

overseas contingency operations, \$550 million for predator drones, \$228 million for counterfire radars, \$192 million for Fire Scout unmanned aerial systems, \$784 million for unmanned aerial systems.

In the operations and maintenance accounts, the Appropriations Committee transferred over \$6.2 billion for items that were requested in the base budget to the “off-budget” overseas contingency operations funding, including \$3 billion for Army depot maintenance, \$495 million for Navy depot maintenance—it goes on and on.

In the military personnel accounts, another \$529 million was transferred from the defense budget, where it was requested, to the overseas contingency operations budget so it would count as “defense savings.”

This is pure budget gimmickry. It is about time we got serious about cutting spending. Using budget gimmicks to shift over \$10 billion from the base defense budget to the emergency account we have set aside for support of overseas contingency operations is not saving the taxpayers a dime. Cutting \$10 billion from the President's request for the wars in Iraq and Afghanistan, shifting over \$10 billion in nonwar expenses, and then claiming in a press release—they had the gall in a press release—that the President's request for the warfighting accounts is fully supported is not only a gimmick, it is dishonest with the American people. It is a disservice to the men and women of the military who depend on that funding for critical warfighting equipment and support.

I have talked to many of our senior commanders in Iraq and members of the Iraqi Government during repeated trips to Iraq this year. All of them have recommended that the United States maintain at least 10,000 soldiers beyond December 31, 2011. There is no money in the warfighting accounts for, if we have, additional troops. So because of the administration's delay in any decision for any additional troops, understandably, that is not funded in these bills, which is required, obviously, by October 1, the end of the fiscal year.

What will also put our troops, our national security, and our Nation at grave risk is the specter of even more drastic defense cuts should the recommendations of the joint select committee fail to gather enough congressional support.

Secretary of Defense Panetta warned last week that the failure of lawmakers to agree on debt ceiling talks, which would trigger up to \$600 billion in additional Pentagon budget cuts, could add 1 percentage point to the Nation's jobless rate. He also called the impact of cuts of that magnitude “devastating” to our Armed Forces.

The citizens of my State—and nearly every other State in the Nation—have been struggling through record unemployment rates and unprecedented fiscal pressures. Now, more than ever,

they need strong leadership to make tough decisions to restore fiscal discipline and responsibility in Federal spending. I am committed to using every power available to me to ensure the Defense bill for 2012 provides spending for only the most critical national security requirements, as proposed by the President and defense leadership. In this regard, the Defense appropriations bill that has been reported from the Appropriations Committee is sadly lacking.

There is plenty of blame to go around. I do not fault just the appropriators. We have all failed to do our jobs. The answer to this problem is to fix it. We must stop authorizing on appropriations legislation without the agreement of the authorizing committee. The appropriations bills should reflect the will of the authorizing committees. I intend to work with my colleagues to remedy this problem so the will and wisdom of all Senators—not just a select few—is represented when we pass appropriations legislation.

A solution to this problem is long overdue, and I intend to fight to see that it is solved.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXTENDING THE GENERALIZED SYSTEM OF PREFERENCES

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2832, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes.

Pending:

Reid (for Casey) amendment No. 633, to extend and modify trade adjustment assistance.

Hatch amendment No. 641 (to amendment No. 633), 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.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 625 TO AMENDMENT NO. 633

Mr. MCCAIN. Mr. President, I have an amendment at the desk, No. 625. I

ask unanimous consent that it be made the pending business.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 625 to amendment No. 633.

Mr. MCCAIN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To extend trade adjustment assistance as in effect before the enactment of the Trade and Globalization Adjustment Assistance Act of 2009)

Strike title II and insert the following:

TITLE II—TRADE ADJUSTMENT ASSISTANCE

SEC. 201. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE.

Title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) (as in effect on the day before the date of the enactment of this Act and without regard to any substitution made by section 1893(b) of the Trade and Globalization Adjustment Assistance Act of 2009 (19 U.S.C. 2271 note prec.)) is amended—

(1) in section 245, by striking “2007” and inserting “2014”;

(2) in section 246(b)(1), by striking “the date that is 5 years” and all that follows through “State” and inserting “December 31, 2014”;

(3) in section 256(b), by striking “each of fiscal years 2003 through 2007, and \$4,000,000 for the 3-month period beginning October 1, 2007” and inserting “each of fiscal years 2012 through 2014, and \$4,000,000 for the 3-month period beginning October 1, 2014”;

(4) in section 285, by striking “2007” each place it appears and inserting “2014”; and

(5) in section 298(a)—

(A) by striking “2003 through 2007” and inserting “2012 through 2014”; and

(B) by striking “October 1, 2007” and inserting “October 1, 2014”.

Mr. MCCAIN. Mr. President, the amendment would authorize the continuation of trade adjustment assistance or TAA for 2 additional years at the level of funding the program maintained prior to the 2009 stimulus package addition. Prior to the stimulus, passed by this body in 2009, the TAA Program cost taxpayers about \$1 billion per year.

The passage of the stimulus package, which was advertised to be a temporary injection into the economy—a temporary injection—the stimulus was increased and expanded to the program at a cost of about \$2 billion in 2010; according to the Department of Labor estimates, \$2.4 billion in 2011, if the stimulus expansions were allowed to remain in place.

I would remind my colleagues that with the stimulus package, these were a one-time deal, and once the money was spent, then those programs lapsed. Apparently not so with the TAA Program. We do not yet have a cost score for the Reid substitute before us, but estimates indicate the TAA agreement may lock in at least 65 percent of the 2009 stimulus expansions for the next several years.

That is approximately, in my calculation, at least a \$600 million additional cost per year to the taxpayers for maintaining 65 percent of the stimulus level of TAA. Architects of the agreement will say these provisions sunset at the end of 2014. But we all know sunsets can be fiction. So we are talking about 2012, 2013, and 2014. That is about, roughly, a minimum of \$1.2 billion of additional spending on the dubious—at least in my mind dubious—benefits of the TAA Program.

My friends on the other side of the aisle have long insisted that the price of passing trade agreements in Congress is passing TAA and other programs similar to it, domestic spending legislation geared to assist U.S. workers who have been adversely affected by foreign trade.

For this reason, in 2002, Congress passed the TAA legislation that provided short-term temporary support for worker retraining and other assistance. Many Republicans, including myself, were skeptical about whether this program and others like it achieved their goals. But we went along for the sake of our national interests and expanding free trade.

In 2009, without any action taken on our three pending trade agreements, the stimulus package dramatically increased the TAA Program as part of the stimulus bill and increased spending on this program annually by approximately \$1 billion. In essence, a program that was designed to assist workers who had been adversely affected by free trade was transformed into a domestic spending program for reasons that had nothing at all to do with expanding free trade.

What is worse, after repeatedly claiming it supports the free-trade agreements with Colombia, Panama, and Korea, the White House earlier this year announced that the cost of its support was reauthorization of the new TAA with funding set not at the original 2002 level but the 2009 stimulus level.

So we had a program that had been expanded from its original cost under the dubious guise of a temporary economic stimulus, and then we were told this temporary funding increase, which was designed to expire along with the stimulus, should, in effect, be turned into a permanent domestic spending program.

After much discussion and debate, there now appears to be a proposal to reauthorize TAA and fund it somewhere between the prestimulus and poststimulus levels. This proposal is contained in the substitute amendment offered by the majority leader. Some would say this is a good deal and Republicans should accept it. Others say trade adjustment assistance is ineffective and unproven and Congress should kill it altogether.

I am very dubious about the benefits of TAA. But I understand also what is doable around here and what is not. So I am offering this amendment as a

matter of principle. As I have said many times on the floor of this body, I am not opposed to TAA nor do I seek to kill it. I read the same media reports as my colleagues, which suggest that the White House is holding hostage the trade agreements with South Korea, Colombia, and Panama until Congress passes TAA.

Many of us do not like this. Many of us think this is contrary to our national and economic interests. But it is a fact. So I recognize, as in the past, that Congress should reauthorize TAA. The question is, How much of the taxpayers' money should we spend to do it?

That is why I am offering this amendment. I believe Congress should reauthorize it because we are being compelled to do so, but I also believe we should reauthorize this program at its prestimulus funding levels.

Let me explain why. The following are the temporary expansions to TAA that were included in the stimulus, which cost about \$2 billion in 2010, and, according to the Department of Labor, was estimated to cost approximately \$2.4 billion in 2011 if the 2009 stimulus expansions had stayed in place.

The stimulus expanded TAA to cover workers whose employers shifted production to any foreign country, not just those—as under prior law—whose jobs were outsourced to countries with which the United States has a free-trade agreement.

It expanded TAA coverage to the service sector and government employees who lose their jobs because of trade.

It increased the tax credit available to cover private health insurance premiums from 65 percent to 80. It increased the appropriations cap for training from \$220 million to \$575 million, a 160-percent increase over the previous cap.

It created the Community TAA Program, which authorizes \$230 million for trade-affected communities to assist in strategic planning grants up to \$5 million, sector partnership grants up to \$3 million over a 3-year period, and community college and career training grants up to \$1 million.

It gave \$17.5 million to States for employment and case management. It lengthened the amount of time workers could receive trade readjustment allowance assistance by 26 weeks.

Finally, it revived the TAA for farmers and the wage insurance program, estimated by CBO to total about \$100 million for 2 years.

So we had a program that had been expanded from its original intent, with benefits going to government employees, service sector employees, TAA benefits going to communities, TAA benefits going to farms, TAA benefits going to firms, under the dubious guise of a temporary economic stimulus.

This is what the White House and the other side in Congress were telling us had to be reauthorized in order to pass the free-trade agreements. My amend-

ment also addresses the claim made by some that the agreement in the majority leader's substitute amendment not only reduces TAA from stimulus levels but also much lower in several years.

However, according to a recent Heritage Foundation analysis, this may not be accurate. This is important, so let me read this analysis at length. This is from the Heritage Foundation report:

Instead of cutting TAA back to pre-stimulus levels, the proposal restores and solidifies the most alarming aspects of the stimulus expansion at a yet unknown cost.

It keeps the 2009 stimulus expansion for service sector workers. TAA was originally intended to provide income maintenance and job training to workers from the manufacturing sector. The stimulus bill expanded eligibility to include workers from the service and public sectors. This expansion expired in February, but the proposal restores TAA eligibility for service sector workers.

It restores stimulus expansion of benefits for job losses unrelated to FTAs. The proposal retains the stimulus expansion of providing TAA benefits to any workers who lost their jobs to overseas production, not just TAA-certified jobs that were lost to FTAs.

It reinstates the stimulus's 161 percent increase in TAA for workers' job training spending. The proposal cements the stimulus spending expansion of TAA for workers' job training at \$575 million per year from \$220 million—an increase of \$355 million per year.

It continues the stimulus's creation of a new and duplicative job training program.

The proposal keeps the TAA Community College and Career Training Program, which has appropriations authorizations of \$500 billion per year from fiscal years 2011 through 2014. This new job-training program is just one of the 47 employment and training programs operated across nine agencies by the federal government.

Let me repeat that. This is another proposal that spends \$500 million for job training, even though we already have 47 employment and training programs operated across 9 agencies by the Federal Government.

It partially reinstates the stimulus increase in Health Coverage Tax Credit. . . .

It solidifies the wage subsidies for older workers as a permanent program. The pre-stimulus Alternative TAA was a temporary five-year demonstration program that paid 50 percent of the difference between new and old wages of displaced older workers. It subsidized the wages of older workers earning less than \$50,000 per year for up to \$10,000 over two years. After changing the program's name to Reemployment TAA, the stimulus expansion increased the wage subsidy to \$12,000 over two years for displaced older workers earning less than \$55,000 and made the program permanent. While the proposal reduces the wage subsidies to pre-stimulus levels, it also cements into law the permanency of the wage subsidy program.

It retains the stimulus expansion of the union VEBA handout. Despite having nothing to do with international trade, the stimulus expansion of TAA extended the HCTC to Voluntary Employee Beneficiary Associations (VEBA). A bankruptcy court can allocate a portion of an out-of-business employer's assets to a VEBA, which assumes responsibility for retirees' health coverage. This expansion primarily benefits unions. Under the proposal, the federal government would cover 72.5 percent of the cost of retiree health benefits at bankrupt companies. This coverage occurs regardless of whether the bankruptcies are related to free trade.

Let's look at an example of excess created in the "temporary" stimulus expansion of the TAA Program that taxpayers are still on the hook for. According to a February 2011 study by Senator COBURN, entitled "Help Wanted: How Federal Job Training Programs are Failing Workers":

Taxpayers may have a case of indigestion when they learn, nearly two years after the stimulus was enacted, their money is paying lobstermen, shrimpers and blueberry farmers \$12,000 each to attend job training sessions on jobs they are already trained to do.

The stimulus reauthorized the Trade Adjustment Assistance for Farmers program administered by the USDA, a program that provides subsidies to producers of raw agricultural commodities and fishermen so they can adjust to import competition. Under the stimulus, TAA benefits were enhanced to focus more on employment re-training.

While the Reid substitute includes a compromise to "pare back" some of the expansions in the "temporary" stimulus spending legislation of 2009, it still expands TAA benefits and eligibility beyond the prestimulus levels—by approximately, by my calculations, at least \$600 million a year.

I acknowledge that expanding trade temporarily puts some of our workers at a disadvantage. I remember being roundly criticized during the 2008 Presidential campaign when I had the audacity to tell Michigan workers the truth—that many of the jobs that had left their State for cheaper labor markets overseas were never coming back. So I understand that trade can create difficulties for some American workers. I am not opposed, in principle, to supporting those workers temporarily so they can develop new skills and find new jobs. That said, let's look closer at how the Federal Government has been going about programs such as this.

Earlier this year, the GAO released a study entitled "Multiple Training and Employment Programs: Providing Information on Collocating Services and Consolidating Administrative Structures Could Promote Efficiencies." Here is what the GAO reported on Federal employment and retraining programs, including the Trade Adjustment Assistance Program:

Based on our survey of agency officials, we determined that only 5 of the 47 programs have had impact studies that assess whether the program is responsible for improved employment outcomes. The five impact studies generally found that the effects of participation were not consistent across programs, with only some demonstrating positive impacts that tended to be small, inconclusive, or restricted to short-term impacts.

So not only are many of these worker employment and training programs duplicative, the GAO has found very little empirical evidence to support whether these programs are even accomplishing their intended goals—and what empirical evidence they have they found is, I repeat, "... small inconclusive, or restricted to short term impacts." TAA is among these programs.

This is bad enough, but what is worse, we have not even been told how much this expansion of TAA will cost

the taxpayers. We are told the legislation includes "offsets," but we know they are not real. Offsets allegedly include: rates for merchandise processing fees, changes to the "time for remitting certain merchandise processing fees," unemployment compensation program integrity provisions to create a "mandatory penalty assessment on fraud claims, prohibition on non-charging due to employer fault, reporting of rehired employees to the directory of new hires." That is supposed to come up with hundreds of millions of dollars.

I cannot say what most of these mean, but I can say they are not real.

Even while extending the TAA prestimulus program, we need to analyze whether the TAA Program is doing what it was intended to do. The following are some of the questions and concerns we must consider:

Does the TAA Program provide overly generous benefits to a narrow population?

According to analysis from the Heritage Foundation, based on statistics from the Bureau of Labor Statistics, in the third quarter of fiscal year 2009, only 1 percent of mass layoffs were a result of import competition of overseas relocation.

Is there evidence that TAA benefits and training help increase participants' earnings?

An analysis by Professor Kara M. Reynolds of American University found "little evidence that it (TAA) helps displaced workers find new, well-paying employment opportunities." In fact, TAA participants experienced a wage loss of 10 percent.

The same study found that in fiscal year 2007, the Federal Government appropriated \$855.1 million to TAA Programs. Of this amount, funding for training programs accounted for only 25 percent.

In 2007, the Office of Management and Budget rated the TAA Program as "ineffective." The OMB found that the TAA Program failed to use tax dollars effectively because, among other reasons, the program has failed to demonstrate the cost-effectiveness of achieving its goals.

Let me close by reminding my colleagues how we got to our current predicament. It is mid-September of 2011, 2½ years since President Obama took office, and we still have not received these important trade agreements that were finalized half a decade ago—all because of the White House's insistence on making a "temporary" stimulus program—the dubious extension of TAA—into a permanent domestic spending program.

This is how George Will summed it up, writing in the Washington Post on June 8, 2011. The piece is as appropriate now as it was then:

President Obama is sacrificing economic growth and job creation in order to placate organized labor. And as the crisis of the welfare state deepens, he is trying to enlarge the entitlement system and exacerbate the entitlement mentality. . . .

On May 4, the administration announced that, at last, it was ready to proceed with congressional ratification of the agreements. On May 16, however, it announced they would not send them until Congress expands an entitlement program favored by unions.

Since 1974, Trade Adjustment Assistance has provided 104, and then 156, weeks of myriad financial aid, partly concurrent with the 99 weeks of unemployment compensation to people, including farmers and government workers, and firms, even whole communities, that can more or less plausibly claim to have lost their jobs or been otherwise injured because of foreign competition. Even if the injury is just the loss of unfair advantages conferred, at the expense of other Americans, by government protectionism.

This process should be appalling to the average American who is looking for an improving economy, not special favors to certain special interest groups.

At a time when our national debt has reached unsustainable levels, at a time when Congress and the American people face some truly painful choices about how to cut our Federal budget, at a time when some are even considering enormous and dangerous cuts to our defense spending as a way to get our fiscal house in order, this is no time to throw more money than we did before the stimulus at a Federal program that, as the GAO points out, is duplicative and possibly ineffective.

I am prepared to reluctantly support TAA if it were funded at the prestimulus level, as a recognition of reality that some form of this program is required in order to pass our existing trade agreements. But we should authorize it at prestimulus levels and not one dollar more. That is what this amendment would do. I urge my colleagues to support it.

I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

At this moment, there is not a sufficient second.

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

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

The legislative clerk proceeded to call the roll.

Mr. CASEY. 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.

Mr. CASEY. Madam President, I wish to address some of the points raised by our colleague from Arizona—just a couple areas; one is the question of the impact of the Trade Adjustment Assistance Program, which has been enhanced by way of the Recovery Act of 2009. I will talk about some of the reforms as well and maybe address some of the cost questions.

First, with regard to trade adjustment assistance prior to the 2009 period versus the period after that, I wish to submit for the RECORD—and then I will walk through some of this—this document entitled "Trade and Globalization Adjustment Assistance

Act (TGAAA) Worker Certification 5/18/2009–6/27/2011.” This is a Department of Labor document.

I ask unanimous consent that it be printed in the RECORD.

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

TRADE AND GLOBALIZATION ADJUSTMENT ASSISTANCE ACT (TGAAA) WORKER CERTIFICATIONS 5/18/2009–6/27/2011

State	Estimated total workers certified under new provi- sions	Estimated total workers certified under all provi- sions	Estimated percent of workers cer- tified under new provisions
Alabama	4,710	11,277	41.77
Alaska	3	3	100.00
Arizona	4,969	8,540	58.16
Arkansas	807	6,192	13.03
California	20,942	30,619	68.40
Colorado	2,755	3,652	75.44
Connecticut	2,916	4,728	61.68
DC	50	50	100.00
Delaware	13	1,281	1.01
Florida	2,867	6,196	46.27
Georgia	1,887	5,684	33.20
Hawaii	43	43	100.00
Idaho	1,549	2,228	69.52
Illinois	6,997	19,772	35.39
Indiana	3,717	17,047	21.80
Iowa	1,479	4,380	33.77
Kansas	1,065	6,076	17.53
Kentucky	3,519	9,755	36.07
Louisiana	601	2,261	26.58
Maine	914	3,506	26.07
Maryland	1,556	3,118	49.90
Massachusetts	6,821	9,745	69.99
Michigan	14,440	49,642	29.09
Minnesota	4,325	9,166	47.19
Mississippi	392	2,566	15.28
Missouri	2,889	9,328	30.97
Montana	316	658	48.02
Nebraska	1,130	2,121	53.28
Nevada	61	89	68.54
New Hampshire	382	1,471	25.97
New Jersey	4,744	6,329	74.96
New Mexico	1,467	2,412	60.82
New York	9,411	18,795	50.07
North Carolina	9,674	19,569	49.44
North Dakota	905	905	100.00
Ohio	7,706	33,905	22.73
Oklahoma	1,473	1,976	74.54
Oregon	6,045	11,981	50.45
Pennsylvania	9,932	27,401	36.25
Puerto Rico	42	821	5.12
Rhode Island	579	1,401	41.33
South Carolina	4,133	8,358	49.45
South Dakota	350	925	37.84
Tennessee	6,676	17,712	37.69
Texas	11,706	20,441	57.27
Utah	2,233	3,328	67.10
Vermont	344	964	35.68
Virginia	4,256	10,951	38.86
Washington	2,547	7,269	35.04
West Virginia	1,760	3,688	47.72
Wisconsin	5,731	16,864	33.98
Wyoming	0	46	0.00
Total	185,783	447,235	41.54

Mr. CASEY. Let me go through, by way of summary, what this depicts. First of all, it is a document that has three columns; first is the “Estimated Total Workers Certified Under New Provisions,” meaning the changes made to TAA as a result of the American Recovery and Reinvestment Act of 2009; the second column is the “Estimated Total Workers Certified . . .” meaning certified under TAA—“ . . . Under All Provisions of TAA”; finally is the “Estimated Percent of Workers Certified Under New Provisions” as a result of the changes made. And what it shows is, if you look across the country, the estimated total workers certified under all provisions is 447,235 people. Of that, the increase—in essence because of the 2009 changes—is 185,783. And if you look at the percentage, that is a 41-percent increase.

So the basic point here—after a long explanation—is very simple. Because of the changes made in 2009, we were able to help—the U.S. Government, by way of TAA—41 percent more individuals. That is relevant because it was helping folks to be retrained, helping them to get the skills they needed for a new career, a new job, at the time they need-

ed it—during the worst economic catastrophe in 100 years, other than the Great Depression. So if there were ever a time when we needed to make sure that TAA worked—and it has worked—and, also, if there were ever a time when we wanted to make sure that TAA was strengthened and enhanced, it was during the last couple of years. That is the point, that the 2009 changes were made because we were in the throes, the teeth, the grip of the worst economic downturn in 100 years, other than in the 1930s.

Let me highlight a couple of States. For example, in my home State of Pennsylvania, what all this means, if you look at the total number of workers helped in this time period—again, talking about roughly the 2 years between May of 2009 to June of 2011 in Pennsylvania—there were 27,401 people helped. Workers helped, I should say. Of that, about 36 percent were helped solely because of the Recovery Act changes.

I know a good bit about the workers in our State. They needed that help. They needed the help that was provided as a result of the Recovery Act. So we have good evidence a lot of folks were

helped, certified, and then enrolled in programs to give them the skills they needed.

The Presiding Officer is from the State of New York, and she knows how difficult this recession has been on workers in New York. The total number of workers certified in New York in that 2-year time period was 18,795. But half of that number, a little more than 50 percent, were helped as a result of the 2009 changes that were made.

