that. Capitalism was coming to an end. This President acted. I have to say this: I don't want to go back to those days of bleeding 700,000 jobs a month. I don't want to go back to the days of credit freezes. I don't want to see these deficits continue. I want everyone to pay their fair share. Most of all, I want jobs for the American people.

So if we can stop crying tears for the people who have it all and we can roll up our sleeves and work together for the middle class, we will strengthen this Nation. We will solve our problems, just as we did when Bill Clinton was President. We have the roadmap.

President Obama has taken steps to follow that roadmap. We know it works. We will get these deficits down, we will get the debt down, we will help the middle class and, yes, the wealthiest among us will pay the same tax rate effectively as their secretaries. You know what, if we do that, Democrats and Republicans can feel good about this country again. Let's work together and let's not say now that we can't ask billionaires to pay their fair share and let's not keep the middle class from getting their tax cuts and their jobs. That is what is important.

I wish to thank the leaders on this issue for letting me have the time to talk about this middle-class attack that we are seeing, and I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, I wish to talk about an amendment I intend to offer linking TAA expansion to enactment of the three pending free-trade agreements.

I will send an amendment to the desk in the near future for consideration. This amendment makes the effective date for additional TAA funding contingent upon the enactment of our free-trade agreements with Colombia, Panama, and South Korea.

It is unfortunate this amendment is necessary. Supporters of this trade adjustment assistance bill tell us that TAA is a necessary precondition to submission of our pending free-trade agreements—a necessary precondition of the President. The President and his supporters say if TAA does not pass, the free-trade agreements will never be sent to Congress for our consideration.

I find this logic disturbing. It basically boils down to this: Spend more taxpayer money on one of our pet trade priorities or we will refuse to allow Congress to vote on trade agreements that we know will create jobs. The administration has said it will create 250,000 new jobs. By the way, at a time when unemployment is over 9 percent, I simply can't understand why the President continues to hold up these FTAs and their consideration.

Even today, we don't know if the President will actually send the FTAs to Congress if we pass TAA. So my amendment is very simple. It allows TAA to be approved, but it will only go into effect once the President submits the trade agreements to Congress, they are all approved, and when they are signed into law.

To me, this amendment is about fundamental fairness. If we are to meet the President's demands, we can at least ensure our top priorities are addressed as well.

I think it is worth taking a moment to review how we got here.

In December 2010, the President announced he had finally reached agreement with South Korea to renegotiate parts of that trade agreement. Touting the benefits of these changes, the President seemed poised to immediately begin working with Congress

toward its quick implementation; that is, the implementation of the Korean Free Trade Agreement.

In February, Senator McCONNELL and I wrote to the President commending him for his strong support for the South Korea agreement but also expressing disappointment we did not see the same level of commitment to our pending free-trade agreements with Colombia and Panama. At that time, we warned that further delay would mean lost market share and alienation of key Latin American allies. We also made it clear each agreement would receive broad bipartisan support once the President submitted them to Congress for approval.

Three days later, the President responded when Ambassador Kirk testified before the Ways and Means Committee that the President had directed him to immediately intensify engagement with Colombia and Panama to resolve the administration's outstanding issues with these two agreements.

Senator BAUCUS and I welcomed that development when we wrote to Ambassador Kirk on February 14 and asked that he be prepared to provide testimony regarding what additional steps the administration believed Colombia and Panama should take and to provide a clear and expeditious timeline for moving both agreements through Congress.

Shortly thereafter, in early March, Ambassador Kirk notified Congress the administration was ready to begin technical work on the South Korea implementing bill with the intent to seek approval in the spring of this year. Senator BAUCUS and I welcomed this development but again called for a specific timeline for resolution of the outstanding issues with Colombia and Panama.

During our March 9 hearing on the administration's trade agenda, I made it clear that consideration of the South Korea agreement, without a clear path for the Colombia and Panama agreements, was simply not acceptable and that should the President ignore the will of Congress and send the Korea agreement without Colombia and Panama, I would do everything I could to make sure those two agreements were considered at the same time as Korea.

