

The minutes and records of all open meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(13) ARCHIVING.—Not later than the date of termination of the Commission, all records and papers of the Commission shall be delivered to the Archivist of the United States for deposit in the National Archives.

(g) APPROPRIATION.—Of amounts provided in this Act for salary and expenses for the Office of Justice Programs, \$5,000,000 shall be for the establishment of the commission, until such funds are expended.

(h) SUNSET.—The Commission shall terminate 60 days after it submits its report to Congress.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 775

Mr. REID. Mr. President, I ask unanimous consent that the Senate return to amendment No. 775.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Montana.

ELOUISE COBELL

Mr. BAUCUS. Mr. President, a Native American expression on the circle of life offers insight into a life well-lived:

If you were born, you cried and the world rejoiced. Live your life so that, when you die, the world cries and you rejoice.

On Sunday, the world cried when Elouise Cobell left the Earth. Elouise was a brave member of the Blackfeet Nation from my home State of Montana. She fought tirelessly for what was right.

On Sunday, the world lost a great hero. Native American people everywhere lost a champion. Her husband Alvin and son Turk, along with her entire extended family, lost an admired and irreplaceable loved one. And I can say with deep gratitude, having worked with her for many years, that I lost a dear friend.

Through her persistence and determination, she drew attention to the Federal Government's mismanagement of Indian trust lands. She deserves the highest recognition and thanks for helping close a chapter on a bitter history of broken promises.

For more than 100 years, the Federal Government did not fairly compensate Native Americans in Montana and across the Nation for revenue generated from their land. The Federal Government squandered and wasted

billions of dollars in not paying Native Americans revenues they were due. It was Elouise who took up the cause. Others wouldn't; she did. She knew it was wrong. She knew it, and she had a mission. She worked tirelessly through the courts until the judicial system finally recognized what she had uncovered. The judge in the case decried the Federal Government's action as "fiscal and government irresponsibility in its purest form."

I was proud and humbled to work with her on the legislative plan to help settle the longstanding Indian trust lawsuit. Last year, we passed bipartisan legislation to provide a long-overdue conclusion for hundreds of thousands of folks in Indian Country.

Recently, I joined my colleague, the present occupant of the chair, Senator TESTER, who introduced legislation to award Elouise with the Congressional Medal of Honor, the highest honor possible from Congress.

Elouise Cobell fought for many who could not fight for themselves and brought a voice to many who died before being able to see justice served. May we never forget Elouise's long battle to right this wrong. May Elouise's memory continue to inspire everyone who believes justice is worth the fight. And may the Creator welcome Elouise home with joy and tenderness as we offer our thoughts and prayers to her loved ones. Our hearts are heavy as we mourn Elouise. Because she lived a life worth living, she lived a life worth rejoicing.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. 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. 740

Mr. BAUCUS. Mr. President, I would like to speak against the amendment offered by the Senator from Arizona, Mr. MCCAIN, amendment No. 740.

This Chamber approved three free-trade agreements last week and did so with overwhelming support. But for many, that support hinged on passage of a robust trade adjustment assistance program, otherwise known as TAA.

Last month, the Senate approved trade adjustment assistance, and during floor consideration an amendment similar to the one offered by Senator MCCAIN was rejected. Why was it rejected? I will tell you why. Because a majority of Senators in this Chamber want to help small businesses. We want to help small businesses improve their competitiveness, and we want to help small businesses take advantage of the opportunities trade provides.

But this amendment would end the Trade Adjustment Assistance for Firms

Program. It would end the only program specifically designed to help small manufacturers hurt by import competition. It would end the program that helps companies adjust, retool, and stay competitive in an increasingly global economy.

In 2010, trade adjustment assistance for firms enabled 330 companies to devise strategies that got them back on track. It helped them identify new markets. It helped them improve inefficiencies. It helped them restructure their debt, and it helped them find new financing.

The results proved that the Trade Adjustment Assistance for Firms Program works. Ninety-eight percent of the companies that participated in the program are still in business after 5 years. Without trade adjustment assistance for firms, many of these companies would be out of business and their workers out of jobs.

The program has helped create or retain more than 50,000 good-paying manufacturing jobs since 2006. I would think that with unemployment at such high rates—over 9 percent—and with the large vote in this body on the currency amendment with respect to the Chinese manipulation of currency, it makes eminent sense to help American workers who lost jobs, not prevent help to American workers who have lost jobs on account of trade. And that is what the Trade Adjustment Assistance for Firms Program does—it helps American workers who have lost jobs on account of trade.

Senator MCCAIN's amendment will put those jobs at risk. I don't think that is what this body wants to do. We should be creating jobs, not destroying them. For these reasons, I urge my colleagues to vote no on the amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wisconsin.

RECESS

Mr. KOHL. Mr. President, I ask unanimous consent that the Senate now recess until 2:15 p.m., as provided for under the previous order.

There being no objection, the Senate, at 12:27 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. TESTER).

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

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

AMENDMENT NO. 740

Mr. CASEY. Mr. President, I have a short presentation to make regarding trade adjustment assistance, which of course is legislation that was passed through the Senate not too long ago. There was a long debate, an important debate about trade adjustment assistance, which is basically a program we have had in place for decades. That program recognizes that sometimes workers and companies are caught in a position, because of the unfair trade and unfair competition, where they are left not only without a job but sometimes without the prospect of retaining their position in a particular trade or work they have done for many years. So trade adjustment assistance allows us to provide some help to that worker or that company so we can retrain folks for the jobs of the future and so that worker can be retrained and adjust to the changes in the economy.

In particular, today I rise in opposition to amendment No. 740, which would eliminate funding for trade adjustment assistance for firms. We provide it for workers but there is also a part of the act that provides help to firms. U.S. trade policy should, I believe, work in the best interests of the American people, especially American workers and American companies. Of course, as a Senator from Pennsylvania, I want that policy to work for our workers and our companies. Unfortunately, that is not always the case. Past trade deals have sent jobs overseas. Several administrations have not done enough to crack down on China's unfair trade policies. Our workers and our companies need safeguards against employment disruptions caused by our trade policies or sometimes caused by our lack of a trade policy. That is one of the reasons why trade adjustment assistance is so important, that we extend it as we have to help workers and the companies they work for deal with the repercussions of bad trade deals and unfair competition, unfair trade that impacts our workers.

There is an effort by this amendment to somehow change the dynamic as it relates to firms. I know in Pennsylvania, in calendar 2010, 51 companies in our State were accepted into the program. Fifty-one individual companies were accepted into the trade adjustment assistance program to help those companies rebound, to recover from the ravages of international trade.

Supporting these firms as they work to better compete against foreign imports will help protect the jobs of the workers in those firms. I have worked to ensure that the TAA program is re-extended, including this help we provide for individual firms. The legislation that was recently passed maintains trade adjustment assistance for firms but returns funding authorization to its pre-2009 levels. I think this is a critically important point to make.

Maybe the best evidence, though, of what has happened is evidence from in-

dividual States but more particularly individual companies. I ask unanimous consent that a news article that is dated Tuesday, June 21, 2011, from the Bethlehem Express-Times be printed in the RECORD.

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

[From lehighvalleylive.com, June 21, 2011]

SEN. BOB CASEY VISITS BETHLEHEM CHEMICAL MANUFACTURING PLANT, URGES NEED TO RENEW ASSISTANCE FUNDING

(By Andrew George)

Over the last five years, Bethlehem chemical manufacturing company Puritan Products has tripled its sales and created 15 new jobs.

According to company President Lou DiRenzo, much of that success is owed to a federal grant for \$75,000 awarded to the company as part of the Trade Adjustment Assistance program.

U.S. Sen. Bob Casey, D-Pa., visited the Bethlehem facility Monday to meet with workers and discuss the impact Trade Adjustment Assistance has had on the company.

Casey, who is chairman of the Senate Joint Economic Committee, urged the need to renew federal funding for the TAA after touring the facility, citing the success Puritan Products has had with the program. "It's a remarkable story over here at Puritan Products because you're not only seeing all of the job growth results over the last couple years . . . (but) adding jobs and innovating and adapting to new environments in a very complicated part of our economy," said Casey.

According to the U.S. Economic Development Administration, TAA aims to provide technical and financial assistance to manufacturers or producers who have lost employment, production or sales due to increased imports and foreign competition. It also provides aid to workers who have lost their jobs due to foreign trade agreements.

Some Senate Republicans have expressed reluctance about renewing TAA, which cost about \$2 billion last year, according to a Bloomberg report. They say the program benefits only a small segment of the unemployed and want it dismantled, according to the report.

The press secretary for U.S. Sen. Pat Toomey, R-Pa., did not return a phone message this evening.

Casey said the benefits of the program are extensive.

"In a very tough economy, businesses need help," said Casey. "They need help with the results of unfair foreign competition. We have to compete every day of the week with countries that frankly cheat and make it much more difficult for us to have a level-playing field for folks that are trying to manufacture a product in this difficult environment."

Casey is urging Congress to renew federal funding for the TAA through 2016 at the stimulus rate adopted back in 2009, which includes coverage to service firms and workers. This enhanced version has recently expired and funding has receded back to pre-stimulus amounts.

According to Casey's press secretary, while there is no official estimate yet for just how much an extension would cost, Casey has pledged to find an offset for the cost so that it will not increase the deficit.

In a recent letter to President Barack Obama, Casey asked the president to consider delaying the consideration of upcoming free trade agreements with South Korea, Panama, and Colombia in order to focus on the American manufacturing industry.

Casey has recently been visiting manufacturing plants across Pennsylvania attempting to rally support to renew funding in the upcoming federal budget for both the TAA and the Manufacturing Extension Partnership.

The MEP is a nationwide network, which works with small to mid-sized manufacturers to help create and sustain jobs, increase profits and provide innovation strategies.

According to the MEP, for every dollar of federally invested money into the partnership, \$32 of new sales growth is generated. They also claim that for every \$1,570 of federal investment, the MEP is able to create or retain one manufacturing job.

Alongside Casey and DiRenzo was Jack Pfunder of the Bethlehem-based Manufacturers Resource Center.

Jack Pfunder said that with the technical and financial assistance provided by TAA, the manufacturing industry is able to innovate and better prepare itself for a successful future.

"People ask me, 'What is the future of manufacturing in the United States?'" Pfunder said. "To me it's pretty simple, manufacturing is the future of the United States and it rests with the researchers of innovation like what we're seeing here today at Puritan Products."

Puritan Products senior vice president Thomas Starnes believes it's "absolutely" important for a manufacturing company of Puritan Products' size to receive government funding in this economic climate.

"We don't have the funds internally to do some of these things so getting some government support certainly helps our cause," Starnes said.

Mr. CASEY. This article talks about a visit I made to a chemical manufacturing plant. The pertinent part of this article speaks volumes about why trade adjustment assistance is so important for firms. I am quoting from a statement made by a gentleman who heads the Manufacturing Resource Center in Bethlehem, PA, Jack Pfunder. Here is a summary of what he said. The article says:

Pfunder said that with technical and financial assistance provided by TAA, the manufacturing industry is able to innovate and better prepare itself for a successful future.

That is someone who is on the ground every day, working on manufacturing issues in Bethlehem, PA. He knows what he is talking about when it comes to the impact of trade adjustment assistance for a firm and in particular for this firm.

Another part of the article talks about one of the vice-presidents at the company I visited, Puritan Products:

Senior vice president Thomas Starnes believes it is 'absolutely' important for a manufacturing company of Puritan Products' size to receive government funding in this economic climate.

I am quoting here from the last line of the article:

We don't have the funds internally to do some of these things so getting some government support certainly helps our cause.