I say that to highlight and emphasize that the 2009 changes allowed more workers to be retrained, to get the skills they needed to go back to work. I think that is what we are all about here. Democrats and Republicans all say they want workers to get back into the workforce. This is one of the ways we do it. It is very practical. In order to get from here to there—from unemployment to employment, and in a lot of cases to a new job or a new career—you need to be trained. That is what TAA does.

I will highlight two or three more States. Chairman BAUCUS, from the great State of Montana, his State was helped as well. Their increase, based upon the 2009 changes, was close to 50

percent. So almost 50 percent more workers in the State of Montana were helped as well to get the skills they needed.

Let me mention as well my colleague Senator BROWN who has worked so hard on this. There were 7,706 more workers in the State of Ohio who were certified to get the skills and training they needed because of these changes.

And, finally, I will mention as well our colleague from Arizona. If we look at the total number of Arizona workers certified, there were 8,540 workers certified in total, but of that 8,540, the increase was some 4,969. So in Arizona, the increase of workers who were helped or certified for new training, there was a 58.16-percent increase. So the increase in Arizona was even higher, and in some States it was even higher than that.

The point here is that 2009 changes weren't just a couple of changes made to enhance the program or expand it for the sake of expanding a program. I think the evidence shows we have certified more workers. These workers have to go through a process to be certified in order for us to provide help by way of the Federal Government and other partners who are helping us retrain workers. I think the evidence is pretty clear that has been a very positive change, giving more workers the skills they needed to compete.

Let me say as well about our colleague from Arizona that I appreciate what he said about TAA, and that he supports it. We may have a disagreement about how to get there. He apparently doesn't want the 2009 changes to be made part of any effort going forward, but I appreciate the fact he has expressed support for TAA. I also appreciate the fact that when Senator BAUCUS, Senator BROWN, I, and others in the latter days of 2010 were trying to get an expansion of TAA, Senator MCCAIN worked with us to try to negotiate something. He was very willing to talk and to work and to come together, and I appreciate that, because we need that bipartisanship, we need that collegiality to move this forward. So even though we have a disagreement about the changes made, I appreciate his willingness to work with us back in December and to continue to work with us.

Let me make one or two more points. One basic point about reform. Folks will criticize programs and say programs aren't sometimes going through the kind of changes we hoped for in reforming them. But we should note for the record that in 2008, the GAO released a study which highlighted a number of issues with trade adjustment assistance. They set forth findings. That is why GAO is important. We shouldn't allow programs to go on for years without some sort of reporting, accountability, performance measures, or whatever you wish to call it.

GAO pointed out problems they believed could be the subject of reform for TAA, and those recommendations

were the foundation for some of the changes in the 2009 Recovery Act we are debating here on the floor, and we are debating as a result of Senator MCCAIN's amendment. Here is what they are. I will highlight them quickly. Here is what we are talking about.

The amendment we are considering, or the effort we are working on to expand TAA, does a number of things we should highlight. In addition to making more workers eligible for training, it does a couple of things. First of all, it consolidates administration—that is important to highlight—it consolidates case management, and it consolidates job search and relocation funding under the new dollars for job training. The amendment also eliminates separate funding streams that were in place before, but it also allows States the flexibility to use a portion of the training funds for administration and for case management costs. States must prioritize these funds for training and case management, but administrative costs are capped at 10 percent of the funds and States can also use these funds to pay for 90 percent of the cost of job search and relocation up to \$1,250.

Finally, the amendment includes 30 new performance metrics and accountability measures across all TAA programs.

So what is the point? The point is very simple. We had a GAO study in 2008 that recommended changes to TAA. We had a Recovery Act introduced and enacted for a variety of reasons, some of which spoke directly to TAA in 2009. The reforms from the GAO study were incorporated in the 2009 changes. So if we stay with the original non-2009 provisions, we won't have these reforms built in. GAO had pointed out some issues we should address, they were addressed in 2009, and that is another good reason why we should support the amendment that would include those 2009 changes.

Finally, on the question of costs or offsets, the 10-year cost for TAA is now \$962 million over 10 years. That is cut way back. In fact, it has been cut by as much as half. We will talk about them more in the record, but there are three offsets. The first, so-called "merchandise processing fee," raises \$1.77 billion; the second, on unemployment insurance, accounts for \$320 million; and then finally, the Medicare quality improvement organizations raises another \$330 million. So there are offsets—three in number—and the total cost is now \$962 million over 10 years. I think it is a reasonable price to pay for the substantial training and retraining that TAA provides for our workers who are living the horrific nightmare of job loss and the destruction of their careers, and, frankly, in many cases, the destruction of their family.

With that, Madam President, I yield the floor, and I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. 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.

Mr. CASEY. Madam President, I ask unanimous consent that all time in a quorum call be divided equally.

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

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

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

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. 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.

AMENDMENT NO. 641

Mr. HATCH. Madam President, I rise in support of my amendment No. 641. As I explained yesterday, this amendment really is about fundamental fairness.

The President wants TAA and has held hostage three free-trade agreements to get it. Well, most of us want these free-trade agreements and think it is wrong for TAA to move forward while the FTAs languish. My amendment will ensure that all four legislative ships arrive in port at the same time.

It is time for the entire trade agenda to move forward. In August, as he toured the Midwest, 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 these agreements, Congress cannot act under the 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 Trade Promotion Authority." This was taken directly from the Web site of the Office of the U.S. Trade Representative. It clearly shows that Congress cannot act

until the President submits the agreements.

But why take responsibility for moving the agreements when it is 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 their 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. Now, despite a clear path forward, the President remains silent to this day.

As the President continues to delay, our country cedes each of these three free-trade agreement markets to our foreign competitors, and they are taking them over because we are dilly-dallying here instead of doing what is right.

Our economy and our workers are suffering under horrific levels of unemployment. Almost 1 in 10 American workers are out of a job under this administration, and we can't afford to throw away any opportunity to create jobs. Yet this is precisely what the President is doing. The President himself has said these three trade agreements, once put into law, will amount to 250,000 new jobs, and that is not something to sniff at.

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 quickly, these trends are likely to continue.

In an open letter to the President and Congress, over 120 food groups and companies wrote:

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 Free Trade Agreement. 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.

That is a big drop, mainly because of the dillydallying on this trade agreement.

On August 15, 2011, an agreement between Canada and Colombia entered into force, which will only make the problem worse for U.S. exporters and our farmers. 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. It is a slam dunk for the President to create jobs by getting these agreements up here and getting them passed.

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 this year, but we are not yet done.

I hope the President will heed my call and submit these agreements to Congress so we can approve them, but history has shown this President will not act unless he is forced to. This amendment I am offering will continue to put pressure on him to act, and act soon, and I encourage my colleagues to support it. The time for dithering and deliberation is over. Let's adopt my amendment and ensure that our work in moving TAA forward leads to the promised result—submission of three pending free-trade agreements by the President and their quick enactment into law.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Madam President, it is my understanding there will be two votes at approximately 12:30. One is on the amendment offered by the Senator from Utah, Senator HATCH, and another by the Senator from Arizona, Senator MCCAIN. I wish to explain, in a few minutes, why I think it is advisable for the Senate to not adopt either of those two amendments. Let me first address the amendment offered by my good friend from Utah, Senator HATCH.

There are a lot of people looking for work. Today, about 14 million Americans are looking for work. More than 6 million have been out of work for at least 6 months. These Americans are looking to put in a good day's work and looking to provide for their families. At the same time, many employers cannot find enough skilled workers to fill the jobs that are open. It is very difficult, because employers need people with specialized skills. This is becoming more and more true with each passing year. We need workers who are good at math. We need workers who are good with their hands, who are trained in high-tech manufacturing. The bottom line is, employers need an

educated and skilled workforce. Trade adjustment assistance can help bridge this gap. Trade adjustment assistance can train workers and connect them with employers who are looking to grow their businesses.

Let me mention a fellow who has been a big beneficiary who has been helped by this program. His name is Kris Allen. Kris lost his job at Montana Tunnels in Jefferson City, MT, in 2009. Because of trade adjustment assistance, he was able to go to school at Helena College of Technology. He wanted to be a diesel mechanic. He made the dean's list most of the semesters. In May of 2011 he graduated. In fact, he got his degree on a Friday and started work the very next Monday. His new job at a trade company in Belgrade earns him \$18 an hour. Kris has not stopped there. He continues to hone his skills at Montana Resources keeping up to date on the latest technology and machinery.

In this fast-paced globalized economy, human capital is the key to our country's competitiveness and economic vitality. Americans such as Kris know the benefits of a good day's work, and he could not have done this without trade adjustment assistance. That is why I must oppose the Hatch amendment. The amendment would withhold trade adjustment assistance benefits to this bill until a free-trade agreement with South Korea and Colombia and Panama is approved. It would delay Americans such as Kris from getting the help they need to find good-paying jobs, and the amendment would delay businesses such as New Holland Trade Company from hiring employees and growing their company.

The Senate is here this week to consider the GSP trade adjustment assistance bill. It is my hope the Senate will pass it in short order and will send the bill to the House, which is expected to pass it shortly.

We have an agreement, and that is an agreement between the leadership of both the House and Senate, an agreement on how the Congress will consider trade adjustment assistance and also how to consider free-trade agreements. There is no need to legislate this process. In fact, doing so could substantially delay the process and disrupt disagreements, not just disrupt trade adjustment assistance but disrupt passage of free-trade agreements.

I might add that there is a difference between the legislative process with respect to trade adjustment assistance and free-trade agreements. Trade adjustment assistance is legislation. It goes through the usual legislative process. It can be delayed. There is no requirement that it be voted on.

That is not true with free-trade agreements. Once the President sends up a free-trade agreement, it enjoys a certain fast-track process under which there must be a vote in both bodies after a certain period of time. It is not imperative between the legislative process in one and the special fast-

track process for the other. It is why the agreement was reached encouraging trust on both sides for the trade adjustment assistance amendment to be passed by both bodies first before the President can send up the free-trade agreements. He has indicated he will do so.

I have very strong assurance from the White House that is the case. In fact, that is the agreement with the leadership, that if the trade adjustment assistance passes, then the free-trade agreement will come up and be voted on and passed in the House and then voted on and passed in the Senate.

The best way to support our trade agenda and the best way to support free-trade agreements is to not accept the amendment as offered by my good friend from Utah so we can get both passed very quickly.

AMENDMENT NO. 625

Virtually, the same is true with respect to the amendment offered by Senator MCCAIN. I oppose Senator MCCAIN's amendment. He wants to go back and undo some of the progress that was made in trade adjustment assistance. Let's start with the 2002 trade adjustment assistance law. That made important changes in trade adjustment assistance. In fact, I helped write that law.

In 2002 trade adjustment assistance covered manufacturing workers, and it covered workers whose jobs shifted to countries with which we had a free-trade agreement. So it covered workers who were in manufacturing who lost their jobs, and then it covered workers whose jobs were shifted to countries with which we had a free-trade agreement. Other aspects of American employment, such as services, did not cover the jobs that shifted to countries with which we did not have a free-trade agreement.

That 2002 law not only covered manufacturing workers and workers whose jobs shifted to countries with which we had a free-trade agreement, it also doubled training funds. Doubled it. Training is so critical. It also provided a new tax credit to help Americans better afford health insurance for themselves and their families. That is no small item. We all know how hard it is to get health insurance especially for individuals in small firms. We are not talking about big companies. We are talking about individuals who have lost their jobs. We also know how expensive health care is; therefore, there is a great need for health insurance. Again, that 2002 change of the trade adjustment assistance doubled training funds. Training is so important in today's modern society, and it provided a new tax credit to help Americans better afford health insurance.

Our economy has changed since 2002. America's strength in manufacturing expanded to include a robust services sector, which is now 80 percent of our economy. Madam President, 80 percent of our economy today is services. It is all different facets. It is call centers,

insurance, and everything you can think of that is characterized as services. America's trade with foreign nations has expanded to countries such as China and India, big countries with which we do not have free-trade agreements. The service sector has expanded just since 2002, and we have trade with other countries with which we do not have free-trade agreements.

I believe trade adjustment assistance should cover workers both in manufacturing and services. It should cover workers whose jobs move to any country, especially China, whether it is an FTA country—free-trade agreement country—or not.

These changes in realities have prompted me and my colleagues to update that program, to update it from what it was in 2002. It was updated in 2009. When they updated it in 2009 the law brought trade adjustment assistance more fully to the 21st century by providing Americans with training for the new economy. Unfortunately, those expanded provisions expired in February. They are gone. That had a big impact. Thousands of workers were denied access because the expiration of the expansion of trade adjustment assistance.

For example, more than 1,000 service sector workers in both Texas and Virginia were denied TAA benefits when the 2009 law expired earlier this year. These workers likely will be eligible under the trade adjustment assistance compromise I negotiated with Chairman CAMP. Chairman DAVID CAMP, chairman of the House Ways and Means Committee, and I and our staffs spent a lot of time getting an agreement on trade adjustment assistance, what the provisions should be, how far the expansion should go, and how it should be paid for. It was an agreement, a bipartisan agreement. There is not much of that around here, but we worked hard and got the job done.

I must say, however, under Senator MCCAIN's amendment, these service workers I mentioned would remain shut out. They would not qualify. I think it is time to bring us into the modern world. It is time to provide equal access to all Americans regardless of whether they work on a factory floor or a call center. It should not matter. If you lose your job on account of trade, you should get trade adjustment assistance benefits regardless of whether the job moves to Mexico, a country with whom we do have a free-trade agreement or if the job moves to a country such as China, a country with whom we do not have a free-trade agreement.

I, therefore, urge my colleagues to oppose the McCain amendment. I think it is unwise. I might also add that if either of these two amendments pass, guess what. It gets all gummied up over in the House. The House, therefore, cannot take up the clean trade adjustment assistance amendment. We have to go back all over again, amend it again, back and forth.

Do you know what that is going to do? It is going to do two things: That is going to jeopardize passage of then updated trade adjustment assistance. Guess what else it is going to do. It is going to jeopardize passage of free-trade agreements. I think a vast majority of the Members of this body and in the other body, together, want both of these matters passed.

I must say if we had amendments here, despite them being defective on the merits, if amendments are added, it is going to delay the process further. The House will have to amend it again, send it back over here, and it is going to very much delay both the trade adjustment assistance and the free-trade agreements. For those reasons I urge that those amendments not be agreed to.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, nothing of the sort is going to happen. The fact is, we have had nothing but delays by the President. Just a few weeks ago he was accusing us of not passing the free-trade agreements when he knows we cannot even consider them. There have been a lot of games played with us.

I remember last spring in our committee when the Trade Representative said: We have a few more things we have to work out on Panama and Colombia, and we will definitely send these free-trade agreements before the August recess.

We got near the August recess, and they said: Well, we need one other thing. We need trade adjustment assistance.

Now, if they need trade adjustment assistance—and I have no doubt that is going to pass in the Senate if there is a fair process. I do not believe there is any doubt it will pass in the House. The agreement worked out by the distinguished chairman and Chairman CAMP over in the House probably will be voted on. I have to vote against it.

The fact is, all my amendment—it does evidence some distrust in this process. All my amendment does is say: Look, we are not going to allow trade adjustment assistance to go into effect until these three trade agreements are sent by the President and passed. Both bodies can pass the trade adjustment assistance on this bill, and that is fine with me. My amendment says TAA does not go into effect until the President submits these three treaties, and they are passed and become law. Then trade adjustment assistance goes.

That is a very fair way of doing this. It is a way of saying to everybody: Let's get rid of the mistrust. Let's do this in a straight-up way. Let's do it so everybody knows what is going to happen. Trade adjustment assistance will ultimately come into effect, but only after the administration lives up to submitting these trade agreements and they are passed.

Why would we want trade adjustment assistance to pass if these three trade

agreements do not pass? It is just another big cost to the government. Keep in mind the people who are out of work are getting unemployment insurance. Trade adjustment assistance adds payments on top of that to their unemployment insurance. Why would we do that if we are not going to have these three trade agreements become law? It just makes no sense. Mine is a practical amendment.

It says let's get rid of the game playing. We will do this if you do this. Frankly, the President promised to do it, and we are still standing here waiting for the three trade agreements to be sent here. To me, it is hard to imagine why the President is not doing this.

By the way, on the trade adjustment assistance a little less than 7 percent of our nongovernment workers are unionized. Yet one-third of these payments will go to union members. I do not blame my colleagues on the other side for wanting to help anybody who is out of work or anybody who belongs to a trade union. But do we always have to do it in a slanted way that helps one small sector of the workers in this country and not the rest of them? It is a problem. We have unemployment insurance to take care of people who are out of work. We should do that. It is important we do that. Trade adjustment assistance is just adding some more payments on top of that.

There is a real question whether we should do it here because I asked the representatives of the administration in the committee what jobs are going to be lost as a result of these three agreements. They could not come up with one. There will be, according to the administration, 250,000 new jobs that will occur, or at least jobs that will occur and will be sustained by these three trade agreements once they are enacted into law.

Just yesterday my friends on the other side voted down trade promotion authority. I cannot imagine why any President would not want trade promotion authority.

It is mind-boggling to me that this President doesn't want it. It is the only way we are going to be able to get free-trade agreements done. Otherwise, we are going to have to do it through other legislative processes, which is much more arduous, much more difficult, and does not come up with just an up-or-down vote. There is a reason for this process, and that is to be able to do free trade in this country. Yet every time we turn around there is another roadblock thrown up by the other side, as though they don't want free trade. I understand that for some unsubstantiated or ridiculous reason the unions don't like free-trade agreements, even though they are going to, according to the administration, create 250,000 new jobs—or jobs, anyway. Why wouldn't they like those? They have an opportunity to unionize companies that come into existence.

By the way, even under the stilted, one-sided National Labor Relations

Board that currently exists that is running away with our responsibilities and legislating from the regulatory bench—even with that board, unions win 60 percent of union elections—contested elections. It is not as though they are being picked on or are not being treated fairly.

By the way, I would be one of the first to make sure they are treated fairly. I am one of the few people in this whole body who earned a union card. I worked in the building and construction trade unions for 10 years. I acknowledge the distinguished Presiding Officer sitting in the chair earned a union card. I am not sure we can call that a union, working with the—just joshing. The entertainment industry unions are not like the AFL-CIO. We are tough as nails. On the other hand, I have to retract that because I have seen some people in the entertainment industry as tough as nails, and the Presiding Officer is one. No question about it. I have great admiration for him. But he ought to be with me on this. He ought to be with me because all we are saying is, look—and the most that would happen is a few days, enough to get the free-trade agreements passed in the House.

So what I am saying is, first of all, let's get the President to do what he has blamed us for not doing; that is, to send these three free-trade agreements with these countries that are so important to us and we are important to them. We are losing business every day because this is being dragged out for so long. Send them so we can vote on them. TAA will pass here, and I believe it will pass over there with the process we have.

All I am saying is it doesn't become effective because we shouldn't be paying for people when we don't have free-trade agreements that are the basis for paying people. All I am saying is they don't come into existence—the TAA doesn't come into existence until after these free-trade agreements are ratified, are voted up or down, and become law—voted up and become law. That is fair. It is an intelligent approach to it. It ends the mystery. It ends what some people think is a convoluted process. It ends what some people think is not a good-faith process. It does it in a way that doesn't hurt anybody, and it just says: Look, let's do it straight up so there is no more arguing or moaning or groaning or accusations that one side is not being fair to the other. Let's just do it this way.

So I am calling on my colleagues on the other side to vote for my amendment. They don't lose a doggone thing. In fact, it will help this process along, and that is one reason I brought it up.

I am personally not sure trade adjustment assistance will pass without my amendment. That is one reason I brought it to the Senate floor—because it is a fair, decent, honorable way of saying, OK, let's get rid of the mysteries. Let's get rid of the arguments. Let's get rid of the partisanship. Let's

vote on these three free-trade agreements—or excuse me, the trade adjustment assistance—which is going to add a lot of money to the cost of this government, and let's vote on them. When they are both voted through by the House and the Senate, then let's bring up the three free-trade agreements which should pass readily in both Houses. Once they become law, trade adjustment assistance comes into being.

That is a fair, responsible way of doing this in a way that does away with the mystery, does away with partisanship, does away with Democratism and Republicanism and gets this process down the road.

For the life of me, I can't understand why anybody would argue with this. I am calling on my Democratic friends and saying: Let's be bipartisan about this. Let's send a message to the President that we want those doggone trade agreements up here. He controls that process. I just found it astounding when he came out and said: I wish they would pass the three free-trade agreements when he knows we can't until he sends them.

This agreement is not only fair, it is the right thing to do. It may be the only way we are going to get these three free-trade agreements done. I would like to hear a good argument against them, but there isn't any. With these free-trade agreements, I believe there will be thousands of jobs created. I am not sure there will be 250,000 as the administration claims, but I believe there will be many jobs at a time when we need jobs.

Trade adjustment assistance—there are a lot of sincere people in this body and in the other body who believe it is absolutely essential, even though there was not one shred of evidence as far as I heard that any jobs would be lost as a result of these two free-trade agreements. But I am willing to understand there may be some loss, and therefore—and even if there aren't, to get these three free-trade agreements through, the other side says we have to pass TAA. Fine. Let's pass it through both bodies. Let's make it subject to getting the three free-trade agreements passed into law because it should be subject to that.

There is no reason in the world why we would add more spending from a trade adjustment assistance standpoint unless we have these three free-trade agreements. That is the argument for the trade adjustment assistance that our colleagues on the other side and some on our side are making. I have a feeling this is the way to get this done. It is the smart way to get it done. It is the honorable way to get it done. It is the truthful way to get it done. It is the bipartisan way to get it done.

I think people know I have a reputation for being able to bring both sides together from time to time, and that is what I am trying to do. This is not a political game as far as I am concerned. I do want these three free-trade

agreements because I know it would be great for our country. We are losing business. We have gone down from 74 percent agricultural exports to Colombia to 28 percent. Anybody with brains would say we shouldn't have allowed that to happen, and it wouldn't have had we passed these three free-trade agreements, or at least the Colombia one, last year. But Korea is such a big, even greater trading partner than Colombia—although, when I look at what President Uribe and what President Santos, the current President, have done to straighten out that country and get rid of the terrorists and to bring down the violence against union members and so forth, they deserve our support. They deserve these agreements.

When I look at Korea and what an important partner they are in our trade—and we are losing trade to them now; others are taking it away from us because we haven't passed the Korean agreement—my gosh, it doesn't take any brains to realize we are not acting like friends to Korea.

Then look at Panama. Panama is one of the financial centers of this hemisphere. It is a great nation. It is important to us, above all people. It is dishonorable for us to not pass the Panamanian Free Trade Agreement that they worked out with us and which we had to add labor language in each one of these agreements that wasn't there before because of this administration's fealty to organized labor. Fine.

Why don't we do what has to be done to pass these three free-trade agreements and to get the support for TAA for those who believe that is the right way to go and get rid of any kind of concerns that one side or other would not live up to its share of the battle. My amendment will do that.

I hope it is not just a partisan vote. I hope we have some Democrats who will vote for my amendment. If we do, I think it will push this whole process forward in a way that makes sense.

Mr. President, let me just dwell a few minutes on one of the things I would like to get across. People ask me why I spent years working toward a leadership position on the Senate Finance Committee. It is pretty simple. The Finance Committee has jurisdiction over issues that matter not only to the people of Utah but to everybody: the bloated Tax Code we have, the inheritance taxes, health programs such as Medicare and Medicaid, Social Security, issues that go to the heart of international trade such as customs duties, tariff, and import quotas, and free-trade agreements. I could go on and on. It is a very important committee.