Shortly thereafter, in early April, the President finally took steps to fully engage with the Government of Colombia, announcing an agreement on a labor action plan that would enable the administration to begin working with Colombia to achieve benchmarks that, if met, would then enable the President to submit the agreement to Congress. A few weeks later, Panama met one of President Obama's preconditions for consideration of their FTA when they approved a tax information exchange agreement and finalized additional modifications to Panama's labor laws.

So there we stood in May, on the cusp of victory. Months of intense congressional pressure appeared to have fi-

nally resulted in an opportunity for Congress to consider our trade agreements with these important allies. But alas, it was not to be.

Mr. WYDEN. Would the Senator yield for an unanimous consent request? Because 5 o'clock is coming.

Mr. HATCH. I would be happy to yield, without losing my right to the floor.

Mr. WYDEN. I thank my colleague. Certainly, when I am done, the Senator is next to continue his comments.

I ask unanimous consent that the pending McConnell amendment No. 626 be modified with the DeMint language which is at the desk; and Senator HATCH or his designee then be recognized to offer amendment No. 641; that the time until 5 p.m. be equally divided between the two leaders or their designees for debate on the McConnell amendment, as modified; that at 5 p.m., the Senate proceed to executive session to consider the following judicial nominations: Calendar Nos. 169 and 170; that there be up to 15 minutes of debate on the nominations, equally divided, in the usual form; that upon the use or yielding back of the time, Calendar No. 169 be confirmed and the Senate proceed to vote without intervening action or debate on Calendar No. 170; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session; that upon disposition of the judicial nominations, the Senate proceed to a vote in relation to the McConnell amendment, as modified; that there be no amendments, points of order or motions in order to the McConnell amendment prior to the vote on the amendment, other than budget points of order and the applicable motions to waive; that the amendment not be divisible and it be subject to a 60-affirmative vote threshold; the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 626), as modified, is as follows:

At the end, add the following:

### TITLE III—TRADE PROMOTION AUTHORITY

#### SEC. 301. SHORT TITLE.

This title may be cited as the "Creating American Jobs through Exports Act of 2011".

#### SEC. 302. RENEWAL OF TRADE PROMOTION AUTHORITY.

(a) IN GENERAL.—Section 2103 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803) is amended—

(1) in subsection (a)(1), by striking subparagraph (A) and inserting the following:

“(A) may enter into trade agreements with foreign countries—

“(i) on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013; or

“(ii) on and after June 1, 2013, and before December 31, 2013, if trade authorities procedures are extended under subsection (c); and”;

(2) in subsection (b)(1), by striking subparagraph (C) and inserting the following:

“(C) The President may enter into a trade agreement under this paragraph—

“(i) on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013; or

“(ii) on and after June 1, 2013, and before December 31, 2013, if trade authorities procedures are extended under subsection (c).”;

and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “before July 1, 2005” and inserting “on and after the date of the enactment of the Creating American Jobs through Exports Act of 2011 and before June 1, 2013”; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking “after June 30, 2005, and before July 1, 2007” and inserting “on or after June 1, 2013, and before December 31, 2013”; and

(II) in clause (ii), by striking “July 1, 2005” and inserting “June 1, 2013”;

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking “April 1, 2005” and inserting “March 1, 2013”;

(C) in paragraph (3)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking “June 1, 2005” and inserting “May 1, 2013”; and

(ii) in subparagraph (B)—

(I) by striking “June 1, 2005” and inserting “May 1, 2013”; and

(II) by striking “the date of enactment of this Act” and inserting “the date of the enactment of the Creating American Jobs through Exports Act of 2011”; and

(D) in paragraph (5), by striking “June 30, 2005” each place it appears and inserting “May 31, 2013”.

