

the Department's Marshall Islands radiation monitoring program, to also periodically monitor the containment structure on Runit Island where nuclear cleanup wastes are buried. This new monitoring would include a visual inspection of the containment structure and a radiochemical analysis of groundwater surrounding and in the structure. This section of the bill further requires the Secretary to submit a report to Congress with the results of the monitoring. Finally, the section requires that the Secretary of the Interior shall make available to DOE, from existing technical assistance funds, the funding needed to conduct the chemical analysis of groundwater.

This section was requested by the Government of the Marshall Islands because of continuing concerns about radiation contamination among the people living and fishing near Runit Island. Officials from the Department of Energy regularly visit the islands near Runit as a part of DOE's ongoing Marshall Islands monitoring activities, and it is reasonable to direct that those officials periodically monitor the Runit Island containment structure to assure the community that the surrounding waters are not being contaminated and do not pose a health risk to persons living and fishing nearby.

Second, section 3 of the bill would amend current law which authorizes U.S. judges to serve temporarily, on a reimbursable basis, on the courts of the freely associated states. These island nations were formerly administered by the United States under a U.N. trusteeship, and the practice of providing temporary judges on a reimbursable and time-available basis to assist local courts has existed for several decades. This section was requested by the Government of the Republic of the Marshall Islands, which has few judges of its own and seeks to have additional U.S. judges available to assist, particularly when multijudge panels are needed to hear appeals. This authority is used by the Ninth Circuit Court only a few days per year when such temporary assignments do not interfere with the caseload of the assigned judges. The section would expand the pool of eligible judges from circuit and district judges, to include magistrate and territorial judges. On March 31, 2011, I received a letter from the Judicial Conference of the United States stating its support for this provision.

Finally, section 4 of this bill would amend the Fair Minimum Wage Act of 2007 to delay the 50-cent increase in the minimum wage of American Samoa that is scheduled for September 30, 2011, until September 30, 2015. It would also delay future periodic minimum wage increases and the periodic GAO report on the impact of prior wage increases from a 2-year to a 3-year, cycle.

American Samoa is a small, remote, unincorporated and unorganized U.S. territory—the only U.S. territory in the Southern Hemisphere. Its economy more closely resembles that of the

nearby island-nation of Samoa than it does the U.S. economy. It has a large subsistence sector, as indicated by a 30 percent unemployment rate, and an average per capita income of about \$7,000 year—less than a quarter of the poorest State. The wage economy is concentrated in the government sector and fish processing. In recent years, however, trade globalization and rising costs have contributed to a severe economic downturn. GAO recently reported—GAO-11-427—that one of two tuna canneries closed in 2009 and the other cannery significantly reduced operations. Employment in this key sector fell by 55 percent from 2009 to 2010. The U.S. minimum wage was extended to American Samoa in 2007, with annual increases of 50 cents starting in 2008. But, because of the severe downturn, Congress delayed the 2010 wage increase until 2012. The Government of American Samoa is requesting this further delay because of the unique and continuing challenges it faces along with other South Pacific island economies.

Mr. President, there are no authorizations in the bill, and any additional costs associated with its enactment would be funded from existing sources. These are time-sensitive provisions of interest to these remote U.S.-affiliated island communities, and I urge the support of my colleagues in passing this bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

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

The bill (S. 2009) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:
S. 2009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Insular Areas Act of 2011".

SEC. 2. CONTINUED MONITORING ON RUNIT ISLAND.

Section 103(f)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(f)(1)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(A) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(B) CONTINUED MONITORING ON RUNIT ISLAND.—

"(i) CACTUS CRATER CONTAINMENT AND GROUNDWATER MONITORING.—Effective beginning January 1, 2012, the Secretary of Energy shall, as a part of the Marshall Islands program conducted under subparagraph (A), periodically (but not less frequently than every 4 years) conduct—

"(I) a visual study of the concrete exterior of the Cactus Crater containment structure on Runit Island; and

"(II) a radiochemical analysis of the groundwater surrounding and in the Cactus Crater containment structure on Runit Island.

"(ii) REPORT.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives, a report that contains—

"(I) a description of—

"(aa) the results of each visual survey conducted under clause (i)(I); and

"(bb) the results of the radiochemical analysis conducted under clause (i)(II); and

"(II) a determination on whether the surveys and analyses indicate any significant change in the health risks to the people of Enewetak from the contaminants within the Cactus Crater containment structure.