Sixty percent of all spending in this government comes through the Finance Committee. Being the lead Republican on the Finance Committee gives me a unique platform to shape all of these policies in a way that works best for my home State of Utah, and I hope the Nation as a whole.

Today I wish to focus on international trade and why I am so passionate about opening new markets to our goods and services. It gets repeated ad nauseam that 95 percent of our potential customers live outside of the United States, and there is no doubt that trade is vital to America's competitiveness. But trade has immediate and particular importance to jobs and the economy in my home State of Utah as well as every other State.

Last year alone companies in Utah shipped over \$13 billion in merchandise exports to international markets—\$13 billion—supporting nearly 93,000 jobs in our State. Think about that: \$13 billion and close to 100,000 jobs thanks to products Utah companies sold outside the borders of the United States. My State is only one State. I think every State can tell a similar story. That doesn't even include our service providers, who similarly take advantage of opportunities across the globe. Companies in Utah exported to over 190 foreign markets; companies such as Varian Medical Systems, which produces cutting-edge x ray products that assist with various cancer treatments and industrial security screening and which provides over 700 people with good-paying jobs in our State.

By removing barriers to trade, free-trade agreements level the playing field for our companies operating in markets abroad. This has an immediate and observable impact on trade. Following the implementation of every U.S. bilateral or regional free-trade agreement, Utah has increased its exports to partner countries.

Let me give two examples. Utah's exports to Morocco experienced growth of over 2,000 percent after the United States implemented a free-trade agreement with them, and Utah's exports to Singapore increased by over 800 percent after we implemented that FTA.

Listening to some of the pundits, it would be easy to draw the conclusion that exports in free trade are only important to large, multinational companies; but nothing could be further from the truth. In 2008, the most recent year for which we have statistics, 86 percent of Utah's exporting companies were small or mid-sized companies. For the entrepreneurs who lead these small and mid-sized companies, international trade is their lifeblood. But exports are only part of the story.

Thanks to low taxes, family-friendly values, and a well-educated, motivated, and internationally savvy workforce, Utah is a place where people want to live and work. And it is not just the greatest skiing in the world, although that certainly is a draw.

When foreign companies look to grow their operations or gain a foothold in the U.S. market, they increasingly look to Utah to site their operations. These companies invest significant amounts of capital to open or expand facilities in our State every year.

Foreign-owned companies employ over 34,000 workers in Utah. That is

more than 3 percent of all Utah employees in the private sector. These are well-paying jobs. U.S. subsidiaries of foreign companies pay an average compensation of over \$68,000 per year. And let's not forget all of the spending by international visitors to our world-class colleges and universities, ski resorts, and parks.

That is why I have been pushing so hard to get the three FTAs with South Korea, Panama, and Colombia passed and implemented. It is not the only reason, but it is certainly a reason. These agreements have been sitting idle for far too long. They were negotiated during the administration of President Bush. They were wrapped in a bow for President Obama, ready to go the day he took office. His own administration has made some changes in them that these three countries have agreed to. Yet President Obama still has not sent them to Congress for a vote, which is astounding to me. The President himself says these three agreements will create 250,000 new jobs. His failed stimulus, his burdensome overregulation of business, his penchant for taxing and spending to "redistribute wealth" all rubbed salt in the wounds of a difficult economy. We are now left with an unemployment rate of 9.1 percent. You would think the President would be eager to do something everyone agrees would actually create real jobs, and not just real jobs, great jobs. But the FTAs with South Korea, Panama, and Colombia remain on his desk.

While the President stands still, the world continues to forge ahead. China continues to pursue policies that boost its growth at our expense. Other countries around the world continue to negotiate trade agreements that exclude the United States, putting Utah exporters at a serious disadvantage, as well as other States. The consequences of this administration's trade paralysis are real.

By way of example, the U.S. share of Colombia's agricultural imports has already fallen from nearly 44 percent in 2007 to 21 percent in 2010. The EU and Canada swooped in to fill this vacuum. Both have now negotiated free-trade agreements with Colombia.

During President Bush's Presidency, we passed trade agreements with 14 countries, providing a significant boost to the U.S. economy. By contrast, President Obama has not submitted a single trade agreement to Congress.

It certainly does not help that the President has refused to spend any political capital to seek trade negotiating authority from Congress. The need for it is obvious: Without it, we cannot pass good agreements to open foreign markets for our exports. That is why every President since FDR has sought this authority. Why doesn't this President? I think it is a lack of experience, personally. He is smart enough to understand this.

Every President but one has sought it. The only one who has not is our current President. But whether he seeks it

or not, I am going to work to see that he gets it. And when he does, you can be sure it will be designed to shape his negotiating objectives so that the resulting agreements embody high standards that best serve the economies of the United States and, in particular, my home State of Utah.

It is vital that future trade agreements—such as the proposed Trans-Pacific Partnership Agreement between the United States and six other nations—protect the intellectual property of our innovators and content creators, level the playing field for our companies which are often forced to engage in lopsided competition with state-owned companies and national champions, enable modern day integrated global supply chains, and enhance market access for both goods and services providers.

In the months and weeks ahead, we have the opportunity to shape the economic future of our great Nation and my own great State of Utah. I am going to do my part to ensure that trade plays a central part in that equation.

I hope everybody in this body realizes how important this is and that we should not keep playing these games because we have political opportunism. Then again, that is another reason for my amendment. My amendment says the games will be over. Both sides will vote on TAA. The President will have to submit the agreements. Once the agreements are passed and made into law, TAA comes into existence. And it should not come into existence until after these agreements become law.

What it says to everybody is: Look, the games are over. This is the way to do it. This is the fair way to do it. This is the bipartisan way to do it.

Wouldn't it be wonderful if we could get these free-trade agreements passed? Wouldn't it be a wonderful achievement for all of us here—a bipartisan achievement, with the President getting lots of credit for it? I think it would be a good thing. If we cannot do this, then you can imagine what this place is going to become in the future. My amendment is the way you get there.

I am hoping my colleagues on the other side listen to this. I hope they pay attention. I sure hope they vote for this amendment because if they do not, I question whether we will ever have these free-trade agreements.

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

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

The bill clerk proceeded to call the roll.

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

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

Under the previous order, the question is on agreeing to amendment No. 641 offered by the Senator from Utah, Mr. HATCH.

There will be 2 minutes of debate equally divided prior to the vote.

Mr. HATCH. My understanding is both sides are waiving the 2 minutes of debate time.

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

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Indiana (Mr. LUGAR).

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

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—44

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

NAYS—54

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

NOT VOTING—2

Lugar	Rockefeller
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The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 54. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 625 TO AMENDMENT NO. 633

The PRESIDING OFFICER. Under the previous order, the question is on amendment No. 625, offered by the Senator from Arizona, Mr. MCCAIN. There will be 2 minutes of debate, equally divided, prior to the vote.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, the stimulus passed in 2009 was purported to be temporary. As part of that massive piece of legislation, we made a significant expansion and added at least \$600 million a year to the Trade Adjust-

ment Assistance Program. This amendment would cut back to the prestimulus number of the TAA.

It is pretty simple. It would save at least \$600 million per year on questionable programs of questionable effectiveness. But the point is, the stimulus was supposed to be a temporary increase in spending and not a permanent one. The Reid package makes most of it—at least 65 percent of it—permanent. The least we can do is cut it back to prestimulus levels, which is supported by the National Taxpayers Union. I know that will be very persuasive to my friends on the other side of the aisle.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, this country has an extremely high unemployment rate. We all know a lot of people are losing jobs and some are losing jobs on account of trade. The world has changed, even as recently as 2002. In 2002, the law said: OK. If a person loses a job on account of jobs going to a free-trade country, they are eligible for trade adjustment assistance, but it has to be a manufacturing job.

That was changed in 2009 because the country has changed. There are a lot of countries with which we trade that are not FTA partners—China, India. It makes eminent sense, if someone loses a job on account of trade with any country, that person should be eligible for trade adjustment assistance and not just with FTA countries.

Secondly, we expanded that to services. Eighty percent of the workers in our country are in the services sector, not the manufacturing sector. That addition was also provided for in 2009.

For technical reasons also, if this amendment passes, it jeopardizes both TAA as well as FTA because everything has to be renegotiated. So I urge this amendment not be agreed to.

The PRESIDING OFFICER. All time has expired.

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—46

Alexander	Burr	Corker
Ayotte	Chambliss	Cornyn
Barrasso	Coats	Crapo
Blunt	Coburn	DeMint
Boozman	Cochran	Enzi
Brown (MA)	Collins	Graham

Grassley
Hatch
Heller
Hoeven
Hutchinson
Inhofe
Isakson
Johanns
Johnson (WI)
Kirk

Kyl
Lee
Lugar
McCain
McConnell
Moran
Murkowski
Paul
Portman
Risch

Roberts
Rubio
Sessions
Shelby
Thune
Toomey
Vitter
Wicker

NAYS—53

Akaka
Baucus
Begich
Bennet
Bingaman
Blumenthal
Boxer
Brown (OH)
Cantwell
Cardin
Carper
Casey
Conrad
Coons
Durbine
Feinstein
Franken
Gillibrand

Hagan
Harkin
Inouye
Johnson (SD)
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Manchin
McCaskill
Menendez
Merkley
Mikulski
Murray

Nelson (NE)
Nelson (FL)
Pryor
Reed
Reid
Sanders
Schumer
Shaheen
Snowe
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Webb
Whitehouse
Wyden

NOT VOTING—1

Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 53. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator HATCH or his designee be recognized to offer amendment No. 642; that following the Hatch amendment Senator CORNYN be recognized for debate only for up to 15 minutes; then Senator KYL or his designee be recognized to offer amendment No. 645 anytime prior to 5 p.m.; that the time until 5 p.m. be for debate on the Hatch and Kyl amendments and be equally divided between the two leaders or their designees; that at 5 p.m., the Senate proceed to vote in relation to the Hatch and Kyl amendments, in that order; that there be no amendments, points of order, or motions in order to either amendment prior to the votes other than budget points of order and the applicable motions to waive; that each amendment be subject to a 60-affirmative-vote threshold; and there be 2 minutes of debate equally divided prior to each vote.

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

The Senator from Utah is recognized.

AMENDMENT NO. 642 TO AMENDMENT NO. 633

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 642 to amendment No. 633.

Mr. HATCH. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the eligibility requirements for trade adjustment assistance)

On page 31 of the amendment, between lines 6 and 7, insert the following:

SEC. 224. MODIFICATION OF TRADE ADJUSTMENT ASSISTANCE ELIGIBILITY REQUIREMENTS.

(a) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended by section 211(a), is further amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)(iii), by striking “contributed importantly to such workers’ separation or threat of separation and to” and inserting “was a substantial cause of such workers’ separation or threat of separation and of”; and

(B) in subparagraph (B)(ii), by striking “contributed importantly to” and inserting “was a substantial cause of”;

(2) in paragraph (3)(B) of subsection (b), as redesignated by section 211(a), by striking “contributed importantly to” and inserting “was a substantial cause of”; and

(3) in subsection (c), as redesignated and amended by section 211(a), by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(b) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended—

(1) in subsection (c)—

(A) in paragraph (1)(C), by striking “contributed importantly to such total or partial separation, or threat thereof, and to” and inserting “were a substantial cause of such total or partial separation, or threat thereof, and of”; and

(B) in paragraph (2)—

(i) by striking subparagraph (A);

(ii) by striking “(B)”; and

(iii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the left.

(c) TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.—

(1) IN GENERAL.—Section 292(c)(3) of the Trade Act of 1974 (19 U.S.C. 2401a(c)(3)) is amended by striking “contributed importantly to” and inserting “was a substantial cause of”.

(2) CONFORMING AMENDMENT.—Section 291 of the Trade Act of 1974 (19 U.S.C. 2401) is amended by striking paragraph (3) and redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, we are talking about trade, how we create markets for what Americans grow or build and sell abroad, which creates jobs here at home. But I wish to talk about a rather specialized area of trade, and that has to do with foreign military sales, and particularly I wish to talk about a topic Senator MENENDEZ and I introduced a bill on last week called the Taiwan Air Power Modernization Act of 2011. This bill requires the U.S. Government to respond to the request of the Government of Taiwan for the sale of at least 66 F-16 C/D fighter aircraft to Taiwan.

That sounds like a mouthful and a big subject, and it is, but let me try to put some meat on the bone and explain why I think this is so important.

Support of the people of Taiwan has been a bipartisan priority for decades. Democrats and Republicans supported the Mutual Defense Treaty with Taiwan, signed by President Eisenhower in 1954. Democrats and Republicans came together and passed the Taiwan Rela-

tions Act, which was signed by President Carter in 1979, and which remains the law of the land today. The Taiwan Relations Act states that the United States will provide to Taiwan the defense articles necessary to enable Taiwan to maintain sufficient self-defense capabilities in furtherance of maintaining peace and stability in the western Pacific region.

What does sufficient self-defense capabilities mean? President Reagan, in a memorandum he dictated dated August 17, 1982, laid it out. This is about the time the third communique between Communist China and the United States was formally adopted, because the Chinese wanted to know exactly what this meant. Were arms provided to Taiwan a threat of aggressive weaponry or purely for defensive purposes? According to James Lilley, who was America’s top representative in China at the time and who later served as Ambassador to China under George Herbert Walker Bush, that is what this was designed to do, to crystalize what the nature of the weapons sales to the Taiwan Government would be used for. This memorandum from President Reagan in August 17, 1982 laid it out:

... it is essential that the quantity and quality of the arms provided Taiwan be conditioned entirely on the threat posed by the People’s Republic of China. Both in quantitative and qualitative terms, Taiwan’s defense capability relative to that of the PRC will be maintained.

This is strictly for giving Taiwan the ability to defend itself against potential Communist actions by Communist China. It was directly proportional and reciprocal to the threat posed by the People’s Republic of China.

But Ronald Reagan was not alone in this interpretation. In fact, both Democrats and Republicans over the years have supported numerous arms sales to the Government of Taiwan, including the current request for 66 F-16 C/D advanced fighter aircraft.

So far this year, 47 Republicans and Democrats have signed a letter—these are Senators—to the administration in support of this sale. In August, 181 Members of the House of Representatives, Republicans and Democrats alike, wrote to the administration endorsing this same sale.

Why is Taiwan asking for these aircraft and why do so many Democrats and Republicans join together in a bipartisan way on this issue when the parties seem to be so polarized by so many other issues? The answer is simple and straightforward: Taiwan’s air defense capabilities are nearly obsolete, while China’s military capabilities are growing at an alarming rate. This chart demonstrates the problem.

On the right in the red you will see that China has 2,300 operational military combat aircraft, while Taiwan has 490 operational combat aircraft. But air defense is not just a numbers game. Quality of those aircraft matters a lot—just as much as quantity. So what about the quality of Taiwan’s existing forces?

According to our own intelligence services, the Defense Intelligence Agency, in an unclassified report last year, said that “many of Taiwan’s fighter aircraft are close to or beyond service life, and many require extensive maintenance support.”

China’s capabilities, on the other hand, are clearly newer and clearly growing and clearly focused on intimidating Taiwan and the United States. China’s official press agency reported in March that the People’s Republic of China will increase its military budget this year by 12 percent, after an increase last year of 7.5 percent. But the Pentagon estimates that China’s official military budget of about \$90 billion they disclose, is actually far less than the \$150 billion they actually spend. In other words, they only disclose part of their expenditures on national security and not the full amount, which is some \$150 billion. The question is, who does China intimidate with this growing military power?

Here is what the Pentagon had to say in its 2011 report to Congress, called “Military and Security Developments Involving the People’s Republic of China.” The Defense Department observed that China continued modernizing its military in 2010, with a focus on Taiwan contingencies.

The Pentagon also noted that China’s air force will remain primarily focused on “building the capabilities required to pose a credible military threat to Taiwan and U.S. forces in East Asia.”

Let me repeat that. The Pentagon noted that China’s air force will remain primarily focused on “building the capabilities required to pose a credible military threat to Taiwan and U.S. forces in East Asia.”

Some say the United States should not look at our policy with Taiwan in a vacuum, that we should consider the context of our larger strategic relationship with China. I could not agree more, because the strategic situation with China these days is very troubling. Many of China’s neighbors are concerned about its military buildup and territorial ambitions. Last year, China claimed the South China Sea as a “core interest,” which unsettled Vietnam, the Philippines, Indonesia, and other nations in the region. China also renewed a long-running dispute with India over the borders of the Arunachal Pradesh region.

China continues to be an enabler of the nuclear ambitions of the regime in North Korea. This summer, Google publicly reported that a Chinese entity has been targeting the personal e-mail accounts of U.S. and South Korean government employees, and Pakistan’s defense minister publicly discussed the possibility of China building a naval base at Gwadar, Pakistan, which is already home to a new strategically important port at the mouth of the Gulf of Oman.

China, we know, has also escalated its rhetoric aimed at the United States, and particularly the U.S. Sen-

ate. A number of my colleagues visited Beijing last April where they reportedly received a lecture from Chinese officials on fiscal policy. Just last week, more to the point of this topic, China’s top official newspaper used a lot of unnecessary and bellicose rhetoric on the subject of the proposed U.S. arms sales to Taiwan. This official newspaper of the Communist Party in China said that those of us on Capitol Hill who support Taiwan are “madmen.” They said we were “playing with fire.” They said we could pay a “disastrous price” if we continued to support our ally Taiwan, as we are obligated to do by the Taiwan Relations Act.

I suggest the United States should not give in to this intimidation and these threats, and that we should instead pass this legislation to send a clear message to China that respects only strength, not weakness; that the real madmen are those who think America will abandon our friends and allies and our principles and our long-standing strategic interest in the stability of East Asia.

Supporting this legislation would also greatly reassure our allies and friends around the world. Many remember what happened when President Clinton deployed two aircraft carrier battle groups during the Taiwan Strait crisis in 1996. That crisis developed when China tried to intimidate Taiwan on the eve of its first free Presidential elections by conducting a series of military exercises that included the firing of missiles a few miles north of Taiwan. President Clinton responded by ordering the largest U.S. military force since the Vietnam war to deploy to the region, including carrier battle groups led by the USS *Nimitz* and the USS *Independence*.

America’s show of strength and resolve under President Clinton’s leadership did not escalate the crisis, it defused it, and it sent a welcome signal to our friends and allies in the region. According to an article in the current issue of *Washington Quarterly*, following the crisis, “the region’s confidence in the United States soared.”

“... Japan, Singapore, the Philippines and other nations all bolstered their security ties with the United States.” The Taiwan Strait crisis was one of the real foreign policy success stories of the Clinton administration. But the authors of this same article conclude that “forsaking Taiwan [now] would likely have the opposite effect.”

This bill deserves bipartisan support of the majority of Members of the Senate based on our longstanding bipartisan consensus on policy toward Taiwan, the growing gap in military capabilities between the People’s Republic of China and the Government of Taiwan, China’s aggressive behavior toward its neighbors and toward the United States, and America’s credibility with our allies and with free peoples everywhere.

I conclude by pointing out perhaps something that is obvious, but maybe

it is not so obvious to everyone. Since we are talking about trade, what we grow and we sell to people abroad creating jobs at home, it is worth mentioning that selling F-16 aircraft to Taiwan creates jobs and exports for the U.S. economy and does not cost 1 penny of taxpayer money. This map demonstrates all the States in which direct and indirect employment from which the export sales of F-16s to Taiwan is projected to be at least 60 person years of employment, which is the equivalent of 10 American workers employed full time for 6 years.

As you can see from this map, 32 States will have that level of job creation or more as a result of the sale of these F-16s, making the sale of the F-16s to Taiwan a coast-to-coast job engine. In fact, according to the Perryman Group, the requested sale of F-16C/Ds to Taiwan “would generate some \$8.7 billion in output; and directly support more than 23,000 jobs.”

As I pointed out earlier, these jobs do not cost the American people one cent. These are private sector jobs paid for with money coming in from overseas because this is an export-driven industry. The only thing the U.S. Government needs to do is get out of the way and let these Americans continue to stay on the job and collect an estimated \$768 million in Federal tax revenues. Yes, not only will we be selling these aircraft, creating jobs, we will be generating revenue for the Federal Treasury in the process, generated by this private sector, export-driven economic activity.

I wish to thank the Senator from New Jersey, Mr. MENENDEZ, for introducing this legislation with me, and I thank my colleagues on both sides of the aisle who have agreed to cosponsor it. I hope more Senators will join us, and I hope we will pass this bill soon. I hope we can help American workers continue building these aircraft to strengthen our friends, the people of Taiwan.

Mr. President, let me just close on this comment: This is standalone legislation I discussed here today, but I will be offering, in due course, an amendment to the pending bill that would mandate this sale. So I would ask my colleagues to please join us in a bipartisan way of showing our support for our friends and allies in Taiwan and generating jobs right here at home.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

DISASTER ASSISTANCE

Mr. SANDERS. Mr. President, my State of Vermont has been hit very hard by Hurricane Irene. Widespread flooding caused a number of deaths, the loss of many homes and businesses, and hundreds of millions—perhaps \$1 billion—in damage to property and infrastructure. I have visited many of the most hard-hit towns, and I have been shocked and moved by the extent of the damage I saw. Irene will go down in history as one of the very worst natural disasters ever to hit the State of

Vermont. Let me share a few facts with you about the extent of the damage.

Already, more than 5,200 Vermonters have registered with FEMA. Remember, we are a State of only 630,000 people and approximately 200,000 households, and yet more than 5,200 Vermonters have already registered with FEMA.

More than 700 homes were severely damaged or completely destroyed—700 in a State which has about 200,000 households.

Between 1,500 and 2,000 families have been displaced, their housing uncertain as we approach Vermont's brutally cold winter season. It is beginning to get cold in Vermont.

More than 73,000 homes were left without electricity—one-third of all of the homes in our State. Tens of thousands of Vermonters lost their phone service, and in some areas these services still have not been fully restored.

More than 2,000 roads were badly damaged—2,000 roads—including 135 segments of State highways. More than 300 bridges—300 bridges—were damaged. Hundreds of roads and bridges remain closed, while many others are only open to emergency vehicles today. Some towns still have limited access because the roads and bridges that link them to the outside world were destroyed.

Further, dozens of town libraries, townhalls, and municipal and volunteer fire departments have been damaged or destroyed. Ninety public schools could not open on time. The last one is just now opening for the year.

Hundreds of businesses and more than 360 farms with more than 15,000 acres of farmland have been damaged, tearing at the fabric of our rural economy.

Our Amtrak and freight services were completely suspended, as railbeds literally washed into rivers. One Amtrak line is still down today.

The largest State office complex was completely flooded and is closed until further notice. Mr. President, 1,600 State employees cannot go to work in that building. Important files and computer systems have been ruined, disrupting the ability of the State to deliver critical State functions.