(b) TREATMENT OF THE TRANS-PACIFIC PARTNERSHIP AGREEMENT AND CERTAIN OTHER AGREEMENTS.—Section 2106 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3806) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking the comma at the end and inserting “, or”;

(B) by striking paragraphs (2), (3), and (4) and inserting the following:

“(2) establishes a Trans-Pacific Partnership;”;

(C) in the flush text at the end, by striking “the date of the enactment of this Act” and inserting “the date of the enactment of the Creating American Jobs through Exports Act of 2011”; and

(2) in subsection (b)(2), in the matter preceding subparagraph (A), by striking “the enactment of this Act” and inserting “the date of the enactment of the Creating American Jobs through Exports Act of 2011”.

#### SEC. 303. MODIFICATION OF STANDARD FOR PROVISIONS THAT MAY BE INCLUDED IN IMPLEMENTING BILLS.

Section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b)), as amended by section 202, is further amended in paragraph (3)(B) by striking clause (ii) and inserting the following:

“(ii) provisions that are necessary to the implementation and enforcement of such trade agreement.”.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, on the cusp of victory, the President sacrificed it by demanding more government spending on a controversial domestic training program.

After first asking Colombia, Panama and South Korea to take unprecedented steps to solve our President's concerns with each agreement, the administration held a press conference and, with no prior congressional consultation or notice, announced that they would not submit our pending trade agreements to Congress unless Congress first agreed to continue funding a domestic spending program at near stimulus levels.

This was an astounding development. Instead of working with Congress to seek approval of these job-creating trade agreements the President chose to try and force Congress to agree to additional domestic spending first. In an opinion editorial, the Wall Street Journal called this move "extortion."

Weeks of intense negotiations followed between the White House, Senator BAUCUS and Chairman CAMP to develop a package that would expand and renew trade adjustment assistance through 2014.

Meanwhile, committee staff worked with the White House to prepare the implementing legislation for quick congressional consideration. It appeared that we were once again close to successfully considering these important trade agreements.

But yet again, it was not meant to be. Upon reaching an agreement on the substance of a trade adjustment assistance package with Chairman CAMP the White House again changed course, turning its back on a willing Congress and instead trying to force through consideration of trade adjustment assistance by including it in the implementing bill for the South Korea FTA.

And, once again, this was done with virtually no notice or consultation with Congress.

The reaction by the Republican caucus was predictable. We fought the administration's efforts to abuse trade promotion authority for its own narrow purposes and pushed for consideration of trade adjustment assistance on its own merits.

Our position was made clear in a letter—signed by every Republican member of the Finance Committee—to the President, in which we expressed our united opposition to inclusion of expanded trade adjustment assistance in an implementing bill submitted to Congress under trade promotion authority.

The administration ignored our concerns, and pushed forward on a partisan path to force a vote in the Senate Finance Committee.

As a result, while the implementing legislation for the Colombia bill and Panama bills received strong bipartisan support, the South Korea implementing bill moved through committee on a strict party line vote—the first time a trade agreement has done so in over 25 years.

The administration then vowed to move forward on this path within days.

After that we heard remarkably little from the administration about their

intentions regarding these trade agreements. Until August, of course, when the President repeatedly called upon Congress to take the agreements up "right now" to help create jobs.

This hollow call for action typifies the President's approach to the trade agenda. By calling upon Congress to act, he appears to be embracing the agreements and pushing for their quick approval. But, like so many of the President's trade initiatives his words do not match his deeds.

In reality, Congress cannot take up these agreements "right now." President Obama is relying upon a trade law called trade promotion authority to protect each of these agreements from being blocked or amended by Congress.

In order to take advantage of this statutory authority, it is not Congress but the President who must take the first step and submit each agreement for consideration. If the President does not submit them, Congress cannot act under trade promotion authority.

The President and his team know this. In fact, here is a chart which outlines the TPA process called "How A Trade Agreement Moves Through Congress Under TPA."

This was taken directly from the Web site of the Office of the United States Trade Representative. It clearly shows Congress cannot act until the President submits the agreements.

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

Once they were called out on the mismatch between their words and deeds, the administration finally reined in their rhetoric but provided little guidance as to what their actual plans are.