That is one company and the leadership of one company telling us in a very concise way why trade adjustment assistance for firms is vitally needed. I know we are going to have debate about this issue that will be ongoing even after passage of the legislation,

but I rise in opposition to the amendment of Senator MCCAIN, amendment No. 740, and urge all Members of the Senate to continue to support not just trade adjustment assistance for workers but trade adjustment assistance for firms as well, especially in this very difficult economy.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. 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. BINGAMAN. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

CONTINUING RESOLUTIONS

Mr. BINGAMAN. Mr. President, on November 18, exactly a month from now, the current law that permits funding of the government will expire. Something will have to be enacted in its place since it is clear to all of us, I believe, that we will not have passed and sent to the President all of the appropriations bills by that time.

The normal procedure for enacting funding bills is for them to originate in the House of Representatives and be passed there, and then they come to the Senate for consideration and get passed here.

I come to the floor today to urge that before the expiration of the current continuing resolution; that is, before November 18, the House enact and send to the Senate a funding bill which extends funding to the end of the current fiscal year, which is September 30, 2012. My simple point is that, in my view, it is irresponsible for us to continue funding the government just a few weeks at a time.

Already this year, we experienced a near shutdown of the Federal Government in April, a near default on the country's debt in August, a partial shutdown of the Federal Aviation Administration in August, and another near shutdown of the Federal Government 3 weeks ago because of a dispute over disaster funding. These repeated "Perils of Pauline" scenarios have understandably shaken the confidence of Americans about their government and, more particularly, about this Congress.

This government-generated uncertainty also has real economic consequences. Federal Reserve Chairman Ben Bernanke said:

The negotiations that took place over the summer disrupted financial markets and probably the economy as well, and similar events in the future could, over time, seriously jeopardize the willingness of investors around the world to hold U.S. financial assets or to make direct investments in job-creating U.S. businesses.

So these are self-inflicted wounds that the economy can ill afford, and re-

ducing the risk of them occurring in the future would provide a modicum of certainty to businesses in this country and throughout the world.

Congress can readily eliminate the risk of a government shutdown during this fiscal year simply by enacting a full-year continuing resolution. The sad reality is that in recent years the Congress has more and more relied on short-term funding bills or so-called continuing resolutions to keep the government functioning while we try to reach agreement on appropriations levels.

So some would ask, why are the circumstances different this year? They are different for the simple reason that we have already settled on the level of funding for the government. The Budget Control Act of 2011 that was enacted in August set the spending levels for the Federal Government for this year and for each of the next 9 years. These spending levels were passed with large bipartisan majorities in both Chambers. Here in the Senate, the vote was 74 to 26. Therefore, enacting a full-year continuing resolution that sets Federal spending at that level should not be controversial.

We should not have to rehash the debate on spending levels every few months. Adopting a full-year continuing resolution would free up valuable time in Congress to work on other legislation intended to create jobs and to help the economy.

A full-year continuing resolution also allows the government to operate more efficiently than it can under a series of short-term continuing resolutions. Short-term continuing resolutions make it difficult for Federal agencies to enter into construction contracts, such as to build or repair roads, or to enter into long-term supply contracts that are often less expensive than short-term supply contracts. In other words, short-term continuing resolutions delay critical projects and increase the overall cost to taxpayers. Adopting a full-year continuing resolution would address both of these problems.

It is clear that passing a long-term continuing resolution does nothing to preclude Congress from going ahead and passing individual appropriations bills as they are agreed upon. Stan Collender, a respected budget expert, has written about this issue. I will quote from an article he wrote. He said:

If the tried and true procedure is used, the CR will simply stop applying to the departments and agencies when the separate appropriation is signed. In appropriations-speak, those covered by the individual spending bill will "disengage" from the CR.

The only argument I have heard against passing a continuing resolution for the rest of the year is the argument that doing so will take away the pressure on the appropriations committees and the Congress to pass the remaining appropriations bills. That is essentially an argument to force those of us in

Congress to do what we ought to do; that is, to pass appropriations bills. In order to do our basic job, do we need to subject the rest of the government and the country to a series of threatened shutdowns? And especially, do we need to do that at a time when we have already agreed on spending levels?

I question this argument. It seems to me that both parties—Democrats and Republicans—and particularly the appropriators both in the House and the Senate have substantial incentive to reach agreement and pass appropriations bills whether a yearlong continuing resolution has been adopted or not. And if it were true that passing a yearlong continuing resolution would lessen the incentive to complete action on appropriations bills, then so be it. To my mind, the benefit from eliminating the threat of a series of government shutdowns far outweighs any disadvantage that might result from failure to pass full appropriations bills.

So, to me, the conclusions are clear. First, we have already as a Congress agreed on spending levels for the current fiscal year. Second, we should make every effort to pass all the appropriations bills reflecting those spending levels as soon as possible. Third, while we are making that effort to pass the appropriations bills, the responsible course is to pass a continuing resolution that extends to the end of the fiscal year. Here is a chance for us to provide at least a modest degree of predictability for the remaining 11 months of this current fiscal year. I believe we owe it to the American people to do just that.

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

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

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, Americans have a right to know how their government is spending their money. If Congress were more open and honest about where their tax dollars were going, I think they would be shocked by what they would see. It is even worse than people think.

My commitment as ranking member of the Budget Committee is to fight for honest budget practices. I have joined with Senator OLYMPIA SNOWE to introduce the Honest Budget Act, stripping away some of the most outrageous gimmicks that are being used in Congress to advance spending beyond our limits. In fact, I will be filing an amendment today to stop the use of a gimmick called ChiMPs in one of the very bills that is before us this week. We will explain how that leads to improper increases in spending as we go forward.

President Obama is taking his bus tour around the country, riding in his

taxpayer-funded, million-dollar campaign bus, telling people we must raise taxes to prevent dramatic cuts in Federal spending. What the President does not say is how much spending has increased in just the past few years, including through a number of gimmicks, and how much of that money is being improperly spent and wasted.

Indeed, since the President has taken office the first 2 years, we saw a 24-percent increase in nondefense, nonwar discretionary spending—not Social Security, not Medicare, but discretionary spending went up 24 percent at a time when this country has never faced large deficits.

According to the Congressional Budget Office this fiscal year, Washington set record high spending levels this year despite our debt—\$3.6 trillion went out the door and \$1.3 trillion of that was borrowed. We spent not less but more than last year, a 4.2-percent increase, but we do not have the money.

My challenge to the President is this: During his next speech, before he calls for higher taxes on American people, would he be able to look them in the eye and tell them he has cleaned up spending here, that Washington is not wasting their money. Would he be able to look them in the eye and tell them their money is being spent wisely and effectively with strict oversight. Would he be able to look them in the eye and tell them he is reducing spending, not increasing it.

I fear the answer is no. I fear any increase in tax rates will amount to nothing more than a bailout for the big spenders here and an incentive to continue business as usual, an excuse to avoid the hard choices that are being made by families all over America when their incomes are down, by cities and counties and States all over this country making the kind of tough choices that eventually will help them be a more productive institution for the taxpayers.

Let's consider the situation in the Congress. The Senate Democratic majority has not had a budget plan for over 900 days. Indeed, Sunday was the 900th day this Congress has gone without a budget. The Republican House has produced a historic, effective budget that would change the debt trajectory of our country in a positive way. It would not do everything that needs to be done, but it is a significant, positive historic step. The Senate? Nothing.

Hard to remove waste from a budget when we do not even put together a budget plan. We should bring these spending appropriations bills that we have on the floor now through the regular order one at a time, not three at a time, trying to find savings in each and every one of them every place we can. We owe it to the people who send us their tax money that we disburse up here. Cramming three bills through in one is no way to run this government.

We, I suppose, are supposed to thank Majority Leader REID for allowing us

to have some amendments on this bill because we have only three appropriations bill in one, rather than all of them in a superomnibus, as we have been having. There is time to move these bills through the Congress. Our leadership would tell us there is not. We have not done much at all this year. We could have passed a budget. We could have been moving appropriations bills long before now, one at a time, brought forth under a full amendment process, under strict scrutiny, with every possible effort to see what we can do to fulfill our responsibilities without running up the debt.

I would ask, how can my friends on the other side of the aisle ask anyone to pay more in taxes when they are not even willing to comply with the Congressional Budget Act and produce a budget plan in the regular order? Washington asking for more tax revenue is akin to an alcoholic asking for more cash before a trip to the liquor store. Even if the alcoholic asks a millionaire for the cash, it does not change the fact that the money is not being wisely used. For example, just a few weeks ago, we learned that lawyers at the Department of Justice went to a conference where they were billed \$16 apiece for muffins. We all know about the $\frac{1}{2}$ billion loan guarantee to the now bankrupt Solyndra—yet another big business ally of the White House.

President Obama has coined the term the "Buffett Rule" in his push to raise taxes. The rule relies on a little sleight of hand, since Buffett pays mostly a capital gains tax. The upper brackets, as we all know, pay the highest income tax rates. That is how our system works. But this debate about taxes is a little premature.

That is why I would like to suggest something called the "Solyndra Rule." Under this rule, before any proposals are offered to raise any taxes, we first put an end to wasteful and inappropriate spending in Washington. Until we do, raising tax rates only funds Washington's continuing abuse of all American taxpayers.

But the waste is not limited to headline-grabbing controversies. It is pervasive throughout, I am afraid, virtually every aspect of our government. The Food Stamp Program, now called the Supplemental Nutrition Assistance Program, is the largest item in the agricultural budget.

In the appropriations bill before us this week, the Democratic majority would propose to increase this by 9 billion, a 14-percent increase for fiscal year 2012. This \$9 billion increase in funding over last year's level would amount to a quadrupling since 2001. In fact, food stamp appropriations have nearly doubled since President Obama took office.

Eleven million more Americans are on food stamps now than when the President took office. The size of the benefit has increased 31 percent since 2008. When the Food Stamp Program was expanded nationally in the 1970s,

food stamps were used by 2 percent of the population. At the beginning of the last decade, they were used by 6 percent of the population. Today, that figure has risen to 13 percent—one in eight Americans. This sevenfold increase in food stamp usage demands honest examination. It is time to look under the hood of this program. What is going on?

A recent article in the Milwaukee Journal Sentinel reported that Wisconsin food stamp recipients routinely sell their benefit cards on Facebook. The investigation also found that "prosecutors have simply stopped prosecuting the vast majority of [food stamp] fraud cases in virtually all counties, including the one with the most recipients, Milwaukee."

In Michigan, a \$2 million lottery winner continued to receive food stamps because his winnings were counted as an asset and not income. I kid you not. Apparently, he asked about it and they said it is not income, it is an asset, and you don't count assets. But you are supposed to.

Eligibility standards have been loosened across the board. People are getting food stamps that don't fit the program's requirements. We have always had a problem with this program. As a Federal prosecutor, an assistant U.S. attorney for almost 15 years, I personally prosecuted fraud in the Food Stamp Program. They were used as currency among drug dealers in many areas of our country. There are all kinds of problems. We have done little or nothing about it—nothing about it. One glaring example is something called categorical eligibility. This basically means that even if your level of wealth would ordinarily make a person ineligible for the benefit, those assets are not examined and they will still get food stamps simply because they have used another government program. So if they use another program, they can qualify for it.

In one State, they have included information for a pregnancy hotline—in other words, if a person uses a pregnancy hotline, apparently, their assets are overlooked and they can qualify for food stamps. They automatically become eligible for it. In many States, all that is needed to become food stamp eligible is to be mailed a brochure by the government—again, regardless of the assets the individual might have.

The amendment I am filing today would eliminate categorical eligibility. Only those people eligible under food stamp requirements would be eligible to receive the benefit.

It is too much to ask of an applicant for benefits who is worth thousands of dollars to file an application, under oath, that assures that the person is truly in need and truly qualifies under the law to receive a benefit paid for by the taxpayers of this country. Is that too much to ask?