I know that, as in times past, we will pick up the pieces in Vermont and restore our homes and businesses. And I have to tell you that if there is any silver lining out of that disaster, it is the fact that in community after community, people came out, worked together, and participated in cleanup efforts, supported each other. People from the northern part of the State, which was hit less severely, came down to the southern part of the State to help. Strangers helped strangers. It was an extraordinary effort of people coming together. But the simple fact is, if a State such as Vermont has communities that are devastated, a State such as New Jersey has communities that are devastated, we cannot do it

alone. The scale of this disaster is too overwhelming for a State of the size of Vermont.

The Federal Government has long played an important role in disaster recovery. That is something we have known for many years and we have seen time after time after time. When our fellow citizens in Louisiana and the gulf coast suffered the devastation of Hurricane Katrina, people in Vermont were there for them, and I can tell you how many people told me we have to do everything we can to protect the people who were devastated by Katrina. When the citizens of Joplin, MO, were hit by deadly tornadoes, people on the west coast were there for them. And, of course, when terrorists attacked the United States on 9/11, we were all there for New York City. That is what being a nation is about.

The name of our country is the United States of America—"united," u-n-i-t-e-d—and if that name means anything, it means when disaster strikes one part of the country and communities are devastated, people are hurt, bridges and roads are out, farmers cannot produce the food, we as a nation rally together to support those communities. That is what States impacted by Irene expect from Congress because that is what being a nation is about. Disaster relief, funded on an emergency basis, is what Congress has done for decades, and it is what Congress must do now.

The Senate did the right thing in quickly passing a \$6.9 billion disaster relief supplemental appropriations bill, and I wish to thank all of the people active in that, from Senator REID, to Senator LANDRIEU, to Senator LEAHY—all of the people who made that happen. They did a great job.

Does that bill have everything I would like to see in a disaster relief bill for the State of Vermont? No, it does not, quite frankly. But it is a very good bill. It is an urgently needed bill. It is an important step forward in the right direction. I commend, again, all of those Senators who played an active role in moving that bill along, including 10 Senate Republicans.

Disaster aid should not be a partisan issue, but it seems the House Republicans are intent on making it one. The disaster funding the House is likely to pass this week is totally inadequate and will not address the magnitude of the damages inflicted by Hurricane Irene or the backlog in FEMA funding that existed before it.

To my mind, it is an outrage that for the first time in modern American history House Republicans want to have a budget debate over disaster assistance. They threaten to block urgently needed aid unless the cost of that help is offset by cuts in other needed programs. They want to use Hurricane Irene as another excuse for a budget fight. And think about the precedent that sets. What happens if tomorrow there is, God forbid, a disaster in New Mexico or a disaster in Colorado? Does

that mean we should be cutting education or environmental protection in order to pay for help to New Mexico or Colorado or California? If there is a major earthquake someplace in this country and communities are devastated, do we cut back on the needs of the children? Do we cut back on Medicare and have that huge debate in order to pay for disaster relief?

Historically, the U.S. Congress has said—and what they said was right—that when disaster strikes, we as a nation come together and we provide the support to those communities which have been hurt to get them back on their feet. That is what we have done in this great country, and I am offended that some of my Republican colleagues in the House suddenly start thinking we need a major budget debate for every disaster that is hitting this country. That is wrong. That is extraordinarily bad public policy. That is, frankly, unpatriotic and not what the United States is about. Yes, of course, we must continue to address our deficit problem but not on the backs of communities in Vermont, New Jersey, North Carolina, or other States that have been devastated by Hurricane Irene. For those States and communities, we must get them emergency help, and we must get it to them as quickly as possible.

Amazingly—I must say this—this talk about budget offsets for disaster relief comes from some of the same people who repeatedly and conveniently ignore their own actions when it suits them. Congress provided \$800 billion to bail out Wall Street banks. I did not hear any discussion about offsets when it came to bailing out Wall Street. Congress extended huge tax breaks and loopholes for the wealthiest people in this country, driving up the deficit. I did not hear any call for offsets when we gave tax breaks to billionaires and large corporations. The United States is spending today \$10 billion a year on the wars in Iraq and Afghanistan, including billions to rebuild those countries. I did not hear any call for offsets when it came to the wars in Iraq and Afghanistan.

Let me conclude by saying this: This country has its share of problems. We all know that. But if we forsake the essence of what we are as a nation; that is, we stand together when disaster strikes, if we forgo that, if we no longer live up to that ideal, I worry very much about the future of our great Nation.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. CARDIN). The majority leader is recognized.

DISASTER RELIEF

Mr. REID. Mr. President, last week the Senate passed three important pieces of bipartisan legislation. It was really quite a productive week. We reauthorized the Federal Aviation Administration, which kept 80,000 workers, including safety inspectors, on the job. We passed a highway bill that

keeps 1.8 million people at work building roads and bridges and dams. We reached a bipartisan agreement to rush relief to communities devastated by floods, tornadoes, and wildfires. So I was hopeful, as this week began, that it would be productive. I thought Congress might be able to set aside party politics to accomplish the important work of this Nation. Instead, the tea party has taken over again. The tea party Republicans have once again allowed partisanship to rear its ugly head.

Now House Republicans, obsessed with pleasing a group of radicals—the tea party, they are called—are refusing to give the Federal Emergency Management Agency the funding it needs to reconstruct ravaged communities across this great country, and they are threatening to shut down the government if they do not get what they want.

It is bad enough that we cannot agree that victims of floods and fires should get the help they need without delay.

We cannot even agree on what we have already agreed to. We spent months this spring and summer negotiating a deficit reduction agreement that allowed Congress to appropriate more than \$11 billion in disaster aid for next year. After an earthquake, weeks of wildfires, and a hurricane that slammed the eastern seaboard, we are asking to free up \$6.9 billion in emergency funds to help Americans in need.

There is a reason we have agreed in the past that disaster funding should be set aside from the regular budget process. There is a reason we agreed, as part of July's deficit reduction agreement, it should be set aside once again. Farmers who have lost their crops to floods, families who have lost their homes to hurricanes should not be used as pawns in a budget-bidding war.

Over the last two decades, almost 90 percent of the money Congress has authorized for disaster relief has been done outside the regular budget process. Why? Because we cannot determine what Mother Nature is going to do. We do the best we can. But who would have ever dreamed Irene would hit when it did, with the devastation it did. Who would have ever dreamed a tornado would level the town of Joplin, MO?

We have done the best we can. I ask my Republican colleagues: Why should today be any different than the past? FEMA is running out of money. That is the bottom line. On Monday, they will be broke. The President declared emergencies in 48 of the 50 States this year. We have had 10 disasters already that have cost more than \$1 billion each. It has been 30 years since we have had so many large natural disasters.

As of this morning, FEMA's disaster fund had almost nothing left. It will be broke on Monday. The agency that rushes to help when disaster strikes will be out of money in just a day or two—I repeat, Monday. We are still in the middle of the hurricane season.

Turn on the Weather Channel and see why it is so important that we get FEMA the resources it needs to react quickly to whatever Mother Nature sends our way.

FEMA has already halted reconstruction projects in 40 States to free funds to react to immediate needs of communities affected by the most recent disasters. Because of these delays, FEMA will take longer to rebuild bridges in New Hampshire and schools in Missouri and homes in Texas, all because of Republican stubbornness.

I am stunned. We have Senators from States that have been devastated by these disasters—one State, thousands of fires, 2,000 homes burned. Why wouldn't people vote to help people who have had such devastation? All politics.

FEMA has been there for people when crops they have planted and counted on to make a living were drowned by floods. The Federal Government has always been there to help Americans in their hour of greatest need, when their homes where their children were raised, spent holidays, and made memories had burned to the ground or been washed away or blown away.

But because of the delays, FEMA will no longer be able to rebuild the bridges, for example, in the State of New Hampshire. I just heard my friend, the junior Senator from Vermont, talk about Vermont. Vermont has had almost 200 bridges washed away—gone. Texas has had those fires. FEMA has been there when schools studied in and bridges driven on have been rocked by earthquakes or blown away by tornadoes. Never before has Congress tried to nickel and dime the victims of these disasters.

Americans have watched all they had go up in smoke or be washed or blown away. That is what Republicans are doing today. They are shortchanging communities that can least afford the delays of partisan gridlock.

Senate majority leader George Mitchell said: "Bipartisanship means you work together to work it out." American families and communities are relying on us to work together to work it out and holding out hope that we will not disappoint them.

Go back a month. We were struggling, struggling hard, to work out an agreement that in years past has been simple. We were going to just raise the debt limit in this country on bills we had already accumulated. It took 3 months. But we got it done. One of the things we did was we said we will no longer have fights during this next fiscal year on funding the government. We agreed on the numbers.

What the House could not do in good conscience directly they are doing indirectly. They are sending us a short-term continuing resolution to fund the government until the middle part of November. But because they have all these extremists in the Republican majority in the House, they could not do that. They could not do that. They

could not send us what they had already agreed upon.

In fact, they put an addition on the bill, a so-called rider on the bill, saying the Senate is only going to be able to raise the debt ceiling if it agrees on their number on emergencies, recognizing that their number will only last a few weeks. Here is what they did also that was so mean-spirited. As I have outlined in detail, we have not paid for these disasters because they are emergencies. They are not in the normal budget process.

But the House took money for more efficient vehicles—they took that money and said: We are going to pay for \$1 billion for the year 2011. The year 2011 ends—fiscal year ends—the end of this month, just a few days from now.

Everyone has said, we just need a few million dollars to take care of it until the end of this month. As I have indicated, we have enough money until Monday. But that is all. The end of the month is not Monday. They took \$1 billion, when only a little bit was needed, and stripped our ability to create jobs.

I spoke to STENY HOYER in the House. He said they are taking away 52,000 jobs from the American people by doing this. They take \$1 billion and pay for this. But just to show further meanness, they take $\frac{1}{2}$ billion and rescind it. It does not go toward the debt. It does not go for anything. They just rescind it.

Then, of course, the year 2012, they put in an amount of money that does not go very far with all these disasters, a few weeks' worth. So we will be back having the same fight again, which is so senseless, so unnecessary. I would hope the House of Representatives—there will be a vote today around 4 or 5 o'clock. I know it will be a close vote. But I hope people in the Senate will understand how important this vote is. We are going to have a vote, as we have indicated, on the continuing resolution to strip out the mean-spirited amendment they have in it, take it out and put in what has already passed here by a substantial majority.

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

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

AMENDMENT NO. 642

Mr. HATCH. Mr. President, earlier, I sent an amendment to the desk. This amendment will constrain the growth of this domestic spending program. My amendment is fairly simple. It tightens the nexus between TAA benefits and actual jobs lost because of trade. It does this by changing the eligibility criteria from one that only requires that trade "contribute importantly" to job loss to a more restrictive criteria that the job loss be "substantially caused" by trade.

Under the current program, the worker only has to demonstrate that imports from or shifts in production to a foreign country—what many folks would call the ordinary course of business—“contributed importantly” to their job loss.

So what does “contributed importantly” actually mean? The TAA Program holds that the contributed importantly standard is met if trade is a cause, which is important but not necessarily more important than any other cause of the job loss.

That does not sound like a tight nexus to me, certainly not a tight nexus to trade to me. Believe me, these fears are not theoretical. Let me give a real-life example. I am sure, by now, everyone is familiar with Solyndra, the now-bankrupt solar firm that was lauded by President Obama as the poster child for his stimulus and green jobs plans.

It turns out, now that Solyndra is in bankruptcy, many of its employees are applying for job-training benefits through TAA. To fully understand this lunacy, let's take a look at recent history.

Here is how Vice President BIDEN described the administration's ill-considered plan to direct over one-half billion taxpayer dollars for loan guarantees for Solyndra:

The Recovery Act is working and you're going to see it work right on that site. The loan to Solyndra will allow you to build a new manufacturing facility and with it almost immediately generate 3,000 new well-paying construction jobs. And once your facility opens, there will be about 1,000 permanent new jobs here at Solyndra and in the surrounding business community and hundreds more to install your growing output of solar panels throughout the country.

Well, that didn't quite happen. Instead, the firm failed, potentially taking over a half billion taxpayer dollars with it. Those “permanent new jobs”? Well, not quite. The workers are all unemployed because their “permanent” jobs no longer exist.

It gets worse. According to the Wall Street Journal, the stimulus loans themselves were a major cause of Solyndra's bankruptcy. Here is the headline on the chart: “Loan Was Solyndra's Undoing.”

In selling the half billion dollar loan to Solyndra, Vice President BIDEN made it clear that these were the jobs of the future, saying:

We are journeying, in a sense, closer and closer to the sun, to a more solar-powered America. And as we do, we're leaving a shadow of a less efficient, more damaging past behind us.

We all know—or should know—what happened to the arrogant Icarus when he flew too close to the Sun.

Despite the Vice President's exhortations, what happened to Solyndra? Solyndra is set to become an even bigger drain on our taxpayers.

How is that possible? Through the magic of TAA, of course. It turns out that the now-unemployed former Solyndra employees have applied for

trade adjustment assistance. The irony here is profound. The administration is now considering whether to grant these Solyndra workers TAA benefits because competition from China “contributed importantly” to their job loss. That is ridiculous, frankly.

Here is another Wall Street Journal article, entitled “Solyndra Was Always Likely to Fail.” You can see in the photo what a beautiful plant it was—with all of your taxpayer dollars.

In a letter to the editor of the Wall Street Journal, the CEO from another solar company—tenKsolar—explained that everyone in the solar business knew Solyndra's business model would not work and their solar technology was too costly.

That didn't stop the White House from giving this company a \$535 million taxpayer loan—money that is basically gone now. This was despite the fact that the government's own analysts had predicted months ago that Solyndra would fail in September. Well, it did.

Again, look at the photo of that beautiful building that was built with taxpayer dollars. It is pretty hard to not admire it, to be honest with you.

The fact that TAA benefits are even being considered for Solyndra shows how tenuous the nexus between job loss and trade can be—and workers can still get these expanded benefits, on top of unemployment insurance.

How can Solyndra workers get TAA, when the business collapsed due to a bad business plan and an ill-conceived loan of taxpayer money? That was the cause of Solyndra going under. China imports, under the current TAA program, however, might be construed by ambitious Department of Labor bureaucrats to have “contributed importantly” to Solyndra shutting down—despite the fact that the primary cause was the business model and the government's intervention.

This needs to stop. We can do better. If we are going to continue to fund this domestic spending, let's at least make sure its benefits go to those workers whose job loss is actually caused by trade. That is what this amendment will do. It will return the TAA threshold standard to the “substantial cause” level. It would require that trade would have to be a “substantial cause” of the work dislocation. This standard was included in reforms advocated for by President Reagan that were included in the bipartisan Omnibus Reconciliation Act of 1981. That deficit reduction act included the largest package of spending cuts in history—at that time. President Reagan had noted the unfairness of treating one class of workers who lose their job due to foreign competition better than their neighbor, who lost his job due to domestic competition, so he tightened the threshold criteria to be eligible for the TAA Program.

By returning to the narrower TAA threshold, this amendment would put reasonable constraints on the program

to prevent it from expanding into another out-of-control spending program.

I ask my colleagues to support this amendment because I think it makes sense. There is no question it will save taxpayer dollars and make people act more honestly with regard to the use of taxpayer dollars and, in the end, I think it will work better than the current approach that my friends on the other side wish to have.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

DISASTER AID

Mr. CONRAD. Mr. President, I am here to speak about disaster aid and the acute need we have in my State for assistance to deal with a disaster that occurred earlier this summer in Minot, ND.

These are pictures from the valley in Minot, ND. Minot is constructed on two hills, with a valley in between, with the Souris River flowing through. We have just had the worst flood ever in history, by a long margin. The Corps of Engineers was in yesterday to see me. They calculate that this was a 430-year flood. A flood of this magnitude would only come every 430 years. Certainly, it is beyond anything we have ever seen in recorded history. They say the volume in this flood was three times the previous record; the volume of water was three times the previous record.

These are just a handful of the homes in Minot that were inundated; and 4,000 families lost their homes. These are modest, middle-class families, and the homes averaged \$160,000 or \$170,000 in value. Yet they are devastated, because all they are eligible for is FEMA assistance.

As the occupant of the chair knows well, FEMA was never designed to be a stand-alone program to recover from disaster. FEMA was designed to work in concert with insurance programs—homeowner's insurance, flood insurance. In this case, with a flood, homeowner's insurance doesn't help you at all. You get nothing on your homeowner's insurance. Then the burden falls to flood insurance. In this entire town of 40,000 people, there were less than 400 flood insurance policies. Some may say, why didn't they have flood insurance?

That is a reasonable question to ask. The answer is very simple: No one thought they needed flood insurance. Flood insurance was not required because they were behind a levee that was supposed to protect against a hundred-year flood event, and actually something more than that. In addition, new dams, since the last major flood, have been built in Canada to prevent such flooding—dams that were, in part, paid for by the United States.

There was no reason for people to believe they needed flood insurance. As a result, very few had it. The bottom line is that the most these people, who have had their homes destroyed, can get—and believe me, these homes are destroyed. Most of the 4,000 families who

lost their homes had 10 feet of water on their homes for weeks. I have been there. I have seen these homes, and I have smelled them. It is horrific. To restore these homes, you have to take them down to the studs and start over again—with \$30,000 at the most.

If you are a young couple starting out, and you have a \$170,000 home and a \$140,000 mortgage, and the house is destroyed, and it costs \$140,000 to rebuild, and you have \$30,000, you have a big problem. Maybe you are like my cousin and her family, who had just sold their home, and then it was flooded—but it flooded before closing. So guess what. They had gone and bought a new home because they sold their existing home. Then their existing home was flooded and, of course, the person never goes to closing. So now they have two homes, two mortgages. This is a neighborhood of middle-class and lower middle-class families. They are devastated.

The question is, are we going to help? In the past, we have. In Katrina, we not only provided FEMA disaster funding, we also provided CDBG additional emergency funding. That is precisely what we did in the 1997 flood in Grand Forks, ND, a 500-year flood. We provided additional CDBG funding. For that town alone, we provided over \$170 million of CDBG emergency funding to help deal with the catastrophic situation there. We have provided much more than that to Katrina victims.

What we are asking here is not unprecedented, and it is not something that hasn't been done before. It is absolutely needed.

This is the headline from the Fargo Forum, the biggest newspaper in our State, about what is happening in Minot, ND: "11,000 People Forced Out of Their Homes." It may not sound like many in a State such as California or New York, but in North Dakota that is one-sixtieth of the entire State's population. That is over a quarter of the population of this city, Minot, ND. "The Rising Souris Moves Up Evacuation Time." Eleven thousand people were forced out of their homes. When they came back, they found an absolutely unmitigated disaster.

This ran in the Minot Daily News this year: "Projection: Devastation. Minot Residents Evacuate as Historic Rise in Souris River Approaches."

This shows some of the preparation. The people tried to get out of town and out of these homes before it hit.

Then we have this headline from June 21: "It's a Sad Day." It is a sad day because the crest was increased, in 48 hours, by 10 feet. In other words, the city was protected to a certain level, and then Canada lost control of their major reservoir. Their Premier told our Governor that the floodgates are wide open, there is a wall of water coming your way. Indeed there was. They increased, in a 48-hour period, the projection of how high water levels would be by 10 feet.

There is no way humanly possible to build up defenses by 10 feet in 48 hours.

It cannot happen. There is no possible way. With miles and miles of levees, can you imagine trying to build that up 10 feet in just a matter of hours? It was a sad day, Mr. President.

Here is the result—massive flooding, flooding that represented an unusual flood in the sense that usually when you have a flood, the water comes and goes. In this case, the water came and the water stayed.

This is downtown Minot, ND. This is home, by the way, to one of the two Air Force bases that are home to the Nation's B-52s. It is also the home to 150 Minute Men III missiles, which are an important part of the deterrence of the United States.

You can see that this downtown area was devastated by floodwaters. The flood came—and stayed and stayed and stayed and stayed. Here you can see rooftops, in a picture taken by Brett Miller of the North Dakota National Guard while flying over Minot, ND. I have been to the schools that have been flooded, and two of them were absolutely destroyed. They have to be rebuilt. You can't possibly rehab them in any kind of cost-effective way.

In many cases, all you see are roofs here, because a majority of the 4,000 homes that were destroyed had 10 feet of water on them. For weeks and weeks, many of these homes had 6 to 10 feet of water on them. Anybody who knows what water can do when it sits and is there for weeks. When you come back, you have mold everywhere. The only possible way to get it out is to take the house down to its studs.

Mr. President, let me just close on this photo from June 24 of this year. Again, the Minot Daily News headline: "Swamped." Indeed, we were absolutely swamped. Water starts to inundate the valley. "The Corps Says Souris Flows to Double by Saturday." These are the headlines people were coping with in Minot, ND.

This devastation will not be addressed for months to come. People are already moving in to temporary FEMA trailers. Those FEMA trailers—which are welcome because without them people would have no shelter—it should be understood, are going to be tough to live in during a North Dakota winter. The people living in those trailers are going to have a tough time in a North Dakota winter. So we need help.

Yes, we need to replenish the FEMA fund, absolutely. But more than that, we desperately need additional emergency CDBG funding. That is what was used effectively for Katrina, and that was used effectively in the horrible flood that hit Grand Forks, ND, 1997. So we are asking our colleagues to do what we have done for them in disaster after disaster. We stood with them, we joined with them, we supported them, and we are asking that for our people at this time.

Senator HOEVEN and I have an amendment for \$1 billion of CDBG funding. We have a markup occurring in the Appropriations Committee this

afternoon, and I understand they are going to agree to \$400 million. But that is nationwide. The need in North Dakota alone is \$235 million, according to our State's Governor. The need for emergency CDBG funding in my State alone is \$235 million, and the Appropriations Committee is about to agree to a level of funding nationwide of \$400 million.

Mr. President, there is a chasm—a chasm—between the need and the resources available. We are going to have to do better than this, or these 4,000 families in North Dakota who have had their homes destroyed are going to have a pretty miserable Christmas and a pretty miserable new year. We are better than that. We have proven so repeatedly. I hope we are able to prove it again.

I thank the Chair, I yield the floor, and 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. CONRAD. 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. CONRAD. Mr. President, I ask unanimous consent that we charge time during the quorum call equally between the two sides.

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

Mr. CONRAD. I thank the Chair, and again 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. KYL. 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. KYL. Mr. President, I have an amendment which I will be speaking to in just a moment.

First, I ask unanimous consent that an editorial in the Arizona Republic from September 21, by Robert Robb, the subject of which is President Obama's debt-cutting plan fails to tell the whole story, be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. KYL. Mr. President, the amendment I will be talking about has been filed. It is amendment No. 645. But before I describe that amendment—which I believe and hope we will be able to vote on when we have our series of votes later on this afternoon—I want to respond to one thing the leader said in his remarks after lunch.

He was talking about the continuing resolution, which we believe will be coming over from the House of Representatives later on today. That continuing resolution, of course, has funding for the various disasters which

have befallen various parts of our country.

I think the leader has indicated that he is going to be attempting to amend that House product with an increase in that spending. He asked the question rather rhetorically: Why aren't those Senators who have disasters in their States willing to vote for my increased spending amendment? Then he answered his own question, saying it is all politics.

Mr. President, first of all, as you know, we are not supposed to ever question the motives of fellow Senators. I am sure that isn't what the leader had in mind, but I would suggest to the leader it is not politics that causes people to vote against his amendment. If it were politics, they would be voting for his amendment. Those Members who have disasters in their States would say, surely, they want even more money so they can be sure to cover all those disasters. So if it were politics, they would probably be voting yes.

