

which means we will take up the bill, you are saying we are willing to work together across party lines to try to get something done.

In my opinion, it is the only way we are going to get to this bill. If cloture is not granted, as disappointed and angry as I am going to be, I will not be petulant. I will be open today, tomorrow, and as long as we have an opportunity in this session, to work with my colleagues to try to reach an agreement that will help us improve our cyber defenses.

Sometimes in moments of disappointment, I go back to the great Winston Churchill. I will just read a few comments from him. These were all in the 1930s when he was in the House of Commons and was concerned that England and the world faced a threat which they were not acknowledging, the rise of Nazi Germany. First, he said this—and I hate to say it, but it relates to where we are today. He said this about those who refused to act decisively to counter the clear and growing threat of a resurgent and re-armed Nazi Germany during the 1930s: “They go on in strange paradox, decided only to be undecided, resolved to be irresolute, adamant for drift, solid for fluidity.”

I am afraid that is the message we are going to send to the country and to our enemies if we don't get together and pass a cyber security bill in this session. Churchill said he was staggered, after his long parliamentary experience with the debates he had gone through on this question during the 1930s, by two things: “The first has been the dangers that have so swiftly come upon us in a few years, and have been transforming our position and the whole outlook of the world.”

That is where we are with regard to cyber war, although most people don't understand that. We do. He said:

Secondly, I have been staggered by the failure of the House of Commons to react effectively against those dangers. That, I am bound to say, I never expected. I say that unless the House [finds its resolve] we will have committed an act of abdication of duty.

I end with those words. I think it is that serious. If we don't find a way either by voting for cloture today to get on the bill so we can negotiate or continuing to negotiate if cloture fails, it will be quite simply a colossal abdication of duty to the people of the United States and their security.

Mr. COATS. Will my friend yield me some time?

Mr. LIEBERMAN. Yes; I yield to my friend from Indiana.

Mr. COATS. Mr. President, first of all, I commend all the Republicans and Democrats who have worked so hard together—nearly one-fifth of us in this Congress—hour after hour, meeting after meeting, and flexibility has been provided to both sides by Senator LIEBERMAN, Senator COLLINS and their bill and Senators CHAMBLISS, MCCAIN, HUTCHISON, and others in terms of trying to reach a consensus. Those who

listened to the Senator from Maryland yesterday know we are given the unclassified version of the nature of this threat. Add to that the classified version, and it is truly a threat that needs to be addressed.

It is despicable that the majority leader of the Senate, when we were so close to putting together something to bring joint support of what everybody knows we need to do and want to do—so close with agreements from Democrats and Republicans, ranking members and chairmen of the relevant committees, and presenting a package which would grant limited time and limited germane amendments—to deny us that opportunity.

Yet here we are faced with a dilemma of an imminent threat facing the people of the United States of America and a vote whether to continue the process, continue to work with something that potentially could kill this for the rest of the session and maybe even next year or something that grants to the White House an abuse of executive power to mandate things through executive order, which we have seen on a number of other occasions. Maybe that is the motive, maybe it is not; I don't know.

Nevertheless, we are faced with a critical choice in terms of an imminent threat to the security of the United States and the American people. I hope my colleagues will take that into consideration when we decide what to do. I thank people on both sides for their tremendous efforts, and we should not point fingers of blame at each other.

That is a real effort to join and address this very serious threat to the United States.

I thank my friend and yield back to him.

The PRESIDING OFFICER. The Senator from Connecticut.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. BROWN of Ohio). All time has expired. The clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

Harry Reid, Joseph I. Lieberman, Barbara A. Mikulski, Thomas R. Carper, Richard J. Durbin, Christopher A. Coons, Mark Udall, Ben Nelson, Jeanne Shaheen, Tom Udall, Daniel K. Inouye, Carl Levin, John D. Rockefeller IV, Charles E. Schumer, Sheldon Whitehouse, John F. Kerry, Michael F. Bennet.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on S. 3414, a bill to enhance the security and resiliency of

the cyber and communications infrastructure of the United States, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Florida (Mr. RUBIO).

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

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—52

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

NAYS—46

Alexander	Grassley	Paul
Ayotte	Hatch	Portman
Barrasso	Heller	Pryor
Baucus	Hoeven	Reid
Blunt	Hutchison	Risch
Boozman	Inhofe	Roberts
Burr	Isakson	Sessions
Chambliss	Johanns	Shelby
Coburn	Johnson (WI)	Tester
Cochran	Kyl	Thune
Corker	Lee	Toomey
Cornyn	McCain	Vitter
Crapo	McConnell	Wicker
DeMint	Merkley	Wyden
Enzi	Moran	
Graham	Murkowski	

NOT VOTING—2

Kirk	Rubio
------	-------

The PRESIDING OFFICER. On this vote the yeas are 52, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized. The Senate will be in order.