The second amendment I will be offering today would set next year's food stamp funding at the same level the House of Representatives passed. Eliminating the proposed \$9 billion increase would amount to nearly \$100 billion in savings over the next 10 years in the Food Stamp Program assuming no further increases in the program.

By the way, I just met an Alabaman who is familiar with the Alabama harbors and the waterway system. That program totally, nationally, comes in at less than \$½ billion. We have had three ships run aground in recent months because we didn't have the money to do the dredging—a few million dollars. This is talking about saving \$9 billion a year; \$1 billion is \$9,000 million—when just a few hundred million dollars would fix our waterways and harbors all over the country. One-half billion dollars would double the current waterway bill in the entire United States of America.

So surely Members on both sides of the aisle can agree we need to be focused on making the program more effective before we increase it beyond the 100-percent growth it has experienced already.

The greatest danger our economy faces, in my opinion—and I believe that from experts from whom we have had testimony in the Budget Committee—is that the cloud the debt places over our economy is endangering it, costing economic growth, and costing jobs this very minute. The first thing we need to do is see if we can't reduce that debt without raising more taxes on a weakened economy. That is the first responsibility, I believe.

Under the President's leadership, the deficits have increased dramatically each year. No one can deny that. Meanwhile, the President's stimulus plans have resulted in not less but more unemployment, actually.

To restore prosperity, we need an honest, concrete budget plan that restores confidence, ends waste, and creates private sector growth. Such a plan must reduce the deficit, the experts tell us, by at least \$4 trillion over the next 10 years.

If our committee of 12 reaches the agreement they have been asked to reach, they would, in effect, reduce the projected deficit increase by \$2.4 trillion. But the experts tell us we need to reduce it by \$4 trillion. It is bipartisan. Erskine Bowles, who was appointed by President Obama to head his debt commission, said \$4 trillion. Mr. Zandi, who has been advising the Democratic majority and who testified in the Budget Committee a couple weeks ago, said you have to have \$4 trillion in reduced spending and reduced deficit.

We are not getting there. We are not doing the things necessary. I truly believe that we are still in denial in this Congress. We have not realized how serious the threat is and some of the things we are going to have to do. Business as usual cannot continue.

I hope that, as we go forward with this legislation, we will get some votes that can actually begin to reduce spending in a number of areas. I hope that, during the course of this debate, the people of the United States will begin to focus on what is happening in their Congress and hold us all accountable, make sure we are managing their money effectively. If we do that, we

might surprise ourselves—indeed, we would surprise ourselves on how much could be accomplished in one decade of sustained, smart effort to eliminate waste, fraud, and abuse, to focus on our spending that can be contained.

The defense budget has to tighten its budget, no doubt about it. But you cannot balance the budget all on the Defense Department. Their budget makes up less than half the deficits this year. Our deficit this year will be about \$1.3 trillion. The defense budget is about \$529 billion. It is way less than half of it. We have to do it across the board in programs not being run well, that are surging out of control, such as food stamps. They need to be brought into control.

We may not have enough money for the highway bill. It is about \$40 billion. We are now spending twice that on food stamps, having quadrupled it in one decade.

I say to my colleagues, we need to get serious about spending. I believe we can do better and we can surprise ourselves if we make a firm determination to do better. I look forward to offering amendments that will help us get there.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

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

TEACHERS AND FIRST RESPONDERS BACK TO WORK ACT

Mr. BLUMENTHAL. Mr. President, I agree with my colleague from Alabama that the Senate can no longer deal with serious issues relating to economic and national security as if we were doing business as usual.

I have slightly different views—in some instances, radically different views—but I hope, on the issue I will discuss, we can come together on a bipartisan basis in support of the Teachers and First Responders Back to Work Act, which I am cosponsoring. I hope for a bipartisan support because this bill should be about as far from a partisan issue as can be.

I hope we can all agree that what America needs, at this moment in our history, is policies that put America back to work and help to protect and create jobs. We need to put Connecticut back to work and every State in our Union, with policies that favor not just our national security and make us safer and more secure but also invest in our workforce for the future. There is no better place to start than with teachers and first responders.

Funding these professional areas is much more than an immediate need; it is a commonsense solution and a national priority in promoting safe and secure communities and a highly educated workforce.

We all know the numbers. Tens of thousands of jobs—300,000 jobs, to be

more precise, in our schools have been lost due to budget cuts in the last few years. In Connecticut alone, 3,600 jobs have been lost in our schools.

Those numbers are not just abstract, speculative statistics; each of them attests to an individual whose potential creativity in the classroom and possible contribution to our young people has been lost. It attests to the loss of individualized attention to students at a critical point in their lives, when they need that kind of care. Every one of them means that an educator—probably another educator—is stretched further, burdened more in the capacity to provide a positive learning environment for our kids.

The teachers that would be supported by this bill are not numbers, not statistics; they are vital to our most precious resource, our children. This bill is not about only their fate, it is about our children. It is about the quality of their learning, and it is about the quality of our future workforce in this Nation.

When manufacturers tell us, as we go home, they need people with the skills to match jobs that exist now or will be created in the future, this measure will help to provide them with the workforce they need and deserve to make things in America and to make sure America is competitive in the world economy. This measure meets our most urgent priorities—our children, our competitiveness in the world, and our security and safety in our communities.

We all know that fiscal challenges have forced our towns and cities to make cuts to the bone, cuts to programs that are fundamental and essential to our schools and also to our first responders. This bill is, in a sense, an emergency response—a first response—to those needs, because if we fail to meet this challenge, the lives of our children will be changed forever. The lives of children in Connecticut, affected by those 3,600 laid-off teachers, will be diminished and degraded forever by the loss of classes and tutoring that will be ended.

Our first responders need this bill as much as our teachers, and not just our first responders, but the people they serve. Every day we urge our children to follow their example, their integrity, their commitment, their service. Yet as budgets have been cut, we have been all too willing to cut the first responders, who should be the last to be subject to budget cuts. This approach not only weakens our economy, it weakens the safety of our neighborhoods and our communities. This bill is just common sense. It is about putting first responders back on their routes, back in their emergency vehicles, and back in their jobs where they belong.

The numbers are not sufficient to tell the whole story, but those numbers are staggering. This bill will invest \$30 billion to support State and local jobs which otherwise would be lost. These efforts to retrain, rehire, and recruit

good people for these jobs in Connecticut and around the country are absolutely essential. Connecticut had a budget shortfall of \$2.9 billion as a result of this fiscal crisis. We have been forced to slash funding for programs, and the 3,600 teaching jobs lost in Connecticut will take their toll in the form of a slowed recovery and an extended downturn.

The Teachers and First Responders Back to Work Act will provide Connecticut with an additional \$336 million to support 3,800 positions that are essential to our children and the safety of our communities. This money will give a boost to the State's economy and improve education. And we know—it is undeniable—that we need these positions in Connecticut and we need them in the country. America needs to get back to work, and we know that teachers and first responders are the right place to begin.

Let me close by saying, as I go around my State, what people tell me—and they are not politicians; some of them could be not less interested in politics—they are concerned that classes are canceled, that teams are uncoached, that music and arts programs are ending, and that their students are untutored. They want action. They want decisions from this body. We have an obligation to meet those needs and to provide this response for teachers and first responders, and I urge that we do so on a bipartisan basis in an effort that is fully funded.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

BANNING TOBACCO PRODUCTS

Mr. DURBIN. Mr. President, tomorrow night we expect 15 million Americans—including a lot of children—to tune in to watch the first game of the World Series. It is a big deal for a lot of people and a lot of families. We watch our heroes in the championship of that great American sport of baseball. There are many fans on both sides, of course, with Texas and St. Louis facing off. I know where Senator BLUNT will be—rooting for his Cardinals—and I will be joining him in that effort. It will be a great contest and we look forward to it.

But I want to raise another issue related to baseball, which several of my colleagues joined in today, in a letter we sent to Major League Baseball and to the players association. Senators LAUTENBERG, HARKIN, BLUMENTHAL, and I today called on the Major League

Baseball Players Association to ban the use of all tobacco products, including smokeless tobacco, on the field, in the dugout, and in the locker rooms at all Major League Baseball venues.

You see, unfortunately, among those 15 million fans are a lot of children who watch every move their heroes on the diamond make. And as they watch them, they undoubtedly note that little puff in the lip, the can in the pocket, and they think that is part of being a great baseball player. They decide they too want to be great baseball players, and so they imitate the conduct of those Major League Baseball players.

The 2009 National Youth Risk Behavior Survey found the use of smokeless tobacco products has increased by 36 percent among high school boys since 2003, and the proportion of high school boys using smokeless tobacco is now an alarming 15 percent of all high school boys in America.

It is no wonder tobacco companies spend millions on advertisements tailored to attract young people to use tobacco products. The industry more than doubled its marketing for smokeless products between 2005 and 2008 to a record \$547.9 million. The letter we sent points out that Major League Baseball players who use smokeless tobacco at games are providing celebrity endorsements for those tobacco products which encourage many young people to take up smokeless tobacco. It is a dangerous product. We know every year tobacco kills 443,000 Americans, most of whom started their tobacco addiction as teenagers. The Surgeon General, the Centers for Disease Control and Prevention, and the National Cancer Institute have concluded that smokeless tobacco causes cancers of the stomach, larynx, and esophagus; oral cancers—which can result in disfiguring surgery—and pancreatic cancer, one of the deadliest forms of cancer. The use of smokeless tobacco is linked to cardiovascular disease, gum disease, tooth decay, and mouth lesions.

This is a battle I have been engaged in for a long time. I started battling the tobacco companies over smoking on airplanes over 25 years ago. I won that battle. I didn't know at the time, but that victory, fought with my colleague Senator LAUTENBERG, was a tipping point in America. From that point forward, people started asking questions. If it is not safe to smoke tobacco in an airplane, why is it safe on a train, a bus, in an office, in school, or in a hospital? One by one those opportunities to smoke in those places started to close up.

People today find it incredible—in fact, many young people still can't believe it—that we allowed people to smoke on an airplane, but many of us remember it well. America has changed. But when it comes to smokeless tobacco, I am calling on Major League Baseball and the players association to be part of a positive change

on behalf of their young fans. Let them set an example in their negotiations with Major League Baseball owners to eliminate tobacco from the baseball field, the dugout, and all aspects of the game of baseball. That would be a great message. It would not only show responsible conduct on the part of the baseball players, but it would show their fans how much they love them that they are willing to make an extra sacrifice to protect them from the dangers of smokeless tobacco.

It is not a new battle. I have been involved in this before, and I have called on Major League Baseball before. I can tell you that Bud Selig is strongly in favor of what I am asking for. I talked to him on the phone just a few weeks ago. But it really comes down to this negotiation—the contract between the players and the owners—and usually it becomes a bargaining chip at the table.

Let's not let the health and safety of young baseball fans across America be a bargaining chip between the Major League players and the owners. Let's win one for the kids across America. I hope the Major League Baseball players will show the leadership, which I know they can show, and eliminate smokeless tobacco from the game of baseball and really give our kids across America—the greatest baseball fans in the world—the help they need to avoid this deadly habit.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 740

Ms. MIKULSKI. Mr. President, I rise to oppose a pending amendment, the amendment offered by the Senator from Arizona, Mr. MCCAIN, and that is amendment No. 740.

This amendment would eliminate any funding under the Economic Development Administration for trade adjustment assistance. Trade adjustment assistance, under the Economic Development Administration, is \$15.8 million. This amendment would stop EDA from implementing the TAA for something called the firms program, which was just reauthorized last week by the Senate.

The Trade Adjustment Assistance for Firms Program is the only program specifically designed to help small manufacturers hurt by import competition. Let me emphasize. It is the little guys. It is the machine tool shop. It is the small to medium-sized business that we go "hoorah, hoorah" for in the Senate all of the time. But when it comes to helping them when they have been hurt by trade imports or their intellectual property has been stolen, we are not going to give them help.