I suggest the reason they are voting no is because of principle. First of all, because there is plenty of money in the House continuing resolution to cover all of the disasters that have already occurred and those that could be anticipated over the course of the next 7 or 8 weeks, which is the period of time covered by the bill; and, secondly, we should never spend more money than necessary. I will stand corrected if I am wrong, but I do not believe the majority leader's amendment has a calculation of why all of the money he proposes is necessary based upon emergencies or disasters that have occurred.

So I just wanted to make sure my colleagues appreciate if and when such a vote occurs, at least for those people with whom I have spoken, they are going to be voting on principle and on the fact there is plenty of money for disasters. There is no reason to put in more money than is needed, especially in our time of a very difficult deficit situation.

EXHIBIT 1

[From Real Clear Politics, Sept. 21, 2011]

OBAMA'S DUPLICITOUS DEBT PROPOSAL

(By Robert Robb)

President Barack Obama's debt reduction plan could be titled, *The Audacity of Duplicitous*.

According to Obama, he is proposing \$4 trillion in debt reduction over the next 10 years, with there being \$2 in spending cuts for every \$1 in tax increases.

Where to begin?

Half of the president's claimed debt reduction comes from policies already in place. Obama says \$1 trillion will be saved by winding down the wars in Afghanistan and Iraq. In other words, Obama wants credit for reducing debt that was never going to be incurred.

Another \$1 trillion is from the agreement that was reached to increase the debt ceiling. But that agreement didn't really reduce the debt by \$1 trillion. It simply adopted future spending caps that would have that effect. However, there were no new laws adopted that would actually reduce spending. The caps are unenforceable promises to do something unspecified in the future.

Obama is actually only proposing \$2.1 trillion in new stuff. Of that, nearly \$1.6 trillion is increased taxes. So, he's actually proposing \$3 in tax increases for every \$1 in spending cuts.

But that still doesn't tell the real story. The "spending cuts" aren't really all spending cuts. They are just things other than tax increases, and there's over \$135 billion in fee increases. Those may be warranted, but they aren't spending cuts.

So, Obama actually is proposing over \$1.7 trillion in additional federal revenue, making the ratio \$4 in increased taxes and fees for every \$1 in spending cuts.

But that still doesn't tell the whole story. Obama, of course, is purposing increased stimulus spending now. Net, Obama is only proposing to decrease actual federal spending by about \$245 billion over 10 years. So, the real ratio is \$7 in increased taxes and fees for every \$1 in actual spending cuts.

In short, Obama has proposed a massive tax increase while doing very little to control federal spending.

The bulk of the tax increases, \$1.2 trillion, fall on individuals making over \$200,000 a year. Supposedly, their tax treatment would only be returned to the levels prevailing during the Clinton prosperity, but that's another bit of duplicity.

Obama proposes that the top two tax rates be returned to Clinton-era levels, but doesn't stop there. He would also limit the deductions they take, which wasn't the case during the Clinton bliss. And his health care bill already socked this group with an increase in payroll taxes of nearly 1 percent on wage income and an investment income tax increase of nearly 4 percent.

In short, Obama is advocating tax rates for those earning more than \$200,000 a year much higher than the Clinton-era rates, which Bill Clinton himself described as too high.

This is supposedly so millionaires and billionaires pay their fair share. According to the Tax Policy Center, the top 1 percent of tax filers has 16 percent of the country's income, but pay 24 percent of all federal taxes and 35 percent of federal individual income taxes.

According to Obama mythology, millionaires and billionaires pay lower tax rates than average Jacks and Jills. According to the Tax Policy Center, the top 1 percent pays 18 percent of their income in federal income taxes. The middle quintile pays less than 3 percent. Those below that actually get more money back than they pay in.

Obama seems really worked up over the fact that investment income is taxed at a lower rate than wage income. But that's not really the case. Dividends are taxed at the corporate level before they are distributed to individuals, when they are taxed again. Capital gains are taxed on their nominal value, ignoring the effect of intervening inflation.

If Obama were truly interested in a bipartisan down payment on debt reduction, he could have anchored his proposal in the recommendations of his debt commission. The debt commission, however, recommended about half of what Obama proposes in additional federal revenue and raised in a way that lowers rates across the board, including for millionaires and billionaires.

Obama's interests, however, clearly lie elsewhere.

AMENDMENT NO. 645 TO AMENDMENT NO. 633

Mr. KYL. Mr. President, the amendment, as I said, is numbered 645, and I will be discussing the contents of the amendment and why I think it should be addressed. But let me precede that with this point.

I think the bill before us, the TAA bill, actually deserved greater scrutiny

than the process allowed. There was an opportunity for some more fundamental changes in the TAA Program than occurred. The only changes are pretty rudimentary, and I don't think anyone can contend they will save substantial amounts of money or represent fundamental reform. The process of putting this all together was by people who supported TAA, not people like me who have a real problem with TAA. So it is probably no surprise the program isn't substantially reformed.

Specifically, on the TAA training, which is part of what I am focusing on, no work was done to reform the training funding to reflect the fact there are already over 40 programs dedicated to worker training. One of our colleagues, Senator COBURN, has done some great work in this area to highlight the problem. Instead, the substitute just increases overall training funding and does very minimal reform.

More broadly, there is little evidence the TAA programs are actually effective. That is what I will speak to with regard to the piece I will be eliminating, hopefully, with the amendment I am proposing. We are going to spend over \$1 billion on the so-called enhanced TAA provisions in the substitute and another \$7 billion on the baseline program. So \$1 billion on the enhanced provisions, \$7 billion on the baseline program, and we don't even know whether it actually helps our citizens.

I have filed other amendments that I may or may not bring up, depending upon what our schedule is, but at a minimum I hope the word of the TAA supporters can be relied upon as we move forward. For example, the substitute is intended to terminate baseline TAA after 2014. But due to CBO scorekeeping, CBO estimates that Congress could actually spend another \$7.4 billion for the years 2015 to 2021—years after all the TAA is scheduled to be terminated. So I plan to work with the CBO to ensure these savings are actually extracted from the baseline.

This amendment I speak of repeals the TAA for the Firms Program. It would repeal that as of October 1, 2011—in other words, the end of the fiscal year. The amendment would only save about \$16 million a year, but I think it serves as a test of one's real commitment to reform. I propose eliminating this small piece of the TAA that President Barack Obama proposed be eliminated in his budget.

The President's budget recommendations for this year specifically recommend termination of the TAA for Firms Program, and I thought—since we have all talked about how our constituents keep telling us they want us to come back and work together to get things done—here is an opportunity where a Democratic President and a Republican Senator have proposed something, and it is an opportunity for colleagues on both sides of the aisle to get together and say, yes, there is at least one program—it is a small one,

\$16 million—that ought to be eliminated.

What are the reasons for the President's request this program be dropped? According to his "Termination, Reductions and Savings"—this was submitted as part of the fiscal year 2012 Federal budget—the first point is the resources would be better spent elsewhere. Here is what the President's budget says:

The administration believes it is more effective to direct EDA's funding towards programs that make investments to promote globally competitive regions, rather than to assist specific firms that have been harmed by trade.

The budget also made the point the centers are too expensive and they are poorly selected. Here is what the President's budget said:

The non-profit Trade Adjustment Centers that administer the program are chosen non-competitively and have high overhead rates.

So the first point is the President's budget says: Let's get rid of this program. It is not run well, and it is not centered properly on where we should be centered. The second reason for elimination of this proposal is the EDA's own budget request to Congress for fiscal year 2012 clearly shows other programs are more effective and less costly than this program—TAA for Firms—and I will quote them directly:

The Economic Adjustment Assistance program, which is the most flexible tool in EDA's toolbox and provides a wide range of technical, planning, and public works and infrastructure assistance and can get money out more quickly and with far lower overhead costs, meaning more help for the communities that need it.

The third reason I propose eliminating this small program is the TAA for Firms Program doesn't require any kind of significant trade impact for eligibility. In fact, according to the program's own Web site that outlines frequently asked questions, here is what it says:

Question: Are only firms seriously affected by imports able to participate? Answer: No. We work with a variety of manufacturers and, for some, imports represent only a minor challenge. Regardless of the degree of impact, a firm may be eligible if it experienced sales and employment declines at least partially due to imports over the last two years.

So that is the third problem. The fourth problem: Obviously, there are always bound to be some success stories, but the program's 2010 annual report raises serious questions about its effectiveness. For example, this annual report—by the way, it was required by the stimulus bill—highlights that only 56 percent of firms in 2010 actually completed the program. That means a whopping 44 percent quit for various reasons.

The annual report also shows that firms that started the program in 2008 had little marketed success. After 1 year, firms that completed the program had average employment decrease by 10 percent and an average productivity increase of 11 percent,

which is only slightly better than the Bureau of Labor Statistics' national average for the manufacturing industry of a decrease in employment of 13 percent and an increase in productivity of 4 percent. After 2 years, program graduates' average employment dropped by 16 percent and average productivity increased by 3 percent, while the national average for manufacturing firms saw employment drop only 12 percent and average productivity increase by 6 percent. In other words, after 2 years, firms not in the program were doing better than firms in the program despite all the money we are spending on it.

The fifth reason. While it is just authorization language here, repeal does save money. The TAA for firms centers will close and their employees will be reassigned.

We have to reduce the cost and reach of government if we are going to prevent fiscal collapse, and that is the primary reason I am focused on this program. It is not a huge amount of money. Under the substitute, the program would be continued at 2002 levels or, in other words, about \$16 million a year. But that is money we don't have to spend, as the President's own budget said, because this program doesn't work well and in effect, as I am saying, wastes taxpayer money.

So if we can't eliminate a program such as this—a program the administration wants to terminate, one EDA says could be done better with other programs, that doesn't require any great connection or impact by trade imports, that has a questionable track record with high failure rates and outcomes at least no better than firms that don't participate—then I am greatly discouraged about the Senate's ability to effect any kind of actual reform.

I urge my colleagues' attention to this. I know some will say we can't make any amendment to this whatever or it won't be accepted by the House. You ask my House colleagues whether they would support this amendment. My guess is they would say they would be happy to support this amendment. I hope we will be able to vote for it this afternoon and that my colleagues will support amendment No. 645.

Mr. President, I ask unanimous consent that this amendment be made pending.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 645 to amendment No. 633.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I wanted to come to the floor and join my colleagues who were here just a few minutes ago talking about the importance of robust funding and immediate funding for disaster relief in our country.

Leader REID came to the floor to explain the importance of this issue, followed by the Senator from North Dakota, Mr. CONRAD, who has helped lead portions of his State back literally from the brink of destruction several times. So when a Member like Senator CONRAD speaks, we really should listen. He has been through—excuse me—hell and back in parts of his State, and he really does understand what is at stake, and some Members who think they know about disasters and have not really quite experienced them in their State would be well advised to listen to his plea to get this done right now.

I wish to address three specific statements that have been made on the floor of the Senate by my friends on the other side of the aisle that are, with all due respect, patently false.

Leader MCCONNELL came to the floor either last night or this morning—because it was reported in the Washington Post—and said we don't have to worry because Congress always does what is appropriate when it comes to disasters.

I don't even know where to begin to say how false that statement is. And I know the leader didn't mean to mislead anyone; he just made a comment: We don't have to worry about this; we always do the right thing. I was there for Katrina and Rita. This Congress did not always do the right thing. There are still things Congress should have done in the aftermath of Katrina and Rita that have not yet been done, and there is a whole list of things that were done by this Congress but 2 years too late or 3 years too late. So let me be very clear with people following this debate. Congress does not always do the right thing when it comes to disasters, and we are about ready to make another mistake, and it is so unnecessary and so unfortunate.

No. 2, there is a disagreement going on about whether this is politics or principle. And I know our side has said and we believe there has to be politics involved because there is no other reason to explain why the House Republican leadership continues to throw a wrench into this when it is completely unnecessary. What is the principle they are fighting for, if it is a principle? The only principle I can think of is the principle of, when things are going smoothly, blow it up, because that is what they are doing.

What do I mean by that? Let me take a minute to explain. As the Republican House leadership knows full well, the Senate and the House have already agreed—we agreed 30 days ago. Before Hurricane Irene, before Tropical Storm Lee, before these storms ever happened, the Republican and Democratic leadership agreed, in the big fight we had over the whole meltdown—not of the government but of the shutdown, almost, of the economy—we remember that, Mr. President, don't we, that big fight we had—in that negotiation, the leadership of both Houses, Republicans

and Democrats, already agreed—in anticipation that we would be running short of FEMA money because we have been running short of FEMA money now for 8 months, in anticipation of that, they said in that agreement: We are going to carve out an \$11 billion approximate pot of money or cap adjustment so that when we come to ask for disaster aid, we won't have to fight again.

Why do we like to fight so much? I mean, I can fight, I do fight, but I choose not to. What is the principle the House Republicans are fighting for? It must be “when things are going smoothly, let's blow it up.” That is why I am so frustrated. It is an unnecessary fight to be having. Again, we have already made provision for \$11 billion. So the leader puts in \$6.9 billion—well within the range of this \$11 billion allowance—and lo and behold the House leadership says: Absolutely not. We are not doing that. We are not even going to consider the \$6.9 billion. What we are going to do is just continue last year's level of funding, which was inadequate then. That is why we have run out of it.

So they are going to take the inadequate level we had last year before all these storms happened and extend it for 6 weeks and claim victory and then come back after the fact and require, for one of the first times—not the first time in history but one of the few times in history—to then grab back and say: To finish the disaster money for 2011, you have to go gut a program that is very important to some Members—more important to some than others but an important program.

The House is insisting that we gut \$1.5 billion of a program that is creating jobs in Michigan and other parts of the country. So why are we destroying jobs when we don't have to? Again, it must be the principle of, when things are going smoothly, when things are working, when the leadership has actually agreed, the House Republican leadership will just throw a wrench and really mess things up.

Thank goodness there are 10 Republican Senators in this Chamber who don't follow that principle of throwing a wrench when things are going smoothly. They follow the principle of common sense and compassion and being forward-leaning when it comes to helping Americans who need our help. Senator BLUNT, Senator RUBIO, Senator SNOWE, Senator COLLINS, Senator MURKOWSKI, Senator BROWN from Massachusetts, Senator HELLER from Nevada, Senator HOEVEN from North Dakota, Senator TOOMEY from Pennsylvania, and Senator VITTER from Louisiana—many of them have experienced disasters in their States in the past and remember those terrible days or they are experiencing them now, and they said: We don't follow the “throw the wrench in the gears” principle. We are going to follow the “let's get it done” principle. Let's get the work done. Let's move forward. Let's stop

fighting. Let's provide immediate and robust funding to help our communities.

So they voted across party lines. I have done that before. I have been elected now three times. I mean, you can sometimes cross party lines to do the right thing, find middle ground. So they did. They found middle ground, and we came up with the \$6.9 billion package.

Now, let me say, to answer specifically the Senator from Arizona, for whom I have a lot of respect, we did not pull this sum out of the air. This \$6.9 billion, which is much more robust than the \$2.6 billion the House wants to provide, is a much more accurate estimate based on actual numbers given to the Appropriations Committee, which is the committee of authority here, by the agencies that are in charge of the disasters, from Agriculture, from the Corps of Engineers. So our number, the 6.9 that is being ridiculed as just being pulled out of the air—no, *contraire*—it was given to us by the agencies. The number that came from absolutely nowhere, that has no bearing on any sense of reality today, is the number the House pulled up, which is last year's number, which was the estimate before the storms even hit. So if you want to argue which number is more accurate, please put your money on our number because you will lose this bet.

Our number is based on actual estimates that have already been made of disasters that have already occurred. In fact, it doesn't even—our number—because we don't have the estimates in, we don't even have the estimates yet for Tropical Storm Lee or for Irene. It was too early. It takes a while for these numbers. So when I say the 6.9 is much better than the 2.6 and more accurate, that is true. Is it the real, actual number that might take us through next year? Even I can't say that and I am the chairman of the committee. I have more information than anybody in here on this. But I can tell you one thing: It is much better than 2.65, it is much more accurate, and at least it is based on realistic estimates.

So when people on my side say: We don't even understand what the Republicans in the House are fighting about, it is the truth. They picked a fight they didn't need to pick. They are arguing over something that was already decided. They are rejecting their own government estimates of what these disasters cost because of what? On principle? What is the principle? The only thing I can think of—and I have said it five times, and I am going to say it six—it must be the principle of, let's throw a wrench when things are working well, and I think the American people are tired of it. It is exhausting.

So we now have projects—I would like to show the projects that are stopped. We have a list that is literally too thick to put into the RECORD, and I am not going to ask for it to be put in the RECORD because somebody will

have to stay here for days and type it in, and I am not going to ask the clerks to do that. But I am going to hold it up so people can see. These are pages and pages of projects that are stopped right now.

I want to say directly to the House Member from Alabama, Mr. ADERHOLT, who is the chairman, my counterpart, there are pages of projects here in Alabama, in his own district, that are stopped, and he is not helping by supporting last year's numbers for this year's disasters. I hope he will rethink and start arguing not for his party but for his State. Sometimes we have to put our parties aside and fight hard for our districts and our State. I have done that before. I think it is the right way to do it.

These are pages and pages of projects that have been stopped. They are finished. They are not finished forever, we hope, but they are stopped—roads, libraries, bridges. Talk about jobs, most of these are done by small businesses, as we know. There is not any government agency that swoops in to do these projects in small towns. They are local contractors that get contracts with FEMA or the Corps of Engineers for the work. They are issuing pink slips for these projects right now. One would think that would motivate people. If compassion doesn't motivate them, if the morality of the situation doesn't motivate them, maybe thousands of jobs would motivate them. It seems none of those are working. I am running out of enticements.

All these projects have been stopped. Will the \$2.6 billion the House is offering start these projects again? Yes, it will—their offer they put on the table, that they are pushing us to accept, against which we are fighting hard. We do not want to accept it, but we will not shut the government down over this. We are pushing back as hard as we can without shutting the government down because over there they keep holding the economy hostage, then holding the government hostage. But I am saying, yes, these projects will get started again. They will go for 6 weeks, and then we will be back where we are right now, which is no place.

When we have a chance to fix a problem, there is already an agreement it should be fixed, already the leadership has agreed how to fix it, and there is an allocation of the money set aside—we still cannot do it? Why? Because we want to come back in 6 weeks and have this fight again? How much time is wasted.

Do you know what Tom Ridge said about this—a Republican, the first guy who ran Homeland Security, the first Secretary? He said:

Never in the history of the country have we worried about the budget around emergency appropriations for natural disasters and, frankly, in my view, we should not be worried about it now . . . we are all in this as a country. And when Mother Nature devastates a community we may need emergency appropriations and we ought to just deal with it and then deal with the fiscal issues later on.

That is a former Secretary of the department that was in charge of this.

Governor Christie, I spoke with him yesterday on the phone. He said last week:

You want to figure out budget cuts, that's fine . . . you expect the citizens of my State to wait? They are not going to wait, and I am going to fight to make sure they don't do it. Our people are suffering now and they need support now. We need the support now here in New Jersey. This is not a Republican or Democratic issue.

That is from Gov. Chris Christie, a very popular Republican, I might say.

Then Gov. Bob McDowell, from Virginia, another Republican:

My concern is that we help people in need. For the FEMA money, that's going to flow, it's up to them how they get it. I don't think it's the time to get into that (deficit) debate.

Why are we fighting over this? Why does the House Republican leadership think last year's number that was inadequate last year is good enough for this year when, as my staff just reminded me, we have had 10 disasters, each one over \$1 billion this last year? This is Mother Nature. This wasn't caused by some conspiracy of the Democratic Party; this is just what happened. Why do they want people to have to worry whether help will be there when we can so easily fix this? On what principle are they standing? It cannot be fiscal responsibility; it is already provided for in the budget.

If this is conservatism, I don't think America likes that. I don't think they will accept that. It is not their vision of conservatism, it is their vision of foolishness.

I also think, as PATRICK LEAHY, Senator from Vermont, has said many times, many people are starting to think, why is it some people in Congress rush out to fund programs in Afghanistan and Iraq and never wanted to debate when we went to war how we were going to pay for that. We literally did it in 30 days. Nobody even questioned how we were going to pay for it—literally. I was here. Maybe a few people raised the issue this is going to be expensive, but nobody on the other side did—to go to war, twice. Yet after a hurricane, a tornado, we now have to have a knock-down, drag-out, full-fledged debate on how we are going to pay for every single penny before we can give a green light to these Governors and mayors and county commissioners. I think it is outrageous, it is unnecessary, and it is so terribly unfair.

I don't know what is going to happen because we sent a bill over to the House that has \$6.9 billion. It, as I said, may not be enough, but it is much better than \$2.65 from last year that was not sufficient then. We sent a bill over. It is a stand-alone bill. The House, if they do not think the number—if they think the number is too high, take it down a little bit or tell us they do not think this item is worth funding—say something. We could negotiate on that number. It is not written in the scrip-

ture, but it is the best estimate we had of what we actually need right now.

No, they will not even look at the bill. They just send us \$2.6 billion on a continuing resolution. So, basically, Senate, take our old, tired, inadequate number and we are going to go home and then you can shut the Government down if you don't like it. What kind of way is that to treat disaster victims? It is no way at all.

Senator HAGAN just told me—she got out of a meeting today—some of her people are living literally in tents. I know, when I went down to Cameron Parish, some of my people were sleeping in the open air, on concrete. I know what these scenes are. They roll in my head. Unfortunately, I have lots of memories about people sleeping on the street, 500 people sleeping under an overpass waiting for the Federal Government or the State or local government to set up a trailer or rental unit.

Again, if we did not have the provision for this already decided, if this was not the way we had operated in the past, I could understand it, but everything moves us: the agreement that has already been raised, the precedent of history, the accurate estimates of disaster. Yet the Republicans want to fight about it. I think it is a bad fight for them to have, let me just say. It is a shame. But we are going to do our best to get immediate and full funding, and if we cannot, we will be back in 6 weeks talking about it again, which is very unfortunate because we cannot rebuild Tuscaloosa, AL, and Joplin, MO, and parts of North Dakota, Minot, ND, and small towns in Alaska and Alabama 6 weeks at a time. We cannot do it. When we have the money, we have the provision, we have history and precedent on our side and the need is so great for the Republican leadership to throw a wrench just because they like to keep things stirred up, it is a shame.

That is where we are. We are going to do our best. This is what Republican leaders say. This is what the pictures look like on the ground. When it is not on CNN every night, people don't think it is truly happening, but the fact is the fires are burning, there is rubble in town that looks like this, the water may have receded from this particular farm, but the damage is still there. The water I am sure has receded from this scene, but this family is still wandering around their lot looking for spoons and forks and things that might remind them of what they once had, and Republicans have decided, for whatever reason, to throw a wrench in this whole thing and make a big fight, when it is absolutely not necessary.

We are going to keep working and see what we can do to bring relief to a lot of this misery.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

CONSTITUTION DAY AND JUSTICE ANTONIN SCALIA

Mr. HATCH. Mr. President, September 17 was an anniversary with double significance for our country. On September 17, 1787, delegates to the Constitutional Convention in Philadelphia held their final meeting and signed the Constitution they had crafted. And on September 17, 1986, this body voted unanimously to confirm Justice Antonin Scalia's appointment to the Supreme Court of the United States. Today, 25 years later, he is the senior member of the Court.