"(iii) FUNDING FOR GROUNDWATER MONITORING.—The Secretary of the Interior shall make available to the Department of Energy, Marshall Islands Program, from funds available for the Technical Assistance Program of the Office of Insular Affairs, the amounts necessary to conduct the radiochemical analysis of groundwater under clause (i)(II)."

SEC. 3. CLARIFYING THE TEMPORARY ASSIGNMENT OF JUDGES TO COURTS OF THE FREELY ASSOCIATED STATES.

Section 297(a) of title 28, United States Code, is amended by striking "circuit or district judge" and inserting "circuit, district, magistrate, or territorial judge of a court".

SEC. 4. DELAY OF SCHEDULED MINIMUM WAGE INCREASE IN AMERICAN SAMOA.

(a) DELAYED INCREASE PENDING GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Section 8103(b)(2)(C) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note; Public Law 110-28) is amended—

(1) by striking "each year thereafter until" and inserting "on September 30 of every third year thereafter until"; and

(2) by striking "except that" and all that follows through "September 30" and inserting "except that there shall be no such increase in 2012, 2013, and 2014 pending the triennial report required under section 8104(a)".

(b) TRIENNIAL GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Section 8104(a) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note; Public Law 110-28) is amended by striking "April 1, 2013, and every 2 years" and inserting "April 1, 2014, and every 3 years".

Mr. CASEY. Mr. President, I ask unanimous consent that following my remarks, Senator HUTCHISON be recognized for floor remarks.

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

PAYROLL TAX CUT

Mr. CASEY. Mr. President, I rise to speak about the payroll tax cut we have been debating and considering these many weeks and which we seem to be making some progress on today. I know we will hear more about that later today. I wish to make a couple points—first about the issue itself and then a few points about what is happening in Pennsylvania. I wish to highlight some of the constituent mail we have received about this issue and about the state of the economy and people's lives.

But first and foremost, by way of review, we have had a number of weeks now of debate about the payroll tax and putting in place an agreement where both parties can come together to make sure we put in place the payroll tax cut we agreed to last year.

Many who have been watching this debate know what that means. Instead of having an individual worker or employee pay 6.2 percent as a payroll tax, we reduced that last year to 4.2 percent. I think it is vital, at a minimum, we do that, we extend it.

I had two pieces of legislation—two different versions—to reduce that even more, to cut it in half and also to do the same for businesses. I think that is a good idea, but for whatever reason we have not reached agreement on that. But we seem to have made progress in the last couple days—even in the last couple hours—coming together on an agreement on the payroll tax. We do not have an agreement yet. But we are all working very hard because we all know both the benefits of it and the consequences of not extending the payroll tax cut.

The benefits are plainly evident. If we put in place this payroll tax cut, we can jump-start, kick-start job creation and move the economy forward. I say that in light of some recent numbers we have in Pennsylvania. Pennsylvania's unemployment rate has hovered around 8 percent for a long time. The number of people unemployed in our State, the 8 percent, does not sound as high as in some places, but that meant over half a million people were out of work. It was not too long ago—just a few months ago—when we had roughly 525,000 people out of work. That number reduced to about 513,000. Fortunately, just yesterday, we got news that the number has fallen below 500,000 for the first time in a long time. We are at 499,000—not much below half a million, but that is good news for Pennsylvania. What that meant is, our unemployment rate went from 8.1 percent down to 7.9 percent. So we are below 8 percent.

As many people know, the national rate went below 9 percent to 8.6 percent. So we are seeing the unemployment rate nationally and in a number of States, including Pennsylvania, going in the right direction, meaning it is going down. The unemployment rate is going down. The number of people out of work, fortunately, is shrinking a little bit.

We have a long way to go to completely dig out of this economic ditch our economy has been in for a long time. One of the best ways to continue that progress is to pass a cut in the payroll tax again, as we did last year. It was the right thing to do last year. It is the right thing to do this year, to continue the progress. We want to make sure we are doing everything possible so our month-to-month job creation number is much higher than it has been.