I oppose this amendment.

The Economic Development Administration is in the Commerce-Justice-Science Subcommittee. It was reauthorized by the Senate. Under the bill that was passed, it would have provided technical assistance and matching Federal funds to help develop and implement a plan to help them get back on

their feet. It is a competitive grant program, and the largest grant is \$75,000.

The trade adjustment assistance for something called the firms program was created back in 1974, under Gerald Ford, to help small businesses and small manufacturers adjust to increased imports and increased international competition. The 2011 trade adjustment assistance bill passed last week authorized this program at \$16 million and said the EDA should manage it. The CJS follows the authorizing direction, as we should.

The Trade Adjustment Assistance for Firms Program, for small businesses, helps them adjust, retool, and stay competitive in an increasingly global economy. In 2010, this program enabled 330 firms to devise strategies to help get back on track. What did it help them do? It helped them identify new markets, improve efficiencies in their operation, and also helped them identify additional financing. Ninety-eight percent of the companies that participated are still in business after 5 years. Without the TAA for Firms Program, many of these companies would be out of business.

Since 2006, it is estimated that over 50,000 manufacturing jobs were saved because of this. Manufacturing is the backbone of America. One of the reasons we are in the economic turmoil we are in now is that we have lost so much manufacturing. We give all kinds of tax breaks to send jobs overseas. We also do bailouts to help the really big boys, such as the automobile industry. And we had to help them. I understand that. But these small to medium-sized businesses, some of which I have visited in my own State, need this kind of help when they are whacked by often subsidized imports. Many Maryland companies know how to compete with other companies, but they often feel they are competing with other countries. They know what to do, and we need to be able to help them do it. Trade adjustment assistance is important. If we don't invest in helping our manufacturers stay in the global game, we are going to lose out. So we would hope that we would defeat the McCain amendment.

During the Senate consideration of the trade adjustment bill, our colleague, the other Senator from Arizona, offered an amendment to strike the program then. It failed 43 to 54. I hope this amendment fails again. Let's use some of the Federal help to help those who are creating jobs. If we really want to talk about creating jobs and creating jobs in manufacturing, let's leave this program—modest, small. For \$15 million, we could really help small businesses and medium-sized businesses learn how to get back on their feet after they have been whacked often by unfair and anticompetitive trade practices.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 739

Mr. McCAIN. If it is agreeable to the managers, I will discuss two of my amendments—one, the amendment to prohibit the use of transportation enhancement grants to fund certain projects, and the other, No. 740, to eliminate funding for trade adjustment assistance for firms.

Is that agreeable?

I thank the Senator from Maryland.

First, I would like to talk about the amendment that would remedy the misplaced priorities of Congress by focusing valuable transportation dollars on improving our Nation's crumbling infrastructure.

Under current law, 10 percent of funding provided from the Surface Transportation Program must be used for transportation enhancement activities. Let me make it clear. When you pay your tax on a gallon of gasoline and send it to Washington, 10 percent—10 cents out of every one of those dollars—has to be used for transportation enhancement activities. If the State's priority is to rebuild a bridge, 10 percent of it has to go to transportation enhancement, but if the State's priority is to build a new freeway, then too bad—10 cents out of every dollar still must be spent on "transportation enhancement activities," such as transportation museums like the Corvette Museum in Kentucky, the White Squirrel Sanctuary in Tennessee, landscaping along Las Vegas highways, walkways, and bike paths, and other activities. Many of these programs may be valuable, and they could be valuable, but rather than a mandated 10 percent be used for those purposes, shouldn't the States and the local authorities be the ones to make those decisions if they think the money could be better spent on other priorities rather than we here in Congress mandating that 10 percent should be used for transportation enhancement activities?

Everybody knows and the President has spoken eloquently about our Nation's highways, roads, and bridges that are crumbling and in need of repair. So it doesn't make sense to mandate any Federal dollars to something other than those, especially since the priorities of the State and local governments may be very different.

The amendment would prohibit funding in the bill for 7 of the 12 transportation enhancement activities. Specifically, funding would be prohibited for scenic or historic highway programs, including tourist and welcome centers, landscaping and scenic beautification, historic preservation, rehabilitation, and operation of historic transportation building structures or facilities, control and removal of outdoor advertising, archeological planning and research, and establishment of transportation museums. I will be the first to say some of those are good programs. Some of those may be necessary. But none of them need to be mandated.

This amendment does not prohibit funding for pedestrian and bicycle fa-

cilities, pedestrian and bicycle safety and education activities, conversion of abandoned railway corridors to trails, environmental mitigation of highway runoff pollution, reducing vehicle-caused wildlife mortality, maintaining habitat connectivity, and acquisition of scenic easements and scenic or historic sites. Frankly, I would like to see it all eliminated, but I can understand an argument for the five that are not included in this amendment.

We are talking about real money. According to the Department of Transportation, almost \$1 billion was slated for transportation enhancement funds in 2011. Since 1992, more than \$12 billion has gone to these programs. My colleagues can argue that these are important. I argue that it makes more sense to stop forcing States to spend this money on flowers and museums and allow them to spend it on 146,633 deficient bridges in this country. My home State of Arizona alone has 903 deficient bridges. If the State of Arizona should want that money spent to repair bridges, it seems to me they should be allowed their priorities rather than 10 percent of it being mandated for any purpose, much less those seven that are outlined in the amendment.

We know what the debt is—\$14.8 trillion. We have to spend our money in a fiscally responsible manner and not on special interest projects. For example, the State of Tennessee has more than 3,800 deficient bridges. Because of this Federal mandate, however, States are forced to spend valuable and limited transportation dollars on transportation enhancement projects such as the White Squirrel Sanctuary in Kenton, TN. Kenton, the home of the white squirrel, has spent \$269,404 on the sanctuary. The funding for the White Squirrel Sanctuary was used for construction of walking trails, including brick crosswalks, a foot bridge, and trailhead parking within Kenton to provide for the safe observation of white squirrels.

The Lincoln Highway, a 200-mile roadside museum in Pennsylvania, received \$300,000 in enhancement funding to commemorate the historical roadway with several items along the 200-mile route. These funds were used for items such as signs, "colorful vintage gas pumps painted by local artists," and this refurbished coffee pot pictured on this poster board. Meanwhile, Pennsylvania ranks first out of all States for deficient bridges. Yet it seems to be more important to refurbish large roadside coffee pots.

Instead of spending money on fixing California's 7,091 deficient bridges, federally mandated tax dollars were spent on antique bike collections, a dragon gateway, and a sculpture for a parking lot in Laguna Beach. Specifically, the University of California received \$440,000 to purchase and display 60 antique bikes for its bicycle museum collection. Los Angeles spent \$250,000 to aid in the construction of the Twin Dragons Gateway entrance to the Chinatown area.

The National Corvette Museum in Kentucky received \$198,000 to build a national Corvette museum simulator theater, while over 1,300 bridges in Kentucky are deficient and 3,000 are functionally obsolete, meaning they do not meet current design standards.

I must say, in the interest of full disclosure, I have a special feeling for the Corvette. My first means of transportation on graduation from the Naval Academy was a modest model of the Corvette, and I almost wanted to take this out. But since a national Corvette museum simulator theater has very little to do with transportation enhancement, I felt compelled to add this.

Nevada spent millions of Federal transportation dollars to make Vegas's highways beautiful. In 2008, Nevada received \$2.6 billion in transportation grants. Instead of spending money on road upgrades or repairing 804 deficient bridges, the money was used for landscaping projects, for instance \$498,750 went for "decorative rocks, native plants, some pavement graphics, a few walls and some great big granite boulders" to beautify an interchange to Las Vegas's 215 Beltway.

I think it is a very beautiful boulder. Nevada also spent \$319,000 on more landscaping projects that included more rocks and more plants on a highway beautification project only a few miles down the road.

Let me say again, I think highway beautification projects are very important. When local and State officials wanted to have that kind of beautification along many of the freeways in my State, we planted cactus and bougainvillea and others. I think that is wonderful. But the fact is, when we have bridges that are actually dangerous for our constituents to use, then obviously we have to make some prioritization. As I mentioned, local officials who discussed the projects were quoted as saying—I am talking about the Nevada graphics and big, giant boulders and rocks—"We applied for the Federal enhancement dollars and those can only be used for landscaping and pedestrian-type improvements." In other words, local officials in Nevada said they had no choice as to what to spend the money on.

In addition, the N-DOT Nevada transportation deputy director for southern Nevada was quoted as saying: "It's really getting out of hand to where these pots of money have those constraints associated with them and you can't spend money where you want to."

Florida spent \$3.4 million of stimulus transportation enhancement funding for a wildlife ecopassage. The wildlife crosswalk will be used by turtles and other animals that live in Lake Jackson, FL. The turtle tunnel will consist of a series of fences that will direct all the animal traffic to a 13-foot tunnel that will go under the road. Even though Florida has received millions in stimulus funds for the tunnel, the permanent ecopassage is only in the design stage and is not fully funded. It

needs \$6 million more, and it is unclear how long it will take to get the project built. Meanwhile, Florida has over 1,800 bridges in need of repair or improvements.

Other examples of wasteful and unnecessary mandated transportation enhancement projects include: \$400,000 for a Pennsylvania trolley museum; \$23 million for a Tennessee bicentennial history memorial; \$234,000 for an Art Walk in Vermont; \$160,000 for a Roman bathhouse renovation in West Virginia; \$500,000 for the renovation of the Toledo Harbor Lighthouse in Ohio; \$150,000 for a salamander crossing in Vermont; \$1 million for the North Carolina Transportation Museum; \$78,000 for a railroad caboose relocation and renovation; \$210,790 for the Merchant and Drivers Tavern Museum in New Jersey; \$40,000 spent on a new town sign in Iowa; \$216,000 for fencing around oil wells in Oklahoma; \$500,000 for a Santa Ana train station mural; \$120,000 to restore Crandall Farm in Rhode Island; \$44,500 on welcome signs in South Carolina; \$150,000 to print and produce brochures on landscaping and replace a brochure display case in Kansas; \$3 million on landscaping and a pedestrian walkway at the Indiana State Fairgrounds.

So here we are with \$1 billion spent just last year, more than \$12 billion gone since 1992, and the numbers go up. I hope my colleagues will vote to find it necessary that these kinds of funding would be prohibited for the programs such as I have outlined.

I have to be honest with my colleagues. If I had my way, about 80 cents out of every \$1 in gas taxes would stay in my home State of Arizona and in every State of America where it is collected and then we would let the Governors and city councils and mayors and county authorities make the decisions as to what that money should be spent on.

I remind my colleagues that we enacted the gas tax during the Eisenhower administration in order to build a national highway system. Long ago, the National Highway System was completed. Yet the money still goes from our citizens directly to the Federal Government, when it should be going to the States to make the decisions which they can make best. I doubt if many State authorities would have made the decisions such as I have just described there. I also believe a lot of the authorities and officials in various States would agree with the deputy director of the Nevada Department of Transportation, director for southern Nevada, who was quoted as saying:

It is really getting out of hand to where these pots of money have these constraints associated with them and you can't spend money where you want to.

I hope my colleagues will vote in favor of that amendment.

AMENDMENT NO. 740

Madam President, according to a previous agreement, I will discuss amendment No. 740, which is to eliminate

funding for trade adjustment assistance for firms—I emphasize for firms. Again, in the interests of full disclosure, I believe trade adjustment assistance is a compromise that was made back under President Clinton's administration, when certain free-trade agreements, specifically as I recall NAFTA, was agreed to. The Trade Adjustment Assistance Program was set up for individuals who would be adversely affected as a result of the enactment of free-trade agreements.