These two events are profoundly related because Justice Scalia is literally helping us rediscover the real Constitution. His approach to doing the work of judges is helping us to rediscover the Constitution that America's Founders gave us—the Constitution that is powerful and solid; the Constitution that belongs to the people, protects our rights, limits government, and makes liberty possible.

Antonin Scalia was born in Trenton, NJ, on March 11, 1936. After graduating first in his high school class, valedictorian from Georgetown University, and magna cum laude from Harvard Law School, he embarked on a legal career that would include stints in private practice, government service, the legal academy, and, finally, the judiciary.

President Reagan nominated then-Professor Scalia to the U.S. Court of Appeals for the D.C. Circuit in July 1982. He appeared before the Senate Judiciary Committee on August 4, 1982—another date with constitutional significance. The hearing began just minutes after the Senate voted 69 to 31 to approve a balanced budget constitutional amendment, the only time this body has done so, at least so far. I was an original cosponsor of that amendment. I mention that because Justice Scalia's approach to the Constitution means that the people, and the people alone, have authority to change it through the amendment process outlined in the Constitution. The Senate's vote on that balanced budget amendment was part of that process.

Professor Scalia told the Judiciary Committee that, if he were appointed to the bench, his days of being able to comment on the wisdom of laws enacted by Congress would be "bygone days." The sense that judges are doing something fundamentally different than private citizens, fundamentally different than legislators, defines his judicial philosophy.

The same theme dominated his confirmation hearing 4 years later, when President Reagan nominated Judge Scalia to be an Associate Justice of the Supreme Court. As that hearing opened, I quoted from the Chicago Tribune that the nominee was determined "to read the law as it has been

enacted by the people's representatives rather than to impose his own preference upon it."

When Justice Scalia took the oath of judicial office, President Reagan said that the judiciary must be independent and strong but confined within the boundaries of a written constitution.

Public officials must swear to uphold and defend this written Constitution. It declares itself to be the supreme law of the land. More than 90 percent of Americans say it is very important to them. But what exactly is it and what are judges supposed to do with it? The answer to that question defines Justice Scalia's career and its lasting impact on all of us.

The Constitution is a document, the oldest written charter of government in the history of the world. Professor Steven Calabresi, who teaches at Northwestern University Law School and once clerked for Justice Scalia, writes that when Americans think of liberty, they think of documents, especially of the Constitution.

Three statements at the turn of the 19th century tell us what we need to know. First, the Supreme Court, in 1795, literally asked the same question: What is the Constitution? Here is their answer:

The Constitution is fixed and certain; it contains the permanent will of the people, and is the supreme law of the land; it is paramount to the power of the legislature, and can be revoked or altered only by the authority that made it.

Second, President George Washington echoed this theme a year later in his Farewell Address. He said:

The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all.

Third, the Supreme Court, in its 1803 decision *Marbury v. Madison*, wrote that through the Constitution, the people established certain limits for the Federal Government.

[A]nd that those limits may not be mistaken or forgotten, the Constitution is written.

There you have it. The Constitution is the means by which the people express their will and set limits on the government. The people alone have authority to change the Constitution and, until they do, it is fixed and certain. One obvious way to alter the Constitution is to change its words. But a more subtle, and even more effective, way to alter the Constitution is to change its meaning. Words themselves are just the form, but the meaning of those words is the substance. The real Constitution is its words and their meaning together. Whoever controls the meaning of the Constitution controls the Constitution itself. When we say that only the people may alter the Constitution, that simply must mean that only the people can change the words or their meaning. For the Con-

stitution to be what it is supposed to be, both its words and their meaning must remain fixed and certain until the people choose to change them.

Justice Scalia delivered the 1997 Wriston Lecture at the Manhattan Institute. Its title was simply "On Interpreting the Constitution." He described his topic as "what in the world we think we're doing when we interpret the Constitution of the United States." This is why it is so important to clarify what the Constitution is in the first place, so we know what judges are supposed to do with it.

Justice Scalia believes the only proper way to interpret the Constitution is to find the meaning it already has, the meaning given to the Constitution by the people who alone had authority to establish it. Justice Scalia calls this approach originalism.

In his Wriston Lecture, he said that the Constitution "means what it meant when it was written." No one is more candid than Justice Scalia that this approach is not easy, but no one is more certain than Justice Scalia that this approach alone is legitimate. This approach alone preserves both the people's control of the Constitution and the Constitution's control of judges.

In 2005, Justice Scalia delivered a speech at the Woodrow Wilson International Center for Scholars titled "Constitutional Interpretation the Old Fashioned Way." He described originalism as beginning with the text and giving it the meaning that it bore when it was adopted by the people. With all due respect to Justice Scalia, he did not invent this approach, but he is helping us to return to those principles.

In his service on the Court, in his speeches and writings, Justice Scalia is helping us rediscover what America's Founders told us to do from the start. I have to emphasize that Justice Scalia has for 25 years implemented the very same approach that he described in his hearing before the Senate Judiciary Committee.

Vice President BIDEN was the ranking member at the time, and his very first question was about original meaning as a means of interpreting the Constitution. Justice Scalia explained later in the hearing that the starting point is "the text of the document and what it meant to the society that adopted it. . . . I am clear on the fact that the original meaning is the starting point and the beginning of wisdom."

This body knew Justice Scalia would take this approach when we unanimously confirmed him, and he has stayed true to his word throughout his judicial career. In addition to instructing us about the principles we should once again follow, Justice Scalia has been sounding the alarm about failing to do so. He condemns as "power judging" the modern trend of judges substituting their own constitutional meaning for that of the people. This amends the Constitution as surely as changing its very words.

Judges continually find creative ways to mask their power judging. They think of deeply impeded social or cultural values, evolving standards of decency, and what the Constitution should mean in our time.

One of Justice Scalia's former colleagues even said that the Constitution is "a sparkling vision of the supremacy of the human dignity of every individual." All of these evolving standards and sparkling visions are different ways of saying the same thing: that judges have taken control of the Constitution by controlling what it means.

Justice Scalia will have none of it. In a 1996 dissent, he rejected this for what it really is; namely, the Court's Constitution-making process. He wrote:

The court must be living in another world. Day by day, case by case, it is designing a Constitution for a country I do not recognize.

One of the many things I like about Justice Scalia is that he applies his principles across the board. He has often pointed out that judges amend the Constitution by changing its meaning in ways that liberals like, but also in ways that conservatives like. All of it, he says, is wrong.

Judges have no authority to design a new constitution no matter what it looks like. Sometimes I wonder how anyone could think otherwise. How could anyone believe that unelected judges may take the Constitution that opens with the words, "We the People," and turn it into something else? Why would anyone tolerate judges who change the very Constitution that judges are supposed to follow?

Justice Scalia believes no one should, and he challenges us to live up to the principles that define our system of government and that make our liberty possible. The real Constitution is solid and fixed. It was established and can be changed only by the people. That Constitution, the real Constitution, is strong enough to limit government and protect liberty.

But that Constitution is being replaced by a very different one. Since about the 1930s, the real Constitution controlled by the people has been replaced in some measure by a fake constitution controlled by judges. The Constitution is weak, pliable, and shifting, according to them. It morphs and modifies. It shivers and it shakes.

This Constitution is a figment of the judicial imagination, and it is written in disappearing ink. Thomas Jefferson warned that if judges control what the Constitution means, it would become "a mere thing of wax in the hands of the judiciary which they may twist and shape into any form they please."

Doing so, Jefferson said, would make the Constitution nothing but a blank paper. This is not just an academic exercise. If you think the latest judicial mood swing is strong enough to limit government, think again. If you think that a lump of wax or a piece of blank paper is firm enough to protect your liberty, think again.

A constitution that can be changed by nothing more than a judge's imagination is no constitution at all. This struggle over what the Constitution is affects not only what judges do with it but also how judges are chosen in the first place. If judges can change the Constitution by changing its meaning, then the judicial selection process will inevitably focus on the Constitution a judicial nominee is likely to create. It will inevitably focus on the form into which a judicial nominee can be expected to shape and twist the Constitution.

Speaking at the State University of New York School of Law in 2002, Justice Scalia warned that if the Constitution's meaning is determined by judges rather than the people, the selection of those judges becomes "a very political hot potato. Every time you need to appoint a new Supreme Court Justice, you are going to have a mini-plebiscite on what the Constitution means."

In a 2007 speech at the Jesse Helms Center, Justice Scalia similarly compared the judicial confirmation process to a miniconstitutional convention. If judges may write a new constitution through their rulings, he said, the process will be about finding a nominee who will "write the Constitution that you want."

Justice Scalia is also affecting how we do things in the legislative branch. The more that judges are willing to do our work for us, the less of it we are likely to do ourselves. On the other hand, if judges insist that we legislators say what we mean and mean what we say, then we are likely to draft laws differently. The law that we enact, after all, is the text of our statutes and not the speeches, reports, comments, thoughts, or other things that consume the legislative process.

Knowing that judges who have to interpret and apply our statutes will look only at the law is an incentive for us to make sure if it is to be the law, it must be in the statute. That approach is more transparent, more accountable, and more reliable. We have Justice Scalia to thank for pushing us in that direction.

Justice Scalia seems to be the Justice liberals love to hate. If this were a Harry Potter movie, liberals would put Justice Scalia on a wanted poster as "Undesirable No. 1." Yet they just cannot seem to look away. The principles upon which he stands are so compelling and his way of winning them so powerful that whether you love him or hate him you simply must deal with him.

Those who think judges may just make it up as they go along have a hard time figuring out Justice Scalia because he does not follow their game plan. Only a few months into his first term on the Supreme Court, the Washington Post reported that though Justice Scalia was expected to be a hard-changing conservative, he was voting with liberal Justice William Brennan almost two-thirds of the time.

Several weeks later another Post headline read: "Newest Reagan Ap-

pointee Joins Liberals," and the percentage of agreement with Justice Brennan seemed to be going up.

Conservative George Will's column at the end of the 1986-1987 Supreme Court term bore the title, "Good Grief, Scalia!"

Not to worry, though, because a Post headline just 1 year later read: "Scalia May Be Successor as Conservatives' Chief Advocate." The real way to know Justice Scalia, you see, is to know his principles. They are principles drawn directly from America's founding from the nature of limited government under a written constitution. No one works harder to articulate and apply those principles day in and day out than Justice Scalia.

Research in the last several years has demonstrated that he is the funniest Justice in oral argument and the most cited in law reviews and journals. His lectures around the country are consistently standing room only. His interview on the University of California's "Legally Speaking" television program has been viewed at least six times as often as any other guest.

No doubt some of this popularity, this buzz, comes from his engaging personality, his wit, and his sense of humor. People enjoy being with a person like him. But it also comes from the substance, the sheer magnitude of the message he delivers in that unique way. People like a witty, engaging person. But they also respect powerful principles and a message that weighs more than a passing intellectual fad.

I have so far spoken today about Justice Scalia, the jurist; I cannot close this tribute, however, without a few comments about Antonin Scalia, the man. The hearing on his Supreme Court nomination 25 years ago took place in the Judiciary Committee's regular hearing room, which is much smaller than where we hold such hearings today. His hearing lasted just 2 days, including testimony by witnesses.

I can still remember that Justice Scalia's family occupied more than one row in the audience. As Justice Scalia introduced them, including all nine of his children, he said, "I think we have a full committee."

Media cameras went crazy every time his youngest daughter Meg would lean her head on her mother's shoulder. Meg was just 6 years old then. But as I remember, she held up very well as we lawyers talked about all sorts of jurisprudential minutiae.

That sight impressed on me Justice Scalia's deep love for family and the sacrifice that family makes when someone like him is so devoted to public service. He is also a man of deep faith and love for our country and the values on which it was founded.

Five years ago, I marked Justice Scalia's 20th anniversary in a speech on the Senate floor. At that time I put into the RECORD letters from some of his former law clerks. I want to do the same today.

I ask unanimous consent to have printed in the RECORD after my remarks letters from some of the following former law clerks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1).

Mr. HATCH. Edward Whelan, who clerked during the October 1991 term and later served as my counsel when I was ranking member of the Judiciary Committee, and is now president of the Ethics in Public Policy Center; Paul Clement, who clerked during the October 1993 term and later served as Solicitor General of the United States, and he is now a partner in the Bancroft law firm; Mark Phillip, who also clerked during the October 1993 term and later served as a U.S. district judge, and is now a partner at Kirkland & Ellis in Chicago; Brian Fitzpatrick, who clerked during the October 2001 term and is now an associate professor at Vanderbilt Law School; and Brian Kilian, who clerked during the October 2007 term, and is now an associate at the Bingham McCutchen law firm in Washington.

In closing, all Americans owe Justice Antonin Scalia a deep debt of gratitude. Every day he serves on the Supreme Court Justice Scalia gives a gift to all of us. He is reintroducing us to the principles and to the document that make our liberties possible. He invites us, in the words of the Kellogg's Corn Flakes commercial, to try it again for the first time.

I return to the scene of his first judicial confirmation hearing in 1982. The constitutional amendment process was underway that day, but it was rightly happening on the Senate floor rather than in the confirmation of a Federal judge. Keeping clear the principle that only the people have authority to change the Constitution will give us, as Justice Scalia often puts it, an enduring rather than an evolving constitution. We must step up and govern ourselves rather than look to judges to do it for us.

I hope we see this opportunity for what it is, following Justice Scalia's lead, grasping again the principles of liberty and resolving never to let them go.

Finally, I have been around here a long time. I have had a role with regard to every current member of the U.S. Supreme Court and a number of those who have gone on. I have to say that one of the most respected men in this country is Justice Scalia. I count him as a friend. I count him as a mentor. I count him as a teacher and professor. I count him as one of the all-time greatest Supreme Court Justices, a man who, without question, is as good a person as you can find.

He is a terrific human being. His life has been a life of service to his fellow men and women. His wife is a terrific person, and as far as I know the kids are all great too.

We have been fortunate that he has been willing to serve as he has. We are

a greatly strengthened country because of Justice Scalia. There are a number of Justices in the history of this country we have to look up to. He is one of them. I think we should revere all of them, but he is one of the greatest. I suspect that he will be quoted, he will be written about, he will be talked about for a long time because of the genuine intellect of the man, the tremendous personality he has, the brilliant mind that we see on display every time he writes an opinion or gives a speech or lectures to us or gives a talk.

This is one of the truly great people in our country today. I do not care whether you are a Democrat or a Republican, a liberal or a conservative or somewhere else, this is a man we ought to all respect with every fiber of our beings, and his family as well.

EXHIBIT 1

ETHICS AND
PUBLIC POLICY CENTER,
Washington, DC, September 9, 2011.

Hon. ORRIN G. HATCH,
U.S. Senate, Hart Office Building, Washington,
DC.

DEAR SENATOR HATCH: Thank you for commemorating the 25th anniversary of the Senate's unanimous confirmation of Antonin Scalia to the Supreme Court in 1986—fittingly, on Constitution Day. As someone who has had the special privilege of working both for you and for Justice Scalia, I am particularly grateful to you for inviting me to take part in this celebration.

Over the past twenty-five years, no one has done more than Justice Scalia to promote fidelity to our Constitution. As the most prominent proponent of the interpretive methodology of “original meaning,” Justice Scalia has forcefully argued that genuine fidelity to the Constitution requires that its provisions—including, of course, its amendments—be interpreted in accordance with the meaning they bore at the time they were adopted. His intellectual triumph over advocates of the so-called “living Constitution” approach—under which judges are free to look to their own values or sense of empathy in determining what the Constitution means—has been so devastating that his opponents have largely abandoned the term “living Constitution” and some have even tried to rebrand their positions as originalist.

Justice Scalia's clear ideas are made all the more potent by his distinctive writing, which combines a sparkling prose and a logical rigor in a manner that is especially accessible and appealing.

Time has a way of vindicating Justice Scalia's judgments. Virtually everyone, for example, now recognizes the soundness of Justice Scalia's brilliant solo dissent in *Morrison v. Olson*, the 1988 case in which the Supreme Court ruled that the independent-counsel statute did not violate the Constitution's separation of powers. Precisely because Justice Scalia's jurisprudence reflects the genius of the Framers and an abiding faith in, and fidelity to, American constitutional principles, there is ample reason to expect that his wisdom on other hotly contested issues of the era will ultimately prevail.

I am personally grateful to Justice Scalia for the opportunity to serve as his law clerk for a year, for all that I learned about the law and about legal reasoning from working with him, and for his friendship and support during my ensuing career. But, like all Americans, I am also deeply indebted to him

for his years of tremendous service on the Court. May he enjoy many, many more!

Sincerely,

M. EDWARD WHELAN III.

BANCROFT,

Washington, DC, September 12, 2011.

Hon. ORRIN HATCH,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HATCH: Thank you for taking the Senate Floor to mark the 25th anniversary of the beginning of Justice Antonin Scalia's distinguished tenure on the Supreme Court of the United States. Thank you also for inviting me to send you a letter offering a few thoughts of my own on this important anniversary.

I have had the privilege both of serving as a law clerk to Justice Scalia and of arguing over 50 cases before him. I count both experiences as high professional honors. What is perhaps most remarkable about the opportunity to clerk for the Justice is how much of the interaction with the Justice is oral. To be sure, the opportunity to watch the Justice work through drafts of an opinion is a remarkable experience. But his writing style is inimitable, and the clerks are relegated to the sidelines. The most valuable aspect of the clerkship is the opportunity to discuss the Court's cases with the Justice. Before every sitting, he had a session with his law clerks that resembled nothing so much as an oral argument. With 25 years of service, the Justice has now had roughly 100 law clerks. As a reflection of the Justice's own remarkable career, his law clerks have gone on to distinguish themselves in academia, executive branch service, and the judiciary. The key to their success, I believe, is that once you have mixed it up with the Justice in an argument in Chambers, very few subsequent professional experiences have the capacity to intimidate.

Perhaps the only experience that can hold a candle to those in-Chambers debates is to argue a case before the Justice and his colleagues. Justice Scalia clearly changed the dynamic of Supreme Court oral arguments. One only needs to listen to the audio recording of arguments before Justice Scalia joined the bench to appreciate his impact. Advocates used to hold forth at length with only occasional questions from the Justices. The Justice arrived and began asking questions in rapid-fire succession. His colleagues did not want the newest Justice to steal the show and began asking more frequent questions, and as subsequent Justices joined the Court, they too joined the fray. I do not believe it is an accident that the Solicitor General's office only formalized its practice of holding moot courts after Justice Scalia joined the Court.

Justice Scalia's impact on the Court has extended well beyond oral argument. He has had a profound impact on the way the Supreme Court, and all Judges, decide cases. The impact is most obvious in the area of statutory construction. He has fundamentally changed the way the Supreme Court approaches the interpretation of congressional statutes. Coming from a former law clerk, this could be dismissed as being less than objective. But I have a much better source for this observation: Justice John Paul Stevens. A few years ago, the Supreme Court held argument in *Arlington Central School District v. Murphy*, a case involving the question whether expert fees were recoverable under a statute that allowed for the recovery of attorneys' fees and costs. There was a pretty good textual argument—which the Court ultimately adopted—that expert fees were neither attorneys' fees nor costs. There was also a pretty good argument based on the conference report that the conferees

thought that expert fees would be recoverable. At oral argument, Justice Stevens suggested that the latter view should carry the day because “the rule that you cannot look at legislative history didn't really get any emphasis until after 1987” and the statute at issue was enacted earlier. To be clear, 1987 was not the date of some watershed Supreme Court opinion about legislative history; it was Justice Scalia's first full year on the Court.

It would be a mistake to think that Justice Scalia's influence is limited to statutory as opposed to constitutional interpretation, just as it would be a mistake to pigeonhole his views as conservative or pro-Government. Perhaps no opinion better illustrates both points than his opinion for the Court in *Crawford v. Washington*. That decision worked a fundamental reconsideration of the Court's Confrontation Clause jurisprudence. With a classic Scaliaesque focus on text, rather than purpose, the Court rejected prior Supreme Court's decisions which considered the underlying purpose of the Confrontation Clause—reliable evidence—in favor of what the text actually guarantees: an absolute right to confront witnesses. As he wrote for the Court, the Sixth Amendment “commands not that evidence be reliable, but that reliability be assessed in a particular manner: by testing in the crucible of cross-examination.” In the years that have followed *Crawford*, few areas of the Court's constitutional jurisprudence have been more dynamic and no criminal defendant has had a better champion in a Confrontation Clause case than Justice Scalia.

Justice Scalia's impact has extended beyond the Court in one more important way. An entire generation of law students has now learned the law by reading Justice Scalia's opinions. Even Justice Scalia's critics acknowledge the power of his prose. I have had numerous law students—left, right and center—confide that whenever there is a case with a Scalia opinion, even a dissent or concurrence, they always read the Scalia opinion first. And who can blame them? Who would want to read about a three-pronged doctrinal test, when instead you can read about 60,000 naked Hoosiers or even just nine people selected at random from the Kansas City phone book. And Justice Scalia's colorful prose can have serious consequences—I am not sure the Court's *Lemon* test has ever fully recovered from being compared to a B-movie ghoul.

Finally, the most commendable thing about your decision to mark this anniversary is that it does not require us to wait for the end of Justice Scalia's service to celebrate his tenure. I can assure you that from an advocate's perspective, Justice Scalia appears to be a vibrant young man up on that bench. At the same time we mark his twenty-five years of service, we can look forward to his continuing service to his country and his Court.

Most sincerely,

PAUL D. CLEMENT.

KIRKLAND & ELLIS LLP
AND AFFILIATED PARTNERSHIPS,
Chicago, IL, September 15, 2011.

Sen. ORRIN G. HATCH,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HATCH: Thank you very much for honoring Justice Scalia on the twenty-fifth anniversary of his confirmation to the United States Supreme Court. It is an honor to contribute a letter to your effort.

I suspect that many of Justice Scalia's colleagues in the federal judiciary, his former colleagues from the legal academy, and many of my colleagues in the Scalia law clerk family will write about the Justice's

vast intellect and his profound contributions to the law. Their comments will certainly be on the mark. Justice Scalia is one of the smartest people one will ever encounter. And he has indelibly influenced many areas of the law. He not only has written landmark opinions concerning numerous areas of constitutional and statutory law, he has, even more broadly, focused debate about the proper methods of interpreting the Constitution and federal statutes. He also has made key contributions to the debate about the proper role of the federal judiciary within our system of government. Not everyone agrees with his views, of course, but I suspect most everyone would agree that he has been, and remains, one of the most important voices in these key discussions.

If I may, however, I am going to leave the accounting of Justice Scalia's jurisprudential contributions to others far more scholarly and intelligent than me. Instead, let me please briefly address an aspect of Justice Scalia that sometimes receives less public attention—namely, just how nice and decent a person he is on a human level.

It is commonly said within the Scalia law clerk family that the Justice was the nicest boss any of us has ever had. He is, first and foremost, a teacher at heart, and he routinely would take time, despite his workload and responsibilities, to help us become better thinkers and lawyers. He also treated us with the utmost professionalism and respect, and with concern for our personal lives as well as our professional ones. That concern has remained in the years since we clerked for him—as he has shared our joys, with the birth of our children, and our sorrows, with the deaths of loved ones.