Mr. REID. I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

The majority leader is recognized.

Mr. REID. Mr. President, we expect one more vote today. I have not had a chance to discuss it in detail with Senator MCCONNELL yet, but we hope to have a vote on a judge. We hope to have it at 2 o'clock today, so people should make their schedules accordingly.

AFRICAN GROWTH AND OPPORTUNITY ACT—Continued

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 2771 offered by the Senator from Oklahoma.

Mr. COBURN. I ask for the yeas and nays and yield back whatever time I had.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Florida (Mr. RUBIO).

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

The result was announced—yeas 40, nays 58, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—40

Alexander	Graham	Murkowski
Ayotte	Grassley	Paul
Barrasso	Hoeven	Portman
Blunt	Hutchison	Risch
Boozman	Inhofe	Roberts
Burr	Isakson	Sessions
Chambliss	Johnson (WI)	Shelby
Coats	Kyl	Thune
Coburn	Lee	Toomey
Corker	Manchin	Vitter
Cornyn	McCain	Webb
Crapo	McCaskey	Wicker
DeMint	McConnell	
Enzi	Moran	

NAYS—58

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

NOT VOTING—2

Kirk Rubio

The amendment was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

I move to lay that motion on the table.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill is passed.

The bill (S. 3326) was passed, as follows:

S. 3326

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

SECTION 1. AMENDMENTS TO AFRICAN GROWTH AND OPPORTUNITY ACT.

(a) EXTENSION OF THIRD-COUNTRY FABRIC PROGRAM.—Section 112(c)(1) of the African

Growth and Opportunity Act (19 U.S.C. 3721(c)(1)) is amended—

(1) in the paragraph heading, by striking “2012” and inserting “2015”;

(2) in subparagraph (A), by striking “2012” and inserting “2015”; and

(3) in subparagraph (B)(ii), by striking “2012” and inserting “2015”.

(b) ADDITION OF SOUTH SUDAN.—Section 107 of that Act (19 U.S.C. 3706) is amended by inserting after “Republic of South Africa (South Africa),” the following:

“Republic of South Sudan (South Sudan).”.

(c) CONFORMING AMENDMENT.—Section 102(2) of that Act (19 U.S.C. 3701(2)) is amended by striking “48”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 2. MODIFICATIONS TO TEXTILE AND APPAREL RULES OF ORIGIN FOR THE DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term “Agreement” has the meaning given the term in section 3(1) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109-53; 19 U.S.C. 4002(1)).

(2) CAFTA-DR COUNTRY.—The term “CAFTA-DR country” has the meaning given the term in section 3(2) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109-53; 19 U.S.C. 4002(2)).

(3) HTS.—The term “HTS” means the Harmonized Tariff Schedule of the United States.

(4) TRADE REPRESENTATIVE.—The term “Trade Representative” means the United States Trade Representative.

(b) MODIFICATIONS TO THE TEXTILE AND APPAREL RULES OF ORIGIN.—

(1) INTERPRETATION AND APPLICATION OF RULES OF ORIGIN.—Subdivision (m)(viii) of general note 29 of the HTS is amended as follows:

(A) The matter following subdivision (A)(2) is amended by striking the second sentence and inserting the following: “Any elastomeric yarn (except latex) contained in the originating yarns referred to in subdivision (A)(2) must be formed in the territory of one or more of the parties to the Agreement.”.

(B) Subdivision (B) is amended—

(i) in the matter preceding subdivision (B)(1), by striking “exclusive of collars and cuffs where applicable,” and inserting “exclusive of collars, cuffs and ribbed waistbands (only if the ribbed waistband is present in combination with cuffs and identical in fabric construction to the cuffs) where applicable.”;

(ii) in subdivision (B)(2), by inserting “or knit to shape components” after “one or more fabrics”;

(iii) by amending subdivision (B)(3) to read as follows:

“(3) any combination of the fabrics referred to in subdivision (B)(1), the fabrics or knit to shape components referred to in subdivision (B)(2), or one or more fabrics or knit to shape components originating under this note.”; and

(iv) in the matter following subdivision (B)(3), by striking the last sentence and inserting the following: “Any elastomeric yarn (except latex) contained in an originating fabric or knit to shape component referred to in subdivision (B)(3) must be formed in the territory of one or more of the parties to the Agreement.”.

(C) Subdivision (C) is amended—

(i) in subdivision (C)(2), by inserting “or knit to shape components” after “one or more fabrics”;

(ii) by amending subdivision (C)(3) to read as follows:

“(3) any combination of the fabrics referred to in subdivision (C)(1), the fabrics or knit