In the meantime, Republicans continued to push for consideration of the three pending FTAs. Back in July, a group of Republican Senators signed a letter vowing to help the administration achieve its objective of gaining approval of trade adjustment assistance in exchange for submitting the FTAs. Despite a clear path forward the President remains silent to this day.

As the President continues to delay, our country cedes each of these markets to our foreign competitors. Our economy and our workers are suffering under horrific levels of unemployment—almost one in ten American workers is out of a job under this administration. We can't afford to throw away any opportunity to create jobs. Yet this is precisely what the President is doing.

While our economy remains troubled, and while the rest of the world watches in bewilderment as the United States lets other countries take over our export markets, we hear nothing but silence from the President.

A case in point: the European Union's exports to South Korea increased almost 45 percent in the first 20

days since that agreement went into force on July 1. Their share of Korea's import market increased from 9.5 percent to 10.3 percent in just 3 weeks.

Meanwhile, the U.S. share of Korea's import market dropped from 10.5 percent to 8.4 percent. Unless we act soon, these trends are likely to continue.

In an open letter to the President and Congress, over 120 food groups and companies wrote that "if there is any doubt about the seriousness of the problem for U.S. agricultural exports, one need only consider the damage that has already been done by the delay in implementing the Colombia FTA.

"Argentina and Brazil have negotiated trade agreements . . . with Colombia that have given them preferential access . . . as a result, U.S.-produced corn, wheat and soybeans have been hit hard, with the combined share of Colombia's imports for these products falling to 28 percent from 78 percent since 2008."

On August 15, 2011, an agreement between Canada and Colombia entered into force, which will only make the problem worse for U.S. exporters.

I appreciate the President's goal of doubling exports. Having goals is great. But we all know that, if you don't do the work or take action, goals become little more than false hope—they never become reality.

The President and his cabinet admit that these agreements are key to their goal of doubling exports. Yet the action necessary to reach that goal, submission of the agreements, still remains in the distant future. Instead, we watch the days slip by, and with each day our overseas markets erode.

The fact is that each of these agreements is critically important to our economy. For my home State of Utah and for workers across the country they mean more opportunity and jobs.

The National Association of Manufacturers estimates that U.S. workers lose \$8 million in wages and benefits every day these agreements are delayed.

I for one stand ready to continue to fight for their consideration and approval. We have come a long way since January of this year, but we are not done yet.

I hope the President will heed my call and submit these agreements to Congress so we can approve them. But history has shown that this President won't act unless he is forced to. This amendment I am offering will continue to put pressure on him to act and to act soon.

The time for dithering and deliberation is over. Let's adopt this amendment and ensure that our work in moving TAA forward leads to the promised result—submission of the three pending free trade agreements by the President and their quick enactment in to law.

AMENDMENT NO. 641 TO AMENDMENT NO. 633

Madam President, I send amendment No. 641 to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows: The Senator from Utah [Mr. HATCH] proposes an amendment numbered 641.

Mr. HATCH. I ask unanimous consent that further reading be dispensed with.

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

The amendment is as follows:

(Purpose: To make the effective date of the amendments expanding the trade adjustment assistance program contingent on the enactment of the United States-Korea Free Trade Agreement Implementation Act, the United States-Colombia Trade Promotion Agreement Implementation Act, and the United States-Panama Trade Promotion Agreement Implementation Act)

On page 31 of the amendment, between lines 7 and 8, insert the following:

**SEC. 231. EFFECTIVE DATE FOR TRADE ADJUSTMENT ASSISTANCE CONTINGENT ON ENACTMENT OF CERTAIN FREE TRADE AGREEMENT IMPLEMENTING BILLS.**

Notwithstanding section 201(b) or any other provision of this subtitle, the amendments made by this subtitle shall take effect on the date on which the United States-Korea Free Trade Agreement Implementation Act, the United States-Colombia Trade Promotion Agreement Implementation Act, and the United States-Panama Trade Promotion Agreement Implementation Act have been enacted into law.