Justice Scalia's generosity with his time and attention is not limited to his law clerks. I recall one time, in the early summer when I was clerking, when Justice Scalia had been working particularly hard for quite a stretch of time. Notwithstanding those demands, he agreed to meet with a group of school children who were touring the Court—as I recall, somewhat unexpectedly within his schedule. Despite the sixteen hour days he had been putting in for some weeks, he engaged the kids at length, and fielded their many questions, for well over an hour. There were no historians to record his deeds, nor camera crews, but he did it just because he is a generous and decent person. He entertained the kids (he is quick to laugh, and quick to joke as well) but he also made them think about important issues, and he took the time necessary to do that, notwithstanding the long hours he had been putting in for many weeks.

Justice Scalia will be ranked among the most important jurists in American history because of his vast professional contributions. He also is a model of a dedicated public servant, who works earnestly to discharge his duties to the American people, that can be emulated by judges throughout the nation. But he also is an exceedingly kind and decent person. Being a nice person is not everything, but it is quite important indeed, and in that regard, he is also a gem.

In closing, let me please add one final thought. Any recognition of Justice Scalia's twenty-five years of service on the Supreme Court would be incomplete without a recognition of his wife, Mrs. Maureen Scalia. Serving on the Supreme Court is certainly a huge honor, but serving in that role imposes substantial demands on any person and those around them. I am quite confident, because I have heard Justice Scalia say it many times, that he could not have served on the Supreme Court without the support of his lovely wife over his many years in the federal judiciary. She too is owed recognition and thanks.

Thank you again for your efforts to recognize the twenty-fifth anniversary of Justice Scalia's confirmation to the Supreme Court. And thanks for your continuing service to the Nation as well.

Sincerely,

MARK FILIP.

VANDERBILT LAW SCHOOL,
Nashville, TN, September 9, 2011.

Hon. ORRIN HATCH,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR HATCH: This month marks the 25th anniversary of the United States Senate's confirmation of Justice Antonin Scalia to the Supreme Court of the United States. On September 17, 1986, the Senate confirmed Justice Scalia by a vote of 98-0, and, on September 25, he received his commission.

I hope that the Senate will find an appropriate moment sometime in the coming weeks to honor Justice Scalia for this important milestone in his service to the American people. I realize that some members of the Senate are more fond of Justice Scalia's jurisprudence than are others, but, no matter where one stands on that question, I think it has to be acknowledged that Justice Scalia has been one of the most influential legal thinkers in modern American history—indeed, perhaps in all of American history.

In an age where much judicial decision-making is ad hoc, Justice Scalia distinguishes himself by following coherent judicial philosophies known as "textualism" and "originalism." Although these philosophies may have predated Justice Scalia in some form, I think it is fair to say that he brought them to life, and, in doing so, forever changed the way lawyers, judges, and public officials talk and think about the law.

This is not mere conjecture; it can be demonstrated empirically. Several years ago, a student note was published in the Harvard Law Review called *Looking it Up: Dictionaries and Statutory Interpretation*, 107 HARV. L. REV. 1437 (1994). The author examined how often the Supreme Court cited dictionaries in its opinions. The author found that citations dramatically increased after Justice Scalia brought his textualist approach to statutory interpretation to the Court in 1986. And it was not only Justice Scalia who was citing the dictionary: all of the Justices were doing it. In short, whether or not one agrees with Justice Scalia's philosophies, nearly everyone acknowledges their power and nearly everyone understands they must be grappled with.

Consider as well how often Justice Scalia appears as the subject of law review articles. I asked a research assistant to tally how often his name appeared in the title of a law review article compared to the 17 other Justices who have been his colleagues. Although it turns out that this is more difficult to do than it sounds—Justices with common last names generate many false positives—after eliminating the most common false positives, my research assistant reported what I had long suspected: law professors write many more law review articles about Justice Scalia than about any of his colleagues (including, strikingly, Thurgood Marshall, the first African American on the Court, and Sandra Day O'Connor, the first woman). My research assistant found 220 articles about Justice Scalia, well ahead of the 150 or so for his closest competitors (and many of the articles found for his closest competitors were false positives not easily eliminated). In short, love him or hate him, nearly everyone feels the need to reckon with him.

Justice Scalia's influence is a result not only of the strength of his ideas, but also of

his rhetorical skills. Few judges have ever turned phrases as colorfully as he does. I witnessed firsthand the pleasure he takes from writing, and it is an investment that has served him well. The reason he was the thinker that brought textualism and originalism to life may very well have been because he was the writer that could not go unread.

Justice Scalia's long public service and his extraordinary influence on the law deserve recognition and respect. The Supreme Court is a much richer place today than it would have been had the Senate not elevated Justice Scalia there 25 years ago. It would be a nice gesture of bipartisanship to take a few minutes this month to remember him.

Sincerely,

BRIAN FITZPATRICK,
Associate Professor of
Law, Vanderbilt
University; Law
Clerk to Justice
Scalia, 2001–2002.

SEPTEMBER 17, 2011.

Senator ORRIN G. HATCH,
U.S. Senate Judiciary Committee, Hart Senate
Office Building, Washington, DC.

DEAR SENATOR HATCH, as one of Justice Antonin Scalia's former clerks, I'm delighted that you are commemorating the 25th anniversary of the Senate's September 17, 1986 vote to confirm him as an Associate Justice of the Supreme Court of the United States.

In hindsight, it is a wonderful coincidence that Justice Scalia was confirmed on the 199th anniversary of the signing of the Constitution. (The bicentennial would have been even more fitting, but we're all grateful the Senate didn't wait a year for it.) Over the last 25 years, his name has become a synonym for "originalism," the view that the Constitution of the United States has only one, unchanging, original meaning—the meaning that prevailed when it was adopted. He has authored some of the most significant originalist opinions the Supreme Court has ever issued, including opinions on the accused's Sixth Amendment right to confront the witnesses against him (*Crawford v. Washington*) and on our Second Amendment right to keep and bear arms (*District of Columbia v. Heller*).

Justice Scalia believes that judges must be originalists because the United States is a nation ruled by law, not by judges. The whole point of writing out a constitution (indeed, of writing out any law), he observes, is to prevent rules from being changed. As he has famously quipped, the rule of law is a law of rules.

For Justice Scalia, these words aren't just rhetoric. They are principles he strives to follow in all his judicial tasks, even the most insignificant ones. My favorite example of this illustrates the depth of his commitment to rules.

In the Supreme Court, a party can ask the justice assigned to his or her circuit to postpone a filing deadline. Applications for an extension of time are not exciting work, particularly compared to everything else going on at the Court. As a result, they aren't paid much attention. As a further result, the vast majority of the applications are granted—except, it turns out, in Justice Scalia's circuit. Whereas the other justices tend to deny only a handful of extension applications each year (less than 20%), Justice Scalia grants only that many. Why does he take a solitary stand over insignificant procedural motions?

Barely three months on the job, Justice Scalia gave his answer. He had received one

of his first extension applications. The attorney generically claimed that the case presented “important questions under the Constitution of the United States which were determined adversely to the petitioner by the court below” and that the attorney, therefore, needed “additional time to research and prepare the [petition for a] Writ of Certiorari.” This was the legal equivalent of a form letter, mailed in with the expectation that it was a technical formality, as if five minutes of copying a prior application plus the price of postage were all that someone needed to get an extra 60 days to file a petition.

To the attorney’s surprise, Justice Scalia denied the request and wrote a short explanation for his decision, making an example of the seemingly routine case (*Kleem v. INS*). The Supreme Court’s rules say that a party must demonstrate “good cause” for an extension, and they admonish that extension requests are “not favored.” If needing more time to prepare the best possible petition was “good cause,” everyone could honestly claim good cause. Then, the Court’s pronouncement that extension requests are “not favored” would serve only to deter inexperienced attorneys who, not being part of the savvy club, didn’t know that the rules don’t really mean what they say.

Of course, the easy decision always is to grant an application. But what is easy isn’t always right, and what is right isn’t always easy. We expect judges to do what is right, no matter how hard it is. Justice Scalia fulfills our expectations in all he does.

Twenty five years ago, what was right was also easy: the Senate should be proud that it unanimously consented to give Justice Scalia a lifetime appointment to the highest court in the land. His commitment to the rule of law is unflagging, as strong today as it was the day he was confirmed.

Respectfully yours,

BRYAN M. KILLIAN,

Law Clerk to Justice Scalia (2007–2008).

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, my hope is that we are moving into the homestretch, in terms of being able to pass the trade adjustment assistance legislation.

I strongly support efforts to promote more exports. The President has set a laudable goal of increasing exports. We know that in the export sector, there is an opportunity to make things here, to grow things here, to add value to them here, and then ship them around the world. To promote these export markets and generate the economic growth our country wants, we have to make sure our workers have the latest, most updated skills to make sure they can get those jobs and exports and get American products around the world.

As I indicated yesterday, there is no doubt that the American brand is a hit around the world. Ninety percent of the consumers are outside the United States, and they want our products. My hope is, as I have indicated, that we are moving toward being able to pass this legislation, the trade adjustment assistance, to increase our exports. Because some pretty astonishing comments have been made with respect to the Trade Adjustment Assistance Program, I wish to take a few minutes this afternoon and make sure we can get

some facts out to combat some of the rhetoric.

For example, one comment I have heard repeatedly is that the Trade Adjustment Assistance Program is a sop to organized labor. The argument is that the Trade Adjustment Assistance Program is just a giveaway to labor unions and that they are the people who want the program; that it is something that is part of the labor priority list. I can tell the occupant of the chair—and I am sure she hears the same thing I do at home—that folks who are members of labor unions don’t come up to us and say what they want in the Trade Adjustment Assistance Program. They say: Senator, I want to have a good-paying job. I want a job where I can support my family and where I have a living wage. That is what I am concerned about right now.

What I am concerned about is China, for example, with their low-interest loans. In some areas, such as solar manufacturing, which I have written the Obama administration about, they are undercutting our solar manufacturers because they are basically giving out free money now. That is what workers come up to Senators and say: Senator, I want a good job, one I can make sure that when I go to bed at night, I will know when I wake in the morning, I will be able to support my family. Labor union folks don’t walk up and say: This is what I want from the Trade Adjustment Assistance Program.

The fact is, it has been documented by Mathematic Policy Research that less than half the participants in the TAA were members of a union. Let me repeat that. Less than half of those who participated in trade adjustment assistance were members of a union. In fact, this is a program that is available to all American workers who qualify. When we are talking about applying, in effect, a trade adjustment assistance petition can be filed by any of the following groups: a group of three or more workers, an employer, a labor union, a State workforce official, a one-stop operator or partner or any other person who is designated a duly authorized representative.

This is, to me, the bottom line. In 2009, more than 9 out of 10 petitions for trade adjustment assistance relief were filed by nonunion firms or groups. I will repeat that because we have heard so frequently this is somehow a giveaway to labor or a sop to the labor unions. In 2009, more than 9 out of 10 TAA petitions were filed by nonunion firms or groups. More than two-thirds of the eligible population for the Trade Adjustment Assistance Program were not members of a union.

I hope that, at this point in the debate, we can make it clear, we can make it understandable that TAA is not a program only available to labor unions. That is not true. The Trade Adjustment Assistance Program is not only available to labor unions. TAA is for all Americans. As this debate con-

tinues and, as I indicated, hopefully moves into the homestretch, I hope Senators remember that in 2009 more than 9 out of 10 TAA petitions were filed by nonunion firms or groups.

The second area I wish to touch on, in terms of trying to rebut some of these criticisms about the Trade Adjustment Assistance Program, is the argument that there is no need to extend eligibility to those in the service sector. In 2009, Congress expanded the Trade Adjustment Assistance Program so service workers who are displaced by trade would be eligible for assistance. There has been criticism of this expansion, and I wish to make sure, again, that Senators and those listening to this debate actually get some of the key facts.

It is important to remember that 82 percent of employment between 2006 and 2010 was in the service sector. To argue that workers in computer programming, finance, accounting, and insurance do not face foreign competition is simply to put our heads in the sand.

A forthcoming paper by Bradford Jensen finds that Americans employed in businesses and professional services face more international competition than workers in the manufacturing sector. Again, when Senators hear this argument that there is no case for extending trade adjustment assistance eligibility to service workers, I hope they will think through the implications of the international competition our workers face in this sector because those in computer programming, in finance, in accounting, and in insurance are important workers in the American economy. They have played a big role particularly in the export sector. I think to arbitrarily say they should not be eligible for the Trade Adjustment Assistance Program, given what many of them are facing in terms of international competition, isn’t right.

The third argument I would like to take on directly is the argument that, in some way, the Trade Adjustment Assistance Program is almost a duplicative program. Again, the facts show this argument doesn’t stand. A Mathematic Policy Research report from last year makes clear that workers who lose their job due to increased imports—surging imports is the way we ought to appropriately characterize it—those folks who are, therefore, eligible for the Trade Adjustment Assistance Program because of surging imports tend to be older, often have less education, and have higher prelayoff earnings compared to other unemployed Americans.

That is why the Trade Adjustment Assistance Program is different than the unemployment insurance program. It is tailored to meet the distinct needs of a critical portion of the labor force. The workers are older, and often they have less education. The transition, as the occupant of the chair knows, can be gut-wrenching because a lot of these individuals, before their layoffs, were

making good wages. Now they are wondering how they are going to be able to get the skills and how they are going to be able to pick up the knowledge to tap the latest opportunities that are available in American business that is looking to export.

This is a program that doesn't duplicate any other. It is a program that is designed to serve a unique population. I am sure we are going to continue through the rest of the discussion about trade adjustment assistance and see a lot of back and forth between Senators with respect to the merits of the program.

I continue to believe we ought to start, as we analyze it, by remembering this has always been a bipartisan program, No. 1; No. 2, TAA petitions have been approved by Labor Departments in both Democratic and Republican administrations. This has roots in the bipartisan effort to support expanded trade. One study after another shows that expanded trade—particularly tapping export markets—can generate hundreds of thousands of jobs. But there is no question that, as we try to make sure we don't lose a single job in America—even short term—some workers can end up needing some help during a transition from one job to another, and if they have been harmed by surging imports, the Trade Adjustment Assistance Program is there for them. That is why we ought to reauthorize it.

I think we also ought to recognize it is knitted together with the effort to pass the free-trade agreements because the free-trade agreements are about more exports. To have all the workers we need for the potential export markets, we have to make sure workers who have been laid off have a chance to upgrade their skills.

We will come back to this topic, I am certain, but I hope, in the last few minutes, I have been able to at least offer some concrete, documented facts that make clear that the Trade Adjustment Assistance Program is not a sop to organized labor, since, in 2009, the vast majority of those granted relief had nothing to do with a labor union; second, that we have made the case for why service workers, facing aggressive international competition, ought to be eligible for the TAA; third, I hope we have been able to lay out how this program doesn't duplicate any others because this is a unique group who disproportionately uses the program, who is older, often with less education, and the transition can be particularly gut-wrenching because very often they have higher prelayoff earnings compared to other unemployed Americans.

I think we understand the biggest challenge for this Senate is creating more good-paying jobs. In my State, about one out of six jobs depends on international trade. The trade jobs tend to pay better than do the nontrade jobs. That is why I considered it such an honor when Chairman BAUCUS asked me to chair the Finance Committee's Subcommittee on Inter-

national Trade. I saw this as an opportunity to grow the Oregon economy and to grow good-paying family wage jobs. Oregon has a very good record in terms of manufacturing. We face a whole host of dramatic challenges right now. For example, I am particularly concerned about where our country is headed in terms of manufacturing in the renewable energy sector. The Chinese are engaged in very aggressive and questionable practices with respect to the Chinese Development Bank. In effect, they are giving free money to companies that can manufacture and undercut the American market. I have asked the Obama administration to investigate this. If they do not, I am certainly going to be looking legislatively at pursuing trade remedies.

Much of what we are faced with in terms of the renewable energy sector, particularly generating jobs in manufacturing in that sector, deals with making sure we have a rules-based trading system. We enjoy the fact that China is a trading partner. Our State gets a significant amount of jobs from exporting goods to China. But the Chinese, like everybody else, have to comply with the rules, and there is a substantial amount of evidence that the rules aren't being complied with as they relate to manufacturing in the solar sector.

That is why I am using my position as chairman of the Subcommittee on International Trade, Customs, and Global Competitiveness to get on top of that. We have already lost some solar manufacturers and we shouldn't sit idly by and lose more. That is the kind of challenge we ought to be working on together on a bipartisan basis; not coming to the floor of the Senate and blocking a piece of legislation that gives our workers an opportunity to get ahead—to get ahead in the private sector, to get ahead in the export market, and to be in a position to get the good-paying jobs that are going to be available in the years ahead if we pass legislation to remove trade barriers.

The reality is that in virtually all of these areas, our tariffs are low, which means that around the world countries get to send their products to us and get almost totally free access to our market. Yet, around the world, when we try to ship our products to them, we face very substantial tariffs. That is what we are trying to change here on the floor of the Senate—to level the playing field. Because if we level the playing field, our workers get more out of it than do the workers of other countries. And that, to me, ought to be particularly appealing to Senators now when our folks are hurting and when there is so much pain in communities across this country.

When I am home, I am consistently seeing workers who are walking an economic tightrope—balancing their food bills against their fuel bills and their fuel bills against their medical costs. They go to bed at night wondering if

they are going to have a good-paying job in the morning, given what is being reported every day in the newspapers in terms of layoffs and the kinds of challenges our companies are facing in these tough global markets. That is why legislation to promote exports makes sense. It is an opportunity to provide a new measure of economic security to hard-working American families—to tap those export markets. We have to make sure our workers, all of our workers, can get the skills and those kinds of opportunities so they can qualify for those export markets.

This legislation—passing trade adjustment assistance—is a key component of our ability to generate more jobs in the private sector through exports. I certainly hope we are in the homestretch of being able to pass this legislation and then to move on to the agreements, move on to the opportunity to generate more exports, because that means more work—good-paying work—for our people.

Madam President, with that, I yield the floor at this time.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I also believe profoundly that increasing our exports, improving our trading opportunities for businesses in this country can do a lot to get Americans back to work. It employs a lot of people across this country today, and it is important we get these trade agreements done. I couldn't agree more with what my colleague from Oregon had to say about that in terms of its impact on the economy.

What is unfortunate, in my view, is the fact we have had to wait so long to get where we are. We have had trade agreements now that have been teed up, literally signed back in December of 2006 for Colombia, Panama, and South Korea, in 2007, and it strikes me that at the least we have lost a tremendous amount of opportunity and a tremendous amount of market share as a result of the delay.

I would have hoped yesterday we would have passed trade promotion authority, because that allows us at least to be at the table to negotiate trade agreements in the future. We have been basically locked out of that since trade promotion authority lapsed back in 2007. This is a global economy, and the world is passing us by. Every single day we are not engaged, that we are not out there negotiating trade agreements with countries around the world somebody else is, and every single day we are losing opportunities for American business to export and to grow our economy and to create jobs here at home.

What I want to speak to today is an amendment I filed earlier this afternoon that deals with what I believe is a very important topic, and that is the high cost of delay when it comes to the pending free-trade agreements. Much attention has been paid in this debate to the pros and cons of trade adjustment assistance, and that is certainly

a debate we ought to have. But we should not overlook the fact there has been a real cost to America's economy and American business associated with the President's strategy to link passage of the free-trade agreements to the renewal of an expanded Trade Adjustment Assistance Program—very unfortunate, especially considering what even the White House acknowledges, which is that passing the trade agreements is one of the best things we can do in the short term to create jobs.

According to the Business Roundtable, the passage of the trade agreements will support 250,000 American jobs. The U.S. Chamber of Commerce estimates this figure could be as high as 380,000 U.S. jobs. You would think passage of these trade agreements, which were signed in 2006 and 2007, would have been a priority, and an early priority, for the Obama administration. Yet here we are, more than 2½ years into this administration, and the President still has not made a commitment to sending us the trade agreements so we can consider them.

I hope what we are doing today puts in place a process whereby that will happen. But as of right now, we have yet to see those trade agreements, notwithstanding the President's assertions he is committed to growing trade and to getting these trade agreements passed. That can't happen until they are submitted to the Congress for ratification. I am hopeful the trade bill before us now will allow us to get to a full and fair debate on the trade adjustment assistance and, in so doing, we will finally get to where we have removed what I hope is the last obstacle blocking passage of the three free-trade agreements.

My amendment is very simple. Under the current trade promotion authority procedures, the International Trade Commission must prepare a report that is submitted to Congress no later than 90 days after a trade agreement is signed. However, there is currently no requirement the ITC conduct a study to assess the negative impact on U.S. businesses when we delay implementation of an agreement, as we have with Korea, Colombia, and Panama. My amendment would simply require that the International Trade Commission assess the negative impact to U.S. businesses if a trade agreement is signed but has not been considered by Congress within 2 years.

The ITC study would focus on lost U.S. exports, how the delay has impacted U.S. trade objectives, as set forth under TPA, as well as how the delay impacts the protection of U.S. intellectual property overseas. The study would also estimate the impact on U.S. employment if the trade agreement in question continues to languish. And, finally, the ITC would be required to update this study in every year subsequent that the trade agreement is not considered by Congress or if it is not entered into force.

My amendment follows a basic principle: If the President believes a trade

agreement is in America's national and economic interest, he needs to submit it to Congress. The three pending trade agreements, which hopefully will be considered soon, are a good case in point. Consider that U.S. companies have paid more than \$5 billion in tariffs to Colombia and Panama since the trade agreements with these nations were signed more than 4 years ago. That is \$5 billion American companies have had to put out in the form of tariffs to these countries because these trade agreements—which were signed more than 4 years ago—haven't entered into force.

More importantly, U.S. businesses have lost countless business opportunities in Korea, Colombia, and Panama. Without trade agreements to ensure similar treatment for our exporters, American businesses will continue to face high tariff and nontariff barriers abroad. Consider just one example: the market for agricultural products in Korea, which is the world's 13th largest economy. Korea's tariffs on imported agricultural goods average 54 percent compared to an average 9-percent tariff on these imports into the United States. Passage of the Korea Free Trade Agreement will level this playing field. Yet the administration continues to delay sending these agreements to Congress.

At a time of near record unemployment and slow economic growth, this delay is unacceptable. This ongoing delay is having a real impact on American businesses and it will only get worse. The Colombian market for agricultural products is another good example of the high cost of delay. In 2010, for the first time in the history of U.S.-Colombia trade, the United States lost to Argentina its position as Colombia's No. 1 agricultural supplier.

Consider the story of the three main crops we grow in South Dakota—soybeans, corn, and wheat. The combined market share in Colombia for these three U.S. agricultural exports has decreased from 78 percent in 2008 to 28 percent in 2010—a decline of 50 percentage points.

We are living in a global economy. America cannot afford to stand still and to stay on the sidelines when it comes to trade. In 1960, exports accounted for only 3.6 percent of our entire GDP. Today, exports account for 12.5 percent of our GDP. Exports of U.S. goods and services support over 10 million American jobs. It is long past time for us to get back in the game by passing the three pending trade agreements and then to work aggressively to make sure our administration is in a position, with trade promotion authority, to negotiate new agreements that will open new market opportunities for American business. America's manufacturers, America's farmers, and America's service providers cannot afford to wait any longer.