We would not have enacted the free-trade agreements if we did not believe that the overwhelming effect of free-trade agreements would be beneficial to business in the United States and would result in hiring and jobs and a better economy. But I also understand there may be individuals in specific cases where these free-trade agreements hurt the businesses in certain places in the country.

I must say I opposed the increase in the trade adjustment assistance which was part of the deal made in order to ensure passage of the three free-trade agreements that were just concluded in this body a short time ago—the free-trade agreements with South Korea, Colombia, and Panama. But I do believe there are some aspects of this program we should examine more carefully.

The TAA for Firms Program provides matching grants of up to \$75,000 to firms that have been impacted by trade so the firms can hire private sector consultants to help them become competitive. The program is administered through a network of regional non-profit trade adjustment assistance centers that are chosen noncompetitively. It is my experience that wherever the Federal Government abandons competition, the American taxpayer usually loses. These TAACs have been known to charge exorbitant overhead rates of 60 percent of grant funding, and the Government Accountability Office has questioned the program's effectiveness and administrative costs. According to the President, this President, this administration sent over a termination list with its fiscal year 2012 budget. According to the President's own proposal in his own fiscal year 2012 budget: "The Administration proposes to eliminate the Economic Development Administration Trade Adjustment Assistance for Firms program."

That is not the proposal of the Senator from Arizona, although it is in this amendment. It is the proposal of the President of the United States. I think it would be hard for my colleagues on the other side of the aisle to argue he is insensitive to the plight of firms and individuals and companies that are affected by free-trade agreements.

According to the President's termination list, a message he sent over to Congress, the justification goes on to say: "The Administration believes that

it would be more effective to concentrate EDA's resources on public investments in infrastructure and institutions that promote innovation and entrepreneurship."

The inclusion of this program in the President's termination list is strong evidence we should no longer be funding the program. It also begs the question: Why are we choosing to spend almost \$16 million on a program we don't need and has consistently had its effectiveness questioned? This is money we don't have and don't need to spend.

As I said before, I have always been skeptical of trade adjustment assistance and similar programs such as this one for firms. I believe these programs are potential vehicles for government waste, where market interference unfairly puts the government in the position of choosing winners and losers. I believe the evidence stating that trade adjustment assistance and similar programs achieve their goals is suspect as well.

That fight is over, at least for the time being. But I might add there are still many questions about the TAA 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 should 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.

Another question: Is there evidence that trade adjustment assistance benefits and training helped 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 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 fails to use tax dollars effectively because, among other reasons, the program has failed to demonstrate the cost-effectiveness of achieving its goals. The American people are hurting. Unemployment remains at unacceptable levels and is estimated to continue to grow. We need to cut unnecessary spending, such as this program, at a time when our national debt has reached this unsustainable level. The American people face painful choices about how to cut our Federal budget.

I wish to conclude again by saying I don't believe the trade adjustment is a viable program. I also understand what

was decided by both sides of the House, with the support of some of my Republican colleagues, that trade adjustment was the price for passage of the three trade agreements that have been signed by the President of the United States. I think, in this case on this particular program, where the President of the United States has asked for its termination because of its ineffectiveness and its—and I believe it would be more effective to concentrate these resources on public investment in infrastructure and institutions that promote innovation and entrepreneurship—I hope we would abide by the recommendation of the President of the United States with whom, as my colleagues know, I am not always in total agreement.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. CASEY. I wished to respond to my colleague from Arizona on a couple points. I rise in opposition to his amendment. I think there is a lot we agree on, based on the remarks he gave about making sure the program works and is efficient and delivers results for taxpayers. I don't agree with eliminating the program in this case.

I appreciate the words he said about trade adjustment assistance and his recognition that workers are going through a tough time right now. This amendment is a disagreement about what we do about firms. In this case, it is pretty simple. We have trade adjustment assistance that helps individual workers, and I think there is a lot of agreement on that. This particular program is about individual companies. Basically, what we are talking about is 265 firms in the country. The average quantum of assistance is a little more than \$62,000 per firm. Part of that is as simple as having an expert come into a company—because of foreign competition and I would say unfair foreign competition—and helping them with their process, being able to produce a product in a more efficient way, changing an assembly line or giving advice in a way that a company is not able to figure out on its own. It provides that technical assistance.

The other part about this is, it is an effort to make sure these firms can better compete in a very tough environment, frankly, that has often been undermined by trade agreements. That is my perspective. I know some don't share that.

The other number I would point to, in terms of the effectiveness of the program, is that 90 percent of the companies that received this trade adjustment assistance help for their technical assistance or otherwise are in business more than 5 years later. So I would debate the question about the effectiveness. It is the same spirit or the same belief that underlies trade adjustment itself. When a worker is thrown out of a job because of unfair foreign competition or the ravages of a tough economy, we say to that worker we are

going to retrain them to get them back into the workforce and that is the purpose of the worker part of this.

The same is true of a company. Sometimes a company gets its legs knocked out from under it in a bad economy, and we say we will have a program to allow an expert to come in and help them get through this period. It is not unlimited. There is a limited amount of money available nationally for those 265 firms. I think there is a lot of agreement about a basic disagreement about the need for a particular Trade Adjustment Assistance Program for the companies.

I would respectfully rise in opposition to the amendment of my friend from Arizona.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. I thank the Senator from Pennsylvania, and I will be very brief.

The President of the United States weighed in heavily in favor of renewal and even expansion of the Trade Adjustment Assistance Program. This amendment only applies to portions of the Trade Adjustment Assistance Program that the President and the administration specifically pointed out as being ineffective and sent over as a program for which they recommended termination. I hope my colleagues are not confused that this is an attack on an amendment which would destroy TAA. It would not. It only focuses very narrowly on the trade portion of the Trade Adjustment Assistance Program that the President and the administration pointed to as being ineffective and a program they requested be terminated. Frankly, I don't think it would have a dramatic effect on the entire Trade Adjustment Assistance Program, I am sorry to say.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

ALASKA DAY

Mr. BEGICH. I first wish to say I know my colleague from Alaska was on the floor talking. Today is Alaska Day. It was a great day for our country when the final transfer from Russia to the United States resulted in the great State of Alaska, which has incredible resources from which this country has benefited. I want to wish all the people back home a great Alaska Day.

AMENDMENT NO. 739

I came down to the floor because I know my friend from Arizona, Senator McCAIN, has offered an amendment on elimination of transportation enhancements. Let me speak about two parts.

One, as a former mayor who dealt with this issue over and over but also as someone whose family has been in the business industry and understands the power of a great community and what it can do for the long-term economic health of the community when the infrastructure is designed and built right and also someone who was in the real estate industry.

First, as a former mayor, we debated these issues a great deal on transportation enhancements. I know there will be issues at times, and it doesn't matter if it is this program or the Defense Department or Interior Department, I can name any department over the years that has had issues that have come up that have not had the most appropriate expenditure of the dollar. When we look at transportation enhancements, they are an incredible asset. I will tell you, from the aspect of Alaska and having served as the mayor of Anchorage for 5½ years, we built more roads than the last three mayors combined. In 5 years, we built a ton of roads to enhance our communities. But the roads of the 1950s and 1960s are no longer the viable roads of the future.

In the old days, they built them, paved them, maybe put a curb on, maybe a sidewalk, and that would be considered the road, the transportation network. Things have changed quite a bit. The roads we built in Anchorage not only had the curb, the sidewalk, the transportation enhancements, the landscaping that goes along with it—because when we put all of that into play, the net result is we get a better transportation network. One can utilize it, as we have done with a couple roads in our neighborhoods, to slow down traffic so they will not be a danger to the children within the zone. In the case of some, where we built pedestrian multi-use trails—which I can point to several within our own area when I was mayor in Anchorage—where these trails became huge enhancements for the neighborhood but also to our visitors.

When the visitors came and spent money on our economy, maybe they went to a place to visit or they went out fishing, but maybe they came back and went out after dinner to take a walk. These trails that were well designed and landscaped properly would be another experience they would see and feel and take back to their home and hometown.

This amendment Senator MCCAIN has brought forward is opposed by not only the U.S. Conference of Mayors but the National Tour Association, the U.S. Travel Association, the Southeastern Tourism Society, and many others are growing on the list because they see not only the value for improving the road infrastructure, but they see the value of attracting quality of life that makes the property values better around these enhancements, the tourism that comes along with it, and the value of economic development. I think there is just a lack of understanding by some Members because they like to pick one or two—and I would agree we have to constantly review these programs to make sure they are used for the right purposes. In this case, I will tell you—and I can show you project after project in Alaska where we saw a great value. It could be the Water Street improvements in Ketchikan, which during my time in the Senate in

the last 2½ years, I have seen that development change the Front Street of their community; the Kenai River Trail improvements—which many people know the great Kenai River has incredible fishing for salmon—to ensure that the trails are safe.

Why do we want the trails improved? If people are crawling over the banks, they deteriorate the banks, they create erosion and they destroy the habitat and destroy the great Salmon Creek. In Anchorage, where we improved Ship Creek with the same kinds of enhancements, why did we do that? Again, to make it safer for the pedestrians who viewed it and also to ensure that the \$600 million fishery that was and is in Anchorage would thrive because we are not damaging the habitat.

I can go on and on about project after project, where we saw great improvement of the road projects. I know some will believe the road projects are asphalt and maybe a little drain and that is it. I can tell you, from putting my hat on from the real estate industry—I spent many years in the real estate industry—what people looked for is the quality of the environment around them. If you were on a strip-paved road or barely a paved road with a little drain or curb, it had a certain value. If you were on a road that had a nice pedestrian pathway, nice curb and gutter and landscaping, I guarantee you those property values were stronger and better. The local community benefited from that because it now had stronger property taxes because of the higher property value. The homeowner benefited because they had an investment that would maintain its value because of the quality of the infrastructure. The roads, water, sewer system, in this case, the enhancements were of high quality.

Those who brush it off as wasteful expenditures, I can show you again project after project where we took substandard roads, enhanced them with transportation enhancement resources, dollars, and the net result was we had economic development occur around it. We had quality of life improve. We had better values in our properties that are owned by the private sector, whether it be commercial or residential.

Again, I would strongly recommend to my friend from Arizona that I know it is easy—because the staff who run around here always want to give the worst-case scenario of everything. We can always do that. That is easy to do. We can always find one project somewhere about something. But that is not what this is about. It is about the 90-plus percent or the 98-percent of projects that are incredible enhancements to the community. As a mayor and someone who was in the real estate industry, I have seen the value of these.

As I mentioned also, the organizations that don't support these, the tourism industry folks I mentioned who don't support these because they understand that when one is traveling

to a community, it is not just about the one item. They go in there—and let's use Alaska as an example—for king salmon fishing or maybe in the wintertime skiing, whatever it might be, there are these other pieces people experience.

In Alaska, we have some great trail systems that people rave about and they talk about. Whenever I go around the country and I run into someone who visited Alaska, they will tell me the name of the community they were visiting or talk about this trail or that trail. Ship Creek Trail is a beautiful trail that at lunchtime tons of people utilize. It is a huge benefit for producing the quality of life for downtown.

I would encourage—and I recognize there are things I agree with, with Senator MCCAIN, multiple things that I worked on with the Defense authorization, but this one I beg to differ on his rationale of getting rid of this resource. It is important for local communities. I wish to emphasize, the best part of this is these are not congressional earmarks. It is money set aside that the local communities, through their metropolitan planning efforts or in the State, through their efforts, decide on how to spend this money. It is the best way to allow local communities less Federal control to do the right thing based on some framework and guidelines here.

If we want less Federal Government, this is one of those programs that allows flexibility on the local end to do the right thing and do what they think will enhance our road improvements and communities, be it small neighborhoods or major highways.

As I have always done, I invite Senator MCCAIN to Alaska. I will take him on the bypass where we can drive, see some incredible beluga whales, go down to Girdwood and see an incredible rain forest at the same time. I will take him to four or five of these projects. He will want to pull over and take photos. Those will be federally funded projects that made it possible for him to do that.

Why is that important? Because if you drive the new Seward Highway from Anchorage to Girdwood, it is not the safest highway. These pullouts, these waysides, these enhancements have made it a safer place. You can pull over and see Dall sheep walking on the side of the mountains right there. Instead of stopping on the road and pulling off on the side there a little bit, you actually pull off into a wayside. It is safer, better for tourism. It does the right thing, ensuring that the project is a better project.

Again, I would challenge my friend from Arizona that I will gladly take him on many of these projects and show him the value of what we have done with them, the economic opportunity that goes along with them, the jobs that are created with them, the long-term benefit to the values of the properties that is associated with these

improvements that are in the private sector.

Madam President, I thank you for allowing me a few minutes. I again wish my friends and all my constituents back home a great Alaska Day. But I also wanted to talk about an important amendment that I think would be the wrong direction if we vote for it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. KOHL. Madam President, I ask unanimous consent that at 4:35 p.m., the Senate proceed to votes in relation to the following amendments: Cornyn No. 775, as modified with the changes that are at the desk; and McCain No. 740; that the time until 4:35 p.m. be equally divided between the two leaders or their designees; that no amendments or points of order be in order prior to the votes other than budget points of order; and that there be 2 minutes equally divided between the two votes; further, after the votes in relation to those amendments, the following Senators be recognized to offer the amendments listed: Vitter No. 769, Collins No. 804, Sanders No. 816, and Landrieu No. 781.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendment (No. 775), as modified, is as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. No funds made available under this Act shall be used to allow the knowing transfer of firearms to agents of drug cartels where law enforcement personnel of the United States do not continuously monitor or control such firearms at all times.

Mr. LEAHY. Mr. President, it is not a good idea to legislate law enforcement tactics on an appropriations bill. To the extent the amendment by the Senator from Texas that has been modified with the help of the subcommittee chair restates Department of Justice policy, it is unneeded. To the extent it seeks to create a well-intentioned implementation of that policy, it does so in a way that may adversely affect FBI operations and other law enforcement efforts, including joint task forces among Federal, State, and local law enforcement, without really adding to what the Attorney General has already said and done to ensure that certain tactics from Operation Fast and Furious not be used again.

The Department of Justice's Inspector General's Office has not yet completed its independent investigation of Operation Fast and Furious, which was a Bureau of Alcohol, Tobacco, Firearms and Explosives operation in Phoenix that apparently followed on the practices used in Tucson during the Bush administration in Operation Wide Receiver. I expect to examine the inspector general's report through briefings, and possibly a hearing, when that investigation is concluded. It is important to remember that there are ongoing and highly sensitive criminal in-

vestigations involved here, and I do not think anyone wants to unduly hamper the efforts of law enforcement agents to stem the fight against violent drug cartels in Mexico.

I appreciate that the Senator from Texas, like all of us, is deeply concerned. When he wrote to me asking for a hearing about the southern border, I asked Senator DURBIN, who then chaired the Crime Subcommittee, to work with him and accommodate his request. I certainly hope that congressional attention did not add to the pressure felt by law enforcement officers and agents to utilize aggressive and risky methods with inadequate resources.

Of course, we all mourn the loss of all of the agents who have died in the line of duty, including members of our Customs and Border Patrol and Immigration and Customs Enforcement. I have spoken previously about the loss of Jaime Zapata. This year we also mourn Hector Clark and Eduardo Rojas. Last year we lost five Department of Homeland Security, DHS, agents: Vincent Gallagher, John Zykas, Mark Van Doren, Floyd Collins, and, of course, Brian Terry. The year before that we lost another four agents: Nathaniel Afolayan, Cruz McGuire, Robert Rosas, Jr., and Trena McLaughlin.

Senator CORNYN has offered an amendment he describes as prohibiting funding for intentional "gun walking" programs. The Department of Justice already has a longstanding policy against the knowing transfer of firearms to criminals without proper monitoring or controls. I appreciate that the Senator from Texas, like all of us, is deeply concerned about law enforcement operations that could allow firearms to fall into the hands of violent criminals in Mexico.

I was concerned that the original text of his amendment would actually make it more difficult to investigate and prosecute gun traffickers. I am glad to see that Senator CORNYN has worked with Senator MIKULSKI to address some of my operational concerns with his amendment concerns that were also voiced by the Department of Justice. I am not sure that in the short time available to us that we have been able to rectify all of the unintended, collateral consequences this language might occasion, however. For example, I know the FBI has voiced serious operational concerns about the impact this amendment could have on their system of background checks through the National Instant Criminal Background Check System, NICS. I hope Senator CORNYN and others will continue to work with the Department of Justice, the FBI, and other law enforcement agencies to ensure that whatever final language may be included in law does not unduly hamper the ability of law enforcement, including efforts against violent drug cartels in Mexico.

The Attorney General recently reiterated that longstanding Department of Justice policy already prohibits the

transfer of firearms to known criminals without the proper monitoring or controls by law enforcement. Indeed, when Attorney General Holder testified about Operation Fast and Furious before the Senate Appropriations Subcommittee for Commerce, Justice, and Science in March, he stated that he had made it clear to the Department of Justice, including the U.S. Attorney's Offices and ATF agents nationwide, that "letting guns walk is not something that is acceptable." I also understand that earlier this year, this policy was expressly reiterated to prosecutors and agents in the field through guidance issued by the Deputy Attorney General. Accordingly, this amendment attempts to legislate a policy that is already in effect.

I am also concerned that Senator CORNYN has offered this amendment without the benefit of all of the facts. As I have noted, there is an independent investigation by the Department of Justice inspector general that is ongoing. Moreover, there is an ongoing criminal investigation and prosecution related to the tragic murder of Agent Brian Terry. I am sure Senator CORNYN would agree that we should all ensure that the FBI and the prosecutors assigned to the case can continue that criminal investigation without any interference or impediment. Contrary to Senator CORNYN's statement, there has been no conclusive evidence indicating that either of these guns connected to Operation Fast and Furious were "used" to murder Agent Terry.

Although the revised text of Senator CORNYN's amendment has addressed some of my operational concerns, I remain concerned with language that purports to require U.S. law enforcement personnel to continuously monitor and control any firearms that may be transferred during an operation. I cannot believe that is what is really intended. Many law enforcement operations are joint operations through joint task forces with State and local law enforcement. I do not believe the Senator from Texas means to construct a rigid protocol of tactics for such operations. Given the potential for operational problems that might arise from an overly literal application of the language, I am left to wonder whether this language is intended to apply to joint operations at all, since it would not make sense on the ground.

Again, I appreciate the intent of Senator CORNYN's amendment, and as I have demonstrated, I share his concern with the violence, drugs, and illegal gun trafficking along our borders. The strategy and tactics being used to fight these problems need to be both smart and effective. At the same time, I am confident the Senator from Texas would agree with me that we must also continue to support and honor the efforts of the thousands of Federal, State, and local law enforcement officers who are working tirelessly to keep our border safe.

Mr. KOHL. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time in the quorum call be divided equally between both sides.

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

The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. KOHL. 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.

The Senator from Wisconsin.

Mr. KOHL. Madam President, I ask for the yeas and nays on the Cornyn amendment.

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

There appears to be a sufficient second.

The question is on agreeing to amendment No. 775, as modified.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—99

Akaka	Gillibrand	Mikulski
Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Hatch	Nelson (FL)
Bennet	Heller	Paul
Bingaman	Hoeven	Portman
Blumenthal	Hutchison	Pryor
Blunt	Inhofe	Reed
Boozman	Inouye	Reid
Boxer	Isakson	Risch
Brown (MA)	Johanns	Roberts
Brown (OH)	Johnson (SD)	Rockefeller
Burr	Johnson (WI)	Rubio
Cantwell	Kerry	Sanders
Cardin	Kirk	Schumer
Carper	Klobuchar	Sessions
Casey	Kohl	Shaheen
Chambliss	Kyl	Shelby
Coats	Landrieu	Snowe
Coburn	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Lee	Thune
Coons	Levin	Toomey
Corker	Lieberman	Udall (CO)
Cornyn	Lugar	Udall (NM)
Crapo	Manchin	Vitter
DeMint	McCain	Warner
Durbin	McCaskill	Webb
Enzi	McConnell	Whitehouse
Feinstein	Menendez	Wicker
Franken	Merkley	Wyden

NOT VOTING—1

Conrad

The amendment (No. 775), as modified, was agreed to.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Madam President, we have been making progress on this bill. We are going to have one more vote now. We have already set up a vote in the morning. We have an agreement to do

so. There will be a little debate prior to that vote.

We hope to be able to work our way through some other amendments. If people have amendments they want to offer, they should do it, because time is wasting. We need to move through this appropriations bill and finish it this week.

AMENDMENT NO. 740

The ACTING PRESIDENT pro tempore. There will now be 2 minutes of debate on the McCain amendment.

The Senator from Arizona.

Mr. MCCAIN. Madam President, as usual, I am offering an amendment that is in compliance with the request of the President of the United States. The administration proposes to eliminate the Economic Development Administration Trade Adjustment Assistance Programs for firms, the TAAF Program. That is the President's message on termination. I remind my colleagues that this provides matching grants so that firms can hire private sector consultants. On behalf of the President and my colleagues, I ask for an "aye" vote.

The Senator from Texas wishes to speak. Where is she? She deserted me. On Senator HUTCHISON's behalf, she supports the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I oppose the McCain amendment and OMB's recommendation. Trade adjustment assistance is an effective and modest program, and it is only \$15.8 million. The average grant is \$75,000. From 2006 to 2010, it has helped over 830 firms and created about 50,000 jobs.

I urge defeat of the McCain amendment.

The ACTING PRESIDENT pro tempore. Is there further debate?

If not, the question is on agreeing to the amendment.

Mr. MCCAIN. Madam President, I ask for the yeas and nays.

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

There is a sufficient second.

The yeas and nays having been ordered.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) is necessarily absent.

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

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—44

Alexander	Crapo	Kirk
Ayotte	DeMint	Kyl
Barrasso	Enzi	Lee
Blunt	Grassley	Lugar
Boozman	Hatch	McCain
Burr	Heller	McCaskill
Chambliss	Hoeven	McConnell
Coats	Hutchison	Moran
Coburn	Inhofe	Murkowski
Cochran	Isakson	Paul
Corker	Johanns	Portman
Cornyn	Johnson (WI)	Risch

Roberts
Rubio
Sessions

Shelby
Thune
Toomey

Vitter
Wicker

NAYS—55

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

NOT VOTING—1

Conrad

The amendment (No. 740) was rejected.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I ask unanimous consent that the four amendments listed in the previous order and the following amendments from Senator COBURN, No. 791 and No. 792, be the only amendments in order to be offered this evening.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maine.

AMENDMENT NO. 804 TO AMENDMENT NO. 738

Ms. COLLINS. Mr. President, I ask unanimous consent to set aside the pending amendment, and I call up my amendment, No. 804.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. UDALL of Colorado, Mr. CRAPO, Mr. RISCH, Ms. SNOWE, Ms. AYOTTE, Mr. JOHANNIS, Mr. NELSON of Nebraska, Mr. HOEVEN, Ms. MURKOWSKI, Mr. JOHNSON of Wisconsin, and Mr. KOHL, proposes an amendment numbered 804 to amendment No. 738.

Ms. COLLINS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the use of funds to implement a rule that sets maximum limits on the serving of vegetables in school meal programs or is inconsistent with the recommendations of the most recent Dietary Guidelines for Americans for vegetables)

At the end of title VII of division A, add the following:

SEC. __. None of the funds made available by this Act may be used to implement an interim final or final rule that—

(1) sets any maximum limits on the serving of vegetables in school meal programs established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

(2) is inconsistent with the recommendations of the most recent Dietary Guidelines for Americans for vegetables.

Ms. COLLINS. Mr. President, I understand this amendment has been cleared on both sides, and I ask for its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 804) was agreed to.

Ms. COLLINS. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of this version of the amendment: Senators UDALL, CRAPO, RISCH, SNOWE, AYOTTE, JOHANNIS, NELSON of Nebraska, HOEVEN, MURKOWSKI, and JOHNSON of Wisconsin.

The PRESIDING OFFICER. Is it Senator UDALL of Colorado?

Ms. COLLINS. Thank you, it is Senator UDALL of Colorado.

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

Ms. COLLINS. Mr. President, I thank again the managers of the bill and the two Senators from Idaho for their help in this matter.

I also ask unanimous consent that the Senator from Wisconsin, Senator KOHL, be added as a very prominent cosponsor of this amendment.

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

Ms. COLLINS. Mr. President, my thanks to the managers of the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 816 TO AMENDMENT NO. 738

Mr. SANDERS. Mr. President, I ask unanimous consent to set aside the pending amendment and call up my amendment No. 816.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 816 to amendment No. 738.

Mr. SANDERS. 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 provide amounts to support innovative, utility-administered energy efficiency programs for small businesses)

On page 87, line 21, insert “, of which \$1,000,000 shall be for economic adjustment assistance grants under section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) to support innovative, utility-administered energy efficiency programs for small businesses” before the period at the end.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 781 TO AMENDMENT NO. 738

Ms. LANDRIEU. Mr. President, pursuant to the previous order, I now ask

unanimous consent to set aside the pending amendments so that I may call up amendment No. 781.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 781 to amendment No. 738.

Ms. LANDRIEU. I ask unanimous consent to dispense with the reading.

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

(Purpose: To prohibit the approval of certain farmer program loans)

On page 83, between lines 20 and 21, insert the following:

SEC. 7. Section 363 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006e) is amended in the first sentence by striking “any loan” and inserting “any farmer program loan.”

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 769 TO AMENDMENT NO. 738

Mr. VITTER. Mr. President, pursuant to the unanimous consent agreement, I call up Vitter amendment No. 769.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 769 to amendment No. 738.

Mr. VITTER. I ask unanimous consent to waive the reading of the whole.

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

The amendment is as follows:

(Purpose: To prohibit the Food and Drug Administration from preventing an individual not in the business of importing a prescription drug from importing an FDA-approved prescription drug from Canada)

On page 83, between lines 20 and 21, insert the following:

SEC. . None of the funds made available in this Act for the Food and Drug Administration shall be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act.

Mr. VITTER. Mr. President, let me briefly explain what this amendment is about, and I will be very brief. It will allow for personal use drug reimportation from Canada only. In doing so, this amendment is nearly identical to an amendment I proposed previously on the Senate floor last Congress which passed in a very strong bipartisan vote.

Americans spend hundreds of billions of dollars a year on prescription drugs. Prescription drug prices are skyrocketing, and they continue to skyrocket, and that causes real hurt and angst among many American families, particularly American seniors. They shouldn't have to choose between life-saving medicine and other basic needs of life, such as food and electricity, and yet often the reality is that they do have to make that choice.

My amendment would help ease a little bit of this pain by giving Americans more options. But in doing so, it is very narrow, it is very cautious, it is very specific. It applies to only individual consumers—not wholesalers—bringing in for their personal use FDA-approved prescription drugs, and only from one country; namely, Canada.

As I said, in doing so the language is nearly identical to the Vitter amendment to the DHS appropriations bill that passed the Senate last Congress with a strong bipartisan majority, 55 to 36, with 9 members not voting.

This would provide real relief to millions of Americans, including seniors. It would allow reimportation from Canada—a very safe source country—including through mail order and over the Internet. The language, again, was restricted to personal use reimportation. Wholesalers cannot participate. It only applies to a consumer who gets a valid prescription from a doctor. So this amendment would specifically prohibit funding to the FDA to the extent that they would crack down and prohibit and police against this narrow activity.

Back home and in Washington, Members of Congress on both sides of the aisle often talk about doing something about skyrocketing prescription drug costs. This is a very specific, narrowly tailored, cautious but effective means where we can do something, where we can have an impact, where we can help tens of millions of Americans, including many vulnerable seniors.

I hope Democrats and Republicans will come together again, as we did last Congress, and give a strong, healthy bipartisan majority to this idea. It is the right thing to do. It would help Americans, it would help seniors, and it is a very careful, cautious approach: personal use only, not wholesalers, Canada only.

Again, I urge that we adopt this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 781

Ms. LANDRIEU. Mr. President, I know there may be other Senators who want to call up their amendments. I only want to speak for 2 minutes on the amendment I just proposed and explain to the Senate why this amendment is necessary. And I look forward to working with the chairwoman of the Agriculture Committee, Senator STABENOW from Michigan, and others, to work through the details.

It seems as though there is an inconsistency in the law between the 404 process that the Corps of Engineers uses when anyone, public or private, wants to build anything in a wetlands. Of course, you have got to get a permit. We are getting used to that. It is not an easy process, but it works, for the most part. You have got to mitigate; in other words, there is a no-net-loss rule, and we are all supporting that. However, there is a discrepancy

in the Farm and Rural Development Act that actually prohibits some very worthy nonprofit entities that are building community projects—this is not for profit—to even apply for a permit, even if they could mitigate, and that is what my amendment seeks to correct.

The chairperson on the Agriculture Committee and others who have jurisdiction have committed to work with me to tailor this amendment so that it provides the help some of these loans need through the Rural Development Agency, but it doesn't open a whole new area of policy. I thank the Chair.

That is basically a very short but concise and complete description of what I am trying to do. It is about as simple as that. I look forward to when the Senator from Wisconsin allows us to get in line for a vote on this committee. I thank Senator KOHL for allowing us to offer this amendment at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 791 TO AMENDMENT NO. 738

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 791 be called up.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 791 to amendment No. 738.

Mr. COBURN. I ask unanimous consent that the amendment be considered as read.

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

The amendment is as follows:

(Purpose: To prohibit the use of funds to provide direct payments to persons or legal entities with an average adjusted gross income in excess of \$1,000,000)

At the appropriate place, insert the following:

SEC. ____ . None of the funds made available by this Act may be used by the Secretary of Agriculture to provide direct payments under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to any person or legal entity that has an average adjusted gross income (as defined in section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a)) in excess of \$1,000,000.

Mr. COBURN. This is a straightforward amendment. We have had a lot of talk about millionaires in the country, but what most people don't realize is that there are a lot of farmers in this country whose adjusted gross income is well in excess of \$1 million whom we are making direct payments to.

What I would put forward is if you are making over \$1 million, I don't think you need a lot of help from the Federal Government to be profitable. So what this amendment will do is it will put a limit of \$1 million or greater from receiving direct payments from the Department of Agriculture. You

could say somebody making \$980,000, but we have chosen this. Right now it is supposedly \$2.5 million adjusted gross income.

What we have done is, of all the people who make more than \$2.5 million, 75 percent of their income outside of the farming income comes from some other areas. In other words, this is not their main business. Their main business isn't farming. So if they make \$2.5 million farming, and they make 75 percent more than that in other areas, again, I would say we should have trouble justifying to the American people that we are sending their tax dollars—actually, borrowed money that is going to be charged to their kids and grandkids—to those individuals.

Of the 1.8 million people who received farm payments from 2003 to 2006, 2,702 of them exceeded the income limits that were established at that time, greater than \$2.5 million. GAO reported that the USDA does not have management controls in place to verify that payments are not made to individuals who exceed the program's income eligibility limit. So we have a limit of \$2.5 million, but they are not enforcing it. They don't know whether they are enforcing it.

What this amendment will do is, first, we are going to cut it back to \$1 million and say put it in action so you know who you are paying and how much they are making. GAO found that participants in the program in 2006 were three times as likely to have an adjusted gross income in excess of \$500,000 as individuals who did not participate at all in the direct payment program. In other words, 21 of every 1,000 farm program participants reported in excess adjusted gross income of \$500,000 or more, compared with 7 of every 1,000 tax filers in the general public. Instead of taking more of what wealthy individuals have earned, Congress would be wise to first end unsolicited subsidies in the farm program to those individuals.

Studies show that direct payments went to wealthy individuals who live in urban areas but own or have partial interest in their farms. In other words, they are absentee landlords who live in U.S. cities with populations 100,000 or more, but they were paid \$394 million in farm payments in terms of the direct payment in 2010 alone. So that is \$½ billion.

The top 10 percent of direct payments in 2010 received 59 percent of the money under the program. In other words, the top 10 percent got 59 percent of the direct payment money. These 88,000 people got an average of \$30,000. But if you look at those with adjusted gross income, they got far in excess of that. Some examples include 23 Members of Congress in the 112th Congress; 109 individuals living inside Washington, DC; 203 individuals in Miami; 179 individuals inside the city limits of San Francisco received over \$1 million in payments; 290 New York City residents received \$800,000 on average in payments.

President Obama's fiscal 2012 budget proposes to reduce the per-person cap on direct payments to wealthy farmers by 25 percent or more and reduce the adjusted gross income eligibility limit by \$250,000 over 3 years. Well, what this amendment does is in the spirit of what the administration wants to do, but it goes further. It says if you are making over \$1 million in adjusted gross income, you should not be eligible for direct payments through the farm program. It is straightforward. It is a way for us to change what we are doing. It is a way for us to save a significant amount of money, almost \$½ billion.

I dare say that if you poll the average American and you said we are paying out hundreds of millions of dollars every year to people making more than \$1 million who are farming, they would say, We don't agree with that. That can't be the original intent of that program.

That program is designed to help those people who are truly undercapitalized, who truly are having a difficult time even when we have great markets. And I am not opposed to the payment program. But the fact is, to have a significant percentage of that go to individuals who are making far in excess—33 times what the average individual in this country makes—I think is something we ought to end, and we ought to end right now.

AMENDMENT NO. 792 TO AMENDMENT NO. 738

Mr. President, I ask that the pending amendment be set aside and amendment No. 792 be called up.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 792 to amendment No. 738.

Mr. COBURN. I ask unanimous consent that the amendment be considered as if read.

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

The amendment is as follows:

(Purpose: To end payments to landlords who are endangering the lives of children and needy families)

At the appropriate place, insert the following:

SEC. ____ . The Secretary of Housing and Urban Development may not make a payment to any person or entity with respect to a property assisted or insured under a program of the Department of Housing and Urban Development that—

(a) on the date of enactment of this Act, is designated as "troubled" on the Online Property Integrated Information System for "life threatening deficiencies" or "poor" physical condition; and

(b) has been designated as "troubled" on the Online Property Integrated Information System at least once during the 5-year period ending on the date of enactment of this Act.

Mr. COBURN. This is another fairly straightforward amendment. We have significant housing for people who have

a need in our country. But inside that program, in HUD, there are payments being made for housing complexes with life-threatening conditions or in absolute poor physical condition. Yet people are trapped there. We keep sending the money. The money doesn't go to improve the housing; it goes into the pockets of those who own the housing through this subsidized housing.

Thousands of needy families have turned to the government for stable housing. They have been placed in properties with health and safety deficiencies, including some that are life-threatening. There are 3,847 properties with life-threatening deficiencies as determined by HUD—life-threatening—that are currently or previously designated as “troubled” by HUD during the past 5 years. Of those, 2,297 are in poor physical condition and were designated as “troubled” by HUD. Some of these are for the same properties that appear year after year on HUD’s registration list of troubled properties. These numbers will not reflect all the deficient housing provided by HUD and other Federal departments and agencies. This is just a taste of a portion of what is out there.