Mr. HATCH. Madam President, I am prepared to proceed.

#### EXECUTIVE SESSION

NOMINATION OF JOHN ANDREW ROSS TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI

NOMINATION OF TIMOTHY M. CAIN TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will go into executive session and the clerk will report the nominations.

The legislative clerk read the nominations of John Andrew Ross, of Missouri, to be United States District Judge and Timothy M. Cain, of South Carolina, to be United States District Judge.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, while I am pleased we are going to confirm the nominations today, they have been pending in the Senate for 117 days for no reason or justification.

More troubling, the time of vacancies in courts around the country have remained at or above 90 for 2 years. We should be acting on the other 27 judicial nominations reported favorably by the Judiciary Committee and ready for an up-or-down vote. Never during ei-

ther Republican or Democratic administrations have I seen a time when nominations, approved unanimously by the Judiciary Committee, then wait month after month after month to be considered on the floor.

Mr. President, President Obama came to Congress 2 weeks ago and made a compelling case for passing the American Jobs Act. The bill he asked us to pass includes bipartisan proposals that have received broad approval in the past from members of both parties, including extensions of tax relief for businesses to encourage hiring. They are consensus proposals we can enact today. We should answer the President's call and act right away to help get Americans back to work and grow the economy. With the unemployment rate at an unacceptable 9 percent, we in Congress should be doing all we can to help our fellow Americans.

There is another unacceptable rate that we can help change to the benefit of all Americans. That is the judicial vacancy rate. It now stands at 11 percent, with 94 vacancies on Federal courts around the country. We can act today to bring down that rate dramatically by considering and confirming 29 judicial nominations approved by the Senate Judiciary Committee that are awaiting final Senate action. With very few exceptions, the judicial nominations now on the calendar are not controversial and could be confirmed today.

Twenty-five of the 29 judicial nominations on the Senate Calendar were reported unanimously, and all but 1 of the 29 was reported with significant bipartisan support. All 28 of these consensus nominees have been favorably reported after a fair but thorough process, including an 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.

Certainly this was the practice we followed during President Bush's two terms, when consensus judicial nominees reported without any objection by the Judiciary Committee were confirmed an average of 28 days after they were reported. In President Obama's nearly 3 years in office that wait time for unanimously reported nominees to be considered by the Senate has nearly tripled to 78 days, and that number continues to climb as the delays continue. It is taking nearly three times as long for nominees that are by every measure consensus, noncontroversial nominations. They are nearly all confirmed unanimously when the Senate is finally allowed to vote. We should act today and not delay further.

The effects of these unnecessary delays have been dramatic and dam-

aging. 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 September in the third year of the Bush administration judicial vacancies had been reduced to 54. By early September in the third year of the Clinton administration they had been reduced to 55. In contrast, the judicial vacancies now in September of the third year of the Obama administration stand at 94, with a vacancy rate of 11 percent, nearly double where it stood at this point in President Bush's third year.

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.

Even though Federal judicial vacancies have remained near or above 90 for more than 2 years, the Senate's Republican leadership continues to delay votes on qualified, consensus nominations. Republican obstruction has led to a backlog of over two dozen judicial nominations pending on the Senate's Executive Calendar, nearly half of them to fill judicial emergency vacancies. No consensus nomination to fill a judicial vacancy should be left to languish on the calendar 1 day longer than necessary, let alone for months and 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—27—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 Louisiana, Maine, New York, Texas, Arkansas, Pennsylvania, Florida, Wyoming, Alaska, California, Delaware and Arizona why there continue to be vacancies on the Federal district courts in their States that could easily be filled if the Senate would vote on the President's qualified, consensus nominees. They should explain to the people of the many States that comprise the Second Circuit—Vermont's circuit—and the Fourth, Fifth and Ninth Circuits why those important Federal appeals courts are short on badly needed judges who could be confirmed today.

These 170 million Americans should not have to wait more 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