What this amendment does, very simply, is require us to weigh and to evaluate and analyze the impact of delay

when it comes to implementing these free-trade agreements. We have seen in these examples of Colombia and Panama and South Korea with great clarity the economic impact—the loss of market share—that has occurred to many of our exporters as a result of this delay. It is important we know, that American business know, that the American people know what we are losing when we delay these agreements, as has happened here with these three particular agreements.

It is a straightforward amendment, and I offer it to raise what I think is an important issue, which is that when we get signed agreements, we need to take action on those. They need to be submitted, to be ratified and enacted by the Congress, or we are going to continue to lose out on critically important opportunities for American exporters.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, before he leaves, I simply want to say to the distinguished Senator from South Dakota, who is the ranking Republican on our subcommittee, that I very much enjoy working with him. I have listened carefully to his remarks, and it seems to me what we ought to be addressing in the Senate is our country's opportunities. This is about opportunities. Trade agreements present an opportunity for more exports, something—as the Senator from South Dakota touched on—that is particularly promising for areas such as agriculture. I know in South Dakota and Oregon these are huge opportunities. America is about exports, and free-trade agreements are about opportunities to export.

The Trade Adjustment Assistance Program is about opportunities for our workers to update their skills. In a sense, American business is only as competitive as its workers. That is why, in my view, we have always had this tradition—a bipartisan tradition which I have tried to highlight this afternoon—of making sure we look at every possible opportunity to advance trade.

Before the Senator came to the floor, I think I talked about—and he and I have talked about this—the fact that our tariffs have historically been low compared to the rest of the world; they have big tariffs. We have trade agreements that level the playing field, and our side gets more out of it than everybody else. It has been part of the bipartisan approach to trade. It seems to me we have the chance—and I hope we are heading into the home stretch, because I think the Senator from South Dakota has correctly noted it is certainly time to get this done—to get this to the President's desk; that we can resolve this by saying this is an opportunity to see Congress—the Senate—at its best.

Because we can be in the opportunities business, trade agreements generating opportunities for exports that are

clear winners for the American economy when we have unemployment, economic insecurity, surging imports from Japan.

We need opportunities for our businesses to export, but we also need opportunities for our workers, and I hope that as we move into the home stretch of this discussion, we can see that trade adjustment assistance is an opportunity for our workers to update their skills. As they update their skills, that is going to make American businesses—particularly our exporters—more competitive because they will have workers who can take the jobs.

I wish to express my appreciation to the Senator from South Dakota. He and I have worked very closely on a whole host of issues, in fact some that I think are going to be a big part of the future debate. The Senator from South Dakota and I want to make sure those who manufacture digital goods in our country and offer digital services get treated fairly in international markets. This is also a promising opportunity: digital goods—software, for example—digital services such as cloud computing. Under the legislation the Senator from South Dakota and I have offered, we can break down some of the barriers to those kinds of products. I am looking forward to working with him on that and a number of other issues.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I just want to say I thank the Senator from Oregon. He and I have worked together on a number of issues, not the least of which is some of these trade issues, and I look forward to continuing that collaboration. I do believe the Senator from Oregon is someone who really understands the value of opening export opportunities for American businesses and has worked and advocated on their behalf in his time in the Senate.

I think the Senator would also understand the frustration some of us have expressed, and perhaps is felt even by him and others, that these things have languished for so long. I understand the issue of trade adjustment assistance is very important to him and many other Members on his side of the aisle, as well as some on our side, but it strikes me at least that we could have been at this a lot sooner and not have relinquished and given up so many of the lost market opportunities I mentioned in my remarks. It certainly impacts an agricultural State such as mine and many other Members who represent agricultural areas of this country.

If you look at the loss of market share that has occurred in just these last few years since we have sort of been locked out and other countries have moved in to fill that vacuum, it is very frustrating to many of us to have witnessed that. That is why this amendment sort of gets at the idea

that we need to know what the economic impacts are when these trade agreements don't get dealt with. One way or the other, these agreements need to get dealt with, and here we are, almost 5 years later with regard to Colombia and over 4 years later with regard to Panama and South Korea. That is way too long for us to be out of the game, so to speak, and it has cost us mightily. So I hope we can get these done.

He is right, we have a process in place that I hope will enable us to finally accomplish this. But we ought to make sure that doesn't happen again in the future.

Mr. HATCH. Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WYDEN. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. HATCH. As I understand it, we are prepared to vote.

AMENDMENT NO. 642

The PRESIDING OFFICER. That is correct. Under the previous order, the question occurs on amendment No. 642 offered by the Senator from Utah, Mr. HATCH, with 2 minutes of debate equally divided prior to the vote.

The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I rise in support of my amendment No. 642. It is fairly simple. It tightens the nexus between TAA benefits and actual jobs lost because of trade by requiring a stricter standard to receive TAA benefits. The expanded TAA benefit offered by my friends across the aisle continues the "contributed importantly" standard that says if trade is a cause which is important, but not necessarily more important than any other cause of the job loss, TAA benefits can be provided. That is not a tight nexus.

As a result, many workers are eligible for TAA benefits even if their job loss was not caused by trade. My amendment requires that trade would have to be a "substantial cause" of job loss for TAA benefits to be available. This standard was established by President Reagan when he constrained spending on TAA.

By returning to the stricter TAA standard, this amendment puts reasonable constraints on the program to stop it from expanding into another out-of-control spending program.

I ask my colleagues to help the American taxpayers and constrain TAA spending by supporting this amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I rise in opposition to the Hatch amendment. In

a time of surging Chinese imports, high unemployment, and widespread economic pain, the Hatch amendment would make it harder for workers, companies, and farmers to obtain trade adjustment assistance in order to be able to compete in the global economy. Specifically, the Hatch amendment would take Congress back to a standard for qualifying for TAA benefits that was a demonstrated failure in the early 1980s.

Chairman BAUCUS and Chairman CAMP have put together a reasonable TAA agreement. It is bipartisan. That bipartisan agreement ought to be preserved, which is why the amendment by the Senator from Utah should be rejected.

I strongly urge a "no" vote on the amendment.

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Wyoming (Mr. BARRASSO).

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

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—40

Alexander	Hatch	Moran
Ayotte	Heller	Murkowski
Blunt	Hoeven	Paul
Boozman	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker
DeMint	McCaïn	
Grassley	McConnell	

NAYS—57

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

NOT VOTING—3

Barrasso	Enzi	Rockefeller
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The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 57.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 645

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 645, offered by the Senator from Arizona, Mr. KYL, with 2 minutes of debate equally divided prior to the vote.

The Senator from Arizona.

Mr. KYL. Mr. President, this amendment is very simple. It eliminates one small piece of the TAA Program called TAA for Firms.

Now, why would I do this? Strictly for bipartisan reasons, to demonstrate my agreement with President Obama, who also supports the repeal of this particular piece of the TAA. In his budget submission of this year, it specifically recommended the elimination of this program. It is only \$16 million a year, but it is inefficient. As the President's budget pointed out, it does not achieve its objectives as well as other programs do.

Measured against other programs, the firms that are supposedly helped actually fail at a bigger rate than other firms that are not in the program. As a result, I decided I would support one of the elements of the President's budget: to eliminate this TAA for Firms Program.

Friends, if we are serious about any kind of reform for TAA, surely we can agree upon a clearly bipartisan proposal of the President of the United States, which is supported by Republicans in the Senate. I ask for your support for this amendment.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I rise in opposition to the Kyl amendment. It is an antisocial business amendment. There is a lot of talk around here about government getting out of the way of job creators, but let's be clear. Firms using TAA are those job creators. They are small businesses such as RBB Systems in Wooster, OH, CB Manufacturing in West Carrollton, and auto and truck suppliers in Bolivar.

In my State alone, 96 percent of companies assisted with TAA for Firms—this program that Senator KYL wants to eliminate—96 percent of those companies that were in business in 2006 are still in business.

When a job creator goes out of business because of an unfair trade deal, we know what happens. Workers lose their jobs, communities lose revenues, funds for schools are cut, funds for public services.

TAA is a lifeline not just for workers, but this program for firms, TAA for Firms, is a lifeline for small businesses and community schools and all of that which matters to our tax base and our communities.

I urge my colleagues to vote no on the Kyl amendment.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Wyoming (Mr. BARRASSO).

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

The result was announced—yeas 43, nays 54, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—43

Alexander	Heller	Moran
Ayotte	Hoeven	Murkowski
Blunt	Hutchison	Paul
Boozman	Inhofe	Portman
Burr	Isakson	Risch
Chambliss	Johanns	Roberts
Coats	Johnson (WI)	Rubio
Coburn	Kirk	Sessions
Cochran	Kyl	Shelby
Corker	Lee	Thune
Cornyn	Lieberman	Toomey
Crapo	Lugar	Vitter
DeMint	McCain	Wicker
Grassley	McCaskill	
Hatch	McConnell	

NAYS—54

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

NOT VOTING—3

Barrasso Enzi Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 54. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Mr. MCCAIN. Mr. President, I ask the majority leader—I need about 2 minutes for the chairman and I to have a colloquy.

Mr. REID. OK. I spoke to the Republican leader a few minutes ago, and we think we are on a path to complete this most important piece of legislation in the morning. This is an agreement we had—that we would try to finish this—and we will expeditiously work toward other matters relating to trade as soon as we can.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I wanted to inform the majority leader, I was going to have a brief colloquy with the chairman who, I think, will be back in a few minutes.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, I ask unanimous consent to engage in a brief colloquy with the distinguished chairman.

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

MOLDOVA

Mr. MCCAIN. Mr. President, the original Jackson-Vanik amendment was offered to the Trade Act of 1974, and it was led in this body by the great Democratic Senator of Washington, Henry "Scoop" Jackson. That amendment prohibited the United States from entering into Permanent Normal Trade Relations with any country that placed restrictions on the freedom of emigration and other human rights of its people. This law was later expanded to cover countries with non-market economies. The major impact of the Jackson-Vanik restriction was that it prevented the United States from granting "most-favored nation" trading status to the Soviet Union, which at the time was placing awful restrictions on the ability of its Jewish citizens to emigrate and flee the persecution they experienced behind the Iron Curtain.

Jackson-Vanik applied to Moldova when it was part of the Soviet Union, and it remained in place following Moldova's independence 20 years ago. This made sense at the time, because the country continued to be ruled by communist governments, which ensured an unfortunate continuity with Moldova's Soviet past at a time when the country's neighbors were reaping the benefits of liberation.

But Mr. President, the situation in Moldova is now fundamentally changed. In August 2009, a coalition of democratic and reformist parties managed to win power in what international organizations deemed a free and fair election. For the first time in two decades, Moldova had a non-communist government, and with it, the potential for real reform. The goal of this coalition is reflected in the name that they have given themselves: the Alliance for European Integration. Their platform is to deepen Moldova's democratic institutions, pursue free market reforms, fight corruption, and work on integrating Moldova into Euro-Atlantic institutions. This is a new generation of leaders, and they represent the great hopes of their citizens.

I visited Moldova in June. I met at length with their Prime Minister and other senior leaders, and I can tell you firsthand this government is committed to leading Moldova toward a future of political and economic freedom.

Yes, major challenges remain to the realization of this vision, but for the first time in Moldova's history as an independent nation, its current government is on the right track. They are pursuing the right goals and policies. Their intentions are good and admirable.

In the face of continued opposition from elements in Moldova that want to drag the country back to its troubled past, the current government is trying to move the country forward. They are taking on the hard challenges. When I asked how we in the United States could best support their efforts, all they asked of me—all they asked of us in Congress—is one thing: It is not additional foreign assistance. It is not more of our taxpayers' dollars, although that assistance is important too. It is the repeal of Jackson-Vanik, so Moldovans can develop their own country, grow their own economy, and deepen their own free market reforms through normal trading relations with the United States. Nothing we could do would provide greater moral and material support for Moldova's reformers.

I wish to thank Senator BAUCUS for his continued support of the people and the country of Moldova. I understand that any amendment to the legislation that is pending would be harmful to the progress of the trade agreements, and I appreciate that fact and hope the chairman can perhaps—hopefully before the end of the year—take up the repeal of Jackson-Vanik as it applies to the country of Moldova, a country that is very much in need of it.

I want to read a statement made by Vice President BIDEN during his visit to Moldova this year.

He said:

We will work with the Congress and with your government to lift the Jackson-Vanik amendment and establish permanent trade relations. We believe that will be good for Moldova and for the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the National Council on Soviet Jewry concerning Moldova.

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

NATIONAL CONFERENCE
ON SOVIET JEWRY,

Washington, DC, September 29, 2010.

Hon. MAX BAUCUS,
Chairman, Committee on Finance U.S. Senate,
Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of NCSJ, I want to state our support for the graduation of the Republic of Moldova from the Jackson-Vanik Amendment. Moldova has satisfied the requirements of the two areas central to the Amendment's intent: Jews are free to emigrate, in accordance with the Helsinki Final Act and established principles of international law; those who choose to remain in Moldova can practice Judaism and participate in Jewish culture and language without reservation.

Jewish community life has flourished since the dissolution of the Soviet Union. Synagogues, community centers and schools serve the community without government interference.

While incidents of popular anti-Semitism and intolerance still take place in Moldova, NCSJ has been working with the Moldovan government through a variety of avenues, including the OSCE, to address these issues. In January, when Prime Minister Filat met with the American Jewish community and testified before the U.S. Helsinki Commission, he committed to reforming Moldova's law on preventing and combating discrimination.

Moldova has been admitted to the WTO but still falls under the strictures of the Jackson-Vanik Amendment. We hope that you will find an appropriate legislative vehicle to graduate Moldova from Jackson-Vanik.

If you or your staff have any questions, please contact me at your convenience.

Sincerely,

MARK B. LEVIN,
Executive Director.

Mr. MCCAIN. I again thank the chairman for his consideration and for his continued support for the people of Moldova.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I very much thank my friend for bringing this up. Moldova is a country which joined the World Trade Organization in 2001, and for various reasons—basically, it is Jackson-Vanik or the relic of Jackson-Vanik—Moldova has not been granted PNTR. But Moldova has made huge, successful strides in its government, in its political and economic reforms. I am very impressed with Moldova. It is a friend to the United States.

Although we cannot deal with that issue on this bill, I want to make it very clear to my friend from Arizona that we will take up legislation this year to ensure that Moldova is granted PNTR status and becomes a full member in the world community. I make that pledge to my friend from Arizona to get that done this year.

Mr. MCCAIN. I thank the chairman. I know he has an incredibly heavy schedule, with the legislation before us today and other matters before the committee, but I also know he knows—and I want to assure him—when the people of Moldova hear of his commitment, this will be a happy day in Moldova. I thank the chairman.

Mr. BAUCUS. And I thank the Senator for standing for the people of Moldova.

I yield the floor.

Mr. HARKIN. Mr. President, the Senate is in consideration of trade policy this week with an extension of the Trade Adjustment Assistance Program. TAA is the main way we help American workers cope with the negative effects of our globalized economy. It is a crucial program in both good times and bad, and it must be renewed.

TAA helps workers who have lost jobs through no fault of their own, but rather because of increased competition from imports or because of offshoring. TAA provides workers with critical income support, job training, job search and relocation assistance, and assistance with health insurance premiums. TAA relieves some of the hardship these workers face—helping

them get back on their feet and back into jobs.

Trade adjustment assistance is designed to help these workers with unique needs. Workers who qualify for TAA are mostly older workers—more than half are over age 45—and they often have a hard time getting back into the workforce. Unfortunately, we have all heard many sad stories about workers in their fifties or sixties spending years looking for new work. Many have been at their jobs for decades. They often do not have education beyond high school. For these workers especially, the job training and other services offered by TAA are a way for workers to gain new skills and enter into new and growing industries or occupations.

We have watched the middle class struggle over the last several decades. We see that incomes are stagnating, health insurance and other costs are skyrocketing, good jobs are disappearing. There are many reasons for this, but unfair trade agreements and the failure to enforce our trade laws are certainly among them. When cheaper imports come in to the U.S., American workers making competing goods or providing competing services can lose their jobs as their companies lose business. We have watched manufacturing companies and manufacturing jobs disappear, and now jobs in the service sector are being offshored as well.

So there is no question that TAA must continue. The thousands of workers who have been laid off as a result of trade are depending on us, as will the thousands more who could lose jobs in the future.

We also have to restore improvements to the program that were included in the 2009 American Recovery and Reinvestment Act, but which expired earlier this year. These improvements updated TAA to respond better to our changed economy. The provisions made sure that more resources were available for workers to go back to school and get training in a new field. They also extended TAA to workers in the service sector—in addition to manufacturing workers already covered. They also ensured that the program was available to workers whose jobs have been shipped to any country, like China or India, even where the US does not have a free trade agreement.

This expansion has been very successful. More than 4 out of 10 workers—nearly 200,000—who qualified for TAA from the passage of the Recovery Act until those provisions expired earlier this year, qualified because of the Recovery Act provisions. In my State of Iowa, a third of the 4,100 workers that qualified in that time period did so under the new provisions. Some of the workers who have participated in the TAA program had worked at companies that are well known in my State: 1,100 workers from Electrolux alone were certified eligible for TAA.

My State of Iowa has suffered many layoffs as jobs have been shipped

abroad, especially in the manufacturing sector. I have received many letters from Iowans who have been able to take advantage of TAA. One person who was laid off from her factory job went back to school to become a licensed practical nurse, and she hoped to go on to become a registered nurse. Another Iowan wrote of how important the health care tax credit has been to her and her husband, who was one of 300 people laid off from his company. Another Iowan wrote about how her job was being shipped to China; she was thinking of using TAA services to go back to college.

A related program, the TAA Community College and Career Training Grants Program will be extremely beneficial to workers through the community college system in Iowa and other states. I am thankful that this program will soon move ahead, and I understand that grant recipients will be announced next week.

This grant program will provide to community colleges in every State funds they desperately need to build capacity and meet training demands for 21st century jobs. The funds will total \$500 million a year for 4 years, a huge and necessary injection of funds into the community college system. The grants will enable local leaders from the education, workforce, economic development, and business communities to work together to develop and expand programs as they help workers succeed in acquiring the skills, degrees, and credentials needed for high-wage, high-skill employment while also meeting the needs of employers for skilled workers. Community colleges and their partners can use the funds to develop innovative programs or replicate evidence-based strategies.

The advanced manufacturing and health care sectors are among the largest and fastest-growing sectors in the Iowa economy, and recent projections indicate that employers in these sectors will continue to need workers with advanced skills to fill vacancies. TAA training grants support the training of these workers. Iowa Central Community College, for example, has developed an entrepreneurship and business development program to respond to regional needs. Iowa Lakes Community College has started a wind turbine program—one of the first of its kind in the country—that prepares workers for “green-collar” jobs and ensures that graduates have the skills that area employers need.

I am very hopeful that we will reauthorize TAA this week. When we pass this legislation, we will ensure that a wider range of workers can continue to access TAA benefits and services, and that resources are available so that workers are prepared for high-skill jobs with family-sustaining wages. We owe American workers nothing less.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that following morning business, tomorrow, September 22, the Senate resume consideration of H.R. 2832; that the only remaining amendments in order to the Casey-Brown-Baucus amendment and the bill be the following: Rubio amendment No. 651, Thune amendment No. 650, and Cornyn amendment No. 634; that there be up to 5 hours of debate on the Rubio, Thune, and Cornyn amendments equally divided between the two leaders or their designees, with Senator CORNYN controlling 1 hour of the Republican time and with Senators RUBIO and THUNE each controlling 30 minutes of the Republican time; that at a time to be determined by the majority leader, after consultation with Senator MCCONNELL, the Senate proceed to votes in relation to the Rubio, Thune, Cornyn, and Casey amendments, in that order; that there be no amendments, points of order, or motions in order to the amendments prior to the votes other than budget points of order and the applicable motions to waive; that each amendment be subject to a 60-affirmative vote threshold; and that there be 2 minutes of debate equally divided prior to each vote; that upon the disposition of the amendments, the bill, as amended, if amended, be read a third time; that there be up to 10 minutes of debate equally divided between the two leaders or their designees prior to a vote on passage of the bill, as amended, if amended; that the bill be subject to a 60-affirmative-vote threshold; finally, there be no points of order or motions in order to the bill prior to the vote on passage of the bill other than budget points of order and the applicable motions to waive.

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate go into a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

REMEMBERING KARA KENNEDY AND ELEANOR MONDALE POLING

Mr. DURBIN. Mr. President, by sad coincidence, America lost two women this past weekend women we had watched grow from little girls into accomplished women. Kara Kennedy and Eleanor Mondale Poling were both members of this Senate family.

Kara was the daughter of Senator Edward Kennedy and his wife Joan. Elea-

nor was the daughter of former Senator and former Vice President Walter Mondale and his wife Joan. Both women fought brave, against-the-odds battles against cancer in recent years.

Ted and Joan Kennedy named their first-born Kara, a name that means “dear little one” in the old Irish language—and that is what she always was to her parents. Like the rest of her famous family, Kara was committed to helping those less fortunate than herself. After graduating from Tufts University, she worked as a filmmaker and was active in a number of causes.

In 2002, she was diagnosed with lung cancer. Her doctors gave her 1 year to live. But Kara and her family refused to give up. She underwent surgery, chemotherapy and radiation treatment. Her father accompanied her to her chemotherapy treatments.

It seemed that Kara had beaten cancer. But Friday night, she collapsed after her usual workout at the gym. Her brother, former Congressman Patrick Kennedy, said that cancer surgery and years of grueling chemotherapy and radiation treatment had taken a devastating toll on his sister's strength and her heart simply gave out.

In addition to her mother Joan and stepmother Vickie, Kara leaves behind three brothers and a sister, a multitude of cousins and nieces and nephews, and her two beloved children, Max, 14, and Grace, who turned 17 yesterday.

Eleanor Mondale Poling was just 4 years old when her father was appointed to fill the Senate seat vacated by Hubert Humphrey, who had just become Vice President of the United States. Like Kara Kennedy, she grew up in this Senate and in the public eye. She was 17 when her father became Vice President of the United States.

As a young woman, Eleanor Mondale made her own career in broadcasting, beginning with a job as a radio D.J. in Chicago. She would go on to work for a number of TV organizations. In 2005, Eleanor Mondale married Chan Poling. The couple lived on a farm in Prior Lake, MN, surrounded by animals, which Eleanor loved.

That same year, 2005, Eleanor was diagnosed with an aggressive form of brain cancer. The next 6 years would bring multiple surgeries, chemotherapy and radiation, and at least twice apparent remissions. But the cancer came back in 2009. Eleanor Mondale Poling died at home on her farm early Saturday.

In addition to her parents, Eleanor leaves her two brothers, Ted Mondale, a former Minnesota State senator, and William Mondale, the former assistant attorney general of Minnesota.

REMEMBERING HARRY “BUS” YOURELL

Mr. DURBIN. Mr. President, I rise today to pay tribute to my friend and a great Illinois public servant—Harry “Bus” Yourell, who passed away September 19, 2011, at the age of 92. Bus