What this amendment would do is cut off aid to the greedy slumlords, while protecting needy families by prohibiting HUD from making any payment to any person or entity with respect to a property assisted or insured by HUD, currently designated as “troubled” on the Online Property Integrated Information Suite for “life-threatening deficiencies” or “poor” physical condition and that has been on the Online Property Integrated Information Suite’s troubled property list at least one time during the past 5 years.

What we are saying is, if someone has been taking advantage of this program as the owner of the property and not making it a safe property, not making it inhabitable, yet people have no choice but to live there, what we are saying is HUD should not be giving them any money. HUD should not be giving them any money.

Over the past several years, there have been far too many examples of slumlords receiving hundreds of millions of Federal tax dollars. In many cases, those without stable housing sought help but were put at health and safety risk by those entrusted to care for them with taxpayer funds. A recent ABC News “Nightline” reported that the Federal Government’s low-income housing programs are plagued by theft, mismanagement, and corruption at local levels, including millions spent on housing for sex offenders and dead people, and all too often fail the 3 million families who rely on them for a clean, safe place to live.

Specifically, the report found the Philadelphia Housing Authority spent housing funds on lavish gifts for its executives, \$500,000 to settle sexual harassment claims, \$17,000 of housing funds to throw an extravagant party

for the executives. The same month at a belly-dancer party, a 12-year-old girl living in Federally subsidized housing suffered a near-fatal asthma attack that left her unable to speak or walk, secondary to dangerous mold in that apartment complex because it was not taken care of with the dollars that were paid by American taxpayers to help those who are dependent on us.

The New York Daily News recently found some of the city’s landlords received \$81 million in Federal housing funds, even though their buildings were riddled with housing code violations. The report stated millions of dollars have been doled out to buildings where tenants have repeatedly complained about rats, roaches, nonworking elevators, lack of heat and flaky lead paint. The Federal Government provided \$350 million to more than 60 housing authorities that have been repeatedly faulted by auditors for mishandling government aid. In Indiana, investigators found the poor forced to live in substandard housing that local authorities knew was unsafe, yet did not fix. In Indianapolis alone, more than \$5.2 million a year has been spent on housing residents in unsafe conditions, according to the Fort Wayne Journal Gazette.

About \$2.2 million of the Federal funds intended to support low-income housing on the Navajo Nation Indian lands in New Mexico was spent on gaming, furs, jewelry, racehorse training, according to the Las Vegas Sun. There is no oversight at HUD to make sure the landlords will meet the eligibility requirements for receiving these funds. What we are actually doing is we are saying, if they do not meet the criteria, they should not get the money. That is hardly a novel idea. Yet we continue to spend hundreds of millions of dollars supposedly to help those who are neediest among us. Yet it does not help them at all because the money is misdirected and not reinvested in the housing.

HUD continues to subsidize repeat offenders with a history of placing families in unsafe living conditions. There were 6,100 properties designated as “troubled” during the past 5 years. Some of these properties appear year after year on the same list. There is no change. They are still getting the money. These include properties in my own State of Oklahoma. Needy families should not be put in dangerous conditions as a result of neglect by the slumlords but, more importantly, as a result of neglect in our oversight of HUD.

What we would propose to do is to ensure the Federal housing benefits for the needy, rather than the greedy, and to prevent slumlords from abusing taxpayers and the disadvantaged and the aged. This amendment would bar HUD from paying landlords whose properties are in poor physical condition or have life-threatening deficiencies, according to their own analysis.

In other words, they already know it, but they are still paying it. What this

amendment would say is: They are on the list; they do not qualify. It will send a great signal. Not only will we not pay as much money to properties and put people in better properties, but we will change the expectation of the people who are making all the money off the HUD moneys for the properties. We will make a big difference.

There may not be many who actually lose the money, but there will be many people who are depending on it, living in far better conditions, far safer conditions, if we pass this amendment.

I wish to take just a moment, if my colleague does not mind, to talk about where we are. I have a total of 12 amendments. I was allowed to bring up two. I understand they do not want to get in a hurry, but the fact is, these are all good-government amendments, every amendment I brought up. They may not pass, but that is our fault. But the fact is, we should not be limiting amendments. Let’s get them out there. Let’s do them. There are money savings, there are quality savings, there are ways to make the agencies work better, and we should not be afraid of that.

We stand right now as a nation in the worst shape we have ever been. The risks to our country are great. We need to quit thinking about partisanship. We need to quit thinking about advantage in the political arena and start doing what is necessary to fix our country. We passed a budget bill that allowed a debt increase that the average American does not realize actually did not save any money. Over the next 10 years, we are actually going to spend \$800-some-odd billion more than what we spent last year on discretionary programs. It is time we start being honest with the American public. These 12 amendments are simple and straightforward. One of them copies the amendment of Senator MIKULSKI for CJS, that ties down and makes more responsible the agencies on their conference spending.

Conference spending is out of control. The Department of Agriculture is absolutely out of control on the money it spends. So we ought to be about moving things through that make a real difference so we can start rebuilding the confidence. Fifteen percent of the people have confidence in us, and I understand why. It is because we spend most of our time around here in quorum calls. I was prepared tonight to put up all these amendments, see which ones could be taken, not necessarily have a vote on every one, but we are not going to allow that to happen. We are not going to allow that to happen not for any good reason; we are not going to allow it to happen for political reasons, and that is killing our country. Whether Republicans do it or Democrats, none of it is any good. The country is on to us.

Eighty-five percent think we are doing a lousy job. I wonder why it is that low. I cannot find anybody in the State of Oklahoma who thinks we are

doing a good job. I can't find anybody around the country who thinks we are doing a good job. But I say to my colleagues, let's start moving stuff through that actually changes things, that is actually going to make a difference. One does not have to agree. Vote it down. None of these are trick amendments. None of these are meant to be political amendments. They are just straightforward, good-government amendments we ought to consider. If one disagrees, disagree. Fine. But let's not vote on them and let's not quit making attempts to try to fix what is wrong in our government.

HUD's oversight of housing is a disaster. When we have this many properties year after year on this list, why would we not want to fix that? It is not that we don't want to fix it. It is we do not want to give somebody an opportunity to put out the real reason our country is in trouble. The real reason is us. We have not done our jobs. We have not done the oversight. We have not cleaned up things. We can have great arguments and great discussions and great debates but to not have the debate at all means we deserve every bit of that 85-percent lack of confidence in what we are doing.

Tomorrow, I hope I will be able to offer the rest of these amendments. I will work. I have talked with almost every one of the managers on the amendments. None of them are controversial. Some they may disagree with and want votes on, others can be accepted. But to not move forward and then say it is taking too long to get the bill, when we are here ready to work, is not an excuse the American people are going to buy anymore.

Ms. SNOWE. Mr. President, I am pleased to support the permanent change to interstate weight limits for Maine and Vermont, an issue I have worked on for more than 10 years. I could not be more pleased with the inclusion of this commonsense legislation that puts large trucks back where they belong—on the highway.

Regrettably, the current treatment of truck weights on interstate highways is a glaring example of a provision of law that creates both safety hazards on secondary roads and tangible barriers to job growth at a time when the Nation's unemployment rate remains above 9 percent and Maine's mill towns are struggling to thrive, and I hope this bill is a step towards a solution to this glaring disparity. The Senate's consideration of this remedy is long overdue. The patchwork exemption policy that currently exists has penalized Maine and created a serious inequity that has burdened our commerce with needlessly onerous and costly regulation.

The language included in this appropriations bill mirrors legislation that Senator COLLINS and I have introduced together since 2001. Indeed, this simple change has taken more than a decade to implement. It is my hope that this Congress, and this bill will finally re-

solve a longstanding inequity that has granted other States the same privilege that Maine requests—the ability to shift truck traffic to conflict-free highways where commercial traffic can efficiently travel without increasing the danger to pedestrians and drivers at crosswalks and intersections.

Maine Department of Transportation engineers have certified on a number of occasions that Maine's interstate bridges are safe to carry 100,000-pound, six-axle trucks. The bridges along the interstate are in good condition, and the impact of fatigue caused by these trucks is likely near zero. The State estimates that a permanent change to weight limits would reduce pavement costs by more than \$1 million per year. It would also reduce bridge rehabilitation costs by more than \$300,000 per year.

In addition, the pilot program implemented in 2009 demonstrated significant safety improvements when these large trucks returned to the highway. There were 14 fewer crashes—a 10 percent improvement—involving six-axle vehicles, even with increased traffic volume on Maine's interstate system. In fact, there were no fatal crashes on the interstate during the pilot program, and five fewer injuries on secondary roads.

Maine's Department of Transportation collects fatal accident data regarding large trucks, and more than 96 percent are on secondary roads, not the interstate, including the portion of I-95 that has a permanent exemption. Crash rates for Maine trucks on secondary roads are 7 to 10 times higher than on interstate highways.

Trucks belong on the highway, but interstate weight limits are inconsistent across State lines, and shippers are forced to use secondary roads to move goods through States still restricted by weight limits established in the 1950s. For example, in the 122 miles between Hampden and Houlton, ME, a common route for shippers, these legal 100,000-pound trucks are forced to pass by 9 schools, 270 intersections, and more than 3,000 driveways.

Maine's highways are particularly suited for six-axle truck traffic, as most of the interstate system was designed to carry freight—including munitions and heavy equipment—to and from the former Loring Air Force Base. Time and time again, the Maine Department of Transportation has stated that it endorses an increased weight limit, and Maine's roads can safely manage heavier trucks with six axles. If a State's chief highway engineer can certify the safety of a route, and the condition of a road, a State should have the flexibility to change its weight limit on interstate highways.

The significance of this permanent change cannot be overstated. Maine's secondary roads will be significantly safer when trucks are returned to the highway with stop lights and pedestrian interactions. I thank my colleagues for their continued support of this measure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

MORNING BUSINESS

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

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

THE JOBS ACT

Mr. MERKLEY. Mr. President, my colleague from Oklahoma was addressing the frustration that exists on the part of the American public with this Chamber for not doing its job. I must say, on that point, we are in complete agreement. I hear in every townhall, in every conversation with constituents, the question of why is it that when what we need most in this Nation are jobs, this Chamber, the Senate, is unable to hold a debate over a jobs bill? Just last week we had a debate not over a jobs bill but whether to proceed to the jobs bill. Unfortunately, it was defeated, not because the majority did not want to get to the bill but because the minority opposed it and invoked a 60-vote hurdle, a hurdle that was never routinely used in this Chamber in the past.

The fear of debating a jobs bill in this Chamber by my colleagues is irrational. The American people want us to wrestle with creating jobs. Have people not gone out and talked to their constituents? Do they not know the unemployment rate in this Nation? Do they not hear from fathers and mothers who are worried about keeping shelter over their family or worried about their mortgage, their rent, their utilities?

I do not understand how anyone could say: Let's not have a debate about jobs on the floor of the Senate. Yet it was a unanimous "no" vote from across the aisle when we proposed having the debate over the jobs bill. I think it is so important that all of us in this Chamber who actually receive a paycheck understand the challenge and the plight of American citizens who either are working part time in multiple jobs trying to make ends meet or who have lost their job and are completely unemployed.

Over the past 10 years, we have lost 5 million manufacturing jobs in this country. Over the last 10 years, we have lost 50,000 factories in this country. Working families are in a tremendous crunch. I thought I would simply share some stories from back home because there does not seem to be many people listening to folks back home and their concern that this Chamber debate and produce a jobs bill and get it to the President.

Jerry from Linn County says:

I was laid off in April, 2009. It took me 2 years and 2 months to find a contracting job. I appreciate having a job, however I have no