We have been averaging in the roughly 150,000 range of private sector job growth. That is not enough. We need that above 200,000, and we need it even above 250,000. If we take this step—it is not the only step—there is no magic wand to any policy we pass. Cutting the payroll tax will not solve all our

economic challenges. But it is one of the most constructive, one of the most effective steps we can take.

If we do not do it, here is the consequence, at least as it relates to Pennsylvania—a big State that has a lot of the economic challenges many States have. Mark Zandi, a respected economist, did some analysis just on Pennsylvania. If we do not extend the payroll tax cut, which, as we know, has the potential to benefit 160 million American workers—in my home State of Pennsylvania last year that meant more than 6.5 million workers had a cut in their payroll tax, a tremendous benefit for a State such as Pennsylvania. We grew in the last year about 50,000 jobs. That is the good news. The bad news could be, if we do not pass a payroll tax cut, for Pennsylvania—for the country, which, obviously, would have an impact in Pennsylvania—the job loss number, according to Mark Zandi, would be just shy of 20,000 jobs lost in the State of Pennsylvania in 2012.

So it is vitally important for the Commonwealth of Pennsylvania. I think that applies for the Nation as a whole. It is one of the steps, and, frankly, one of the few steps Congress can take that will have a direct impact not just on the economy overall but to directly put dollars in people's pockets—take-home pay. That is what this whole issue is about for employees—what is going to be their take-home pay in 2012. If we pass the tax cut, it will be about \$1,000. If we do not pass a tax cut, it will be zero in terms of an extra benefit.

Working Americans who have been struggling through this economy and suffering should have the right to expect we take the action they are telling us to take to cut the payroll tax.

Let me cite two examples of what people are asking us to do, from two constituents, and then I will conclude my remarks.

Here is a letter from a woman in Pennsylvania, central Pennsylvania. I will not give her name. We do not have the authority to do that. But I wish to read some of her words. Here is what she says about how she perceives Washington and what is happening here. I will just read about two sentences from her letter:

Please make sure something is done in Washington before the end of the year. I feel that no one should be able to have a break—

Talking about us in Congress—before taking action on the tax breaks that will expire at the end of this year. If you all cannot do this then you should all leave office and let someone in there who can work together and get things done. Stay and do your job. Period!!

She has two exclamation points after the word "period." What she is telling us is what so many Americans are telling us: that we have work to do here, to come together, to agree not just on a budget for the next year but especially on something as fundamental as this payroll tax cut. So she said it very

well, and she encapsulated a lot of what people are feeling.

I am going to read an excerpt from a second letter, one from a woman from the eastern side of our State, in the so-called Lehigh Valley of Pennsylvania. I will not read the whole letter. It is about her family and some of the economic challenges they have had. I wish to read just two excerpts. She says:

Now I find myself questioning whether or not anyone has an answer and if they do, will it be too late.

You see, over the last 2 years, all four members of my family, myself included, have lost our jobs.

This is a woman from one family in one part of Pennsylvania talking about how many members of her family have lost their jobs. She expects us to get our job done—to come together and to work together to pass a cut in the payroll tax.

Later in the letter she says this—and I will conclude with this quotation:

We need to put people back to work. Only then can the economy get turned around. I don't care who comes up with the plan, but the parties need to work together if this country is going to survive. My family is only one example. I know of SO many others who are struggling and in an even worse position than we are.

She is talking about other people being in a worse circumstance, and she has all four members, including herself, of her family who have lost their jobs in the course of the last year or so. So if she can demonstrate—this woman from the Lehigh Valley in Pennsylvania—if she can demonstrate that kind of empathy and compassion and understanding of what others are going through, when she herself and her family have suffered so substantially in this economy, the least we can do in the Senate, in Washington—the very least we can do—is come together and work together to get this job done.

The leading indicator of that, I would argue, is making sure we put in place a cut in the payroll tax so at a minimum—as people are still doing holiday shopping and still wanting to have a bright and happy holiday and want to have some measure of peace of mind, some measure of security about next year—at least know we came together and made sure this payroll tax cut was in place.

It is vital for the people of Pennsylvania, and I think it is essential for economic growth across the country. We need to come together and get this done.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

APPROPRIATIONS

Mrs. HUTCHISON. Mr. President, we seem to be heading to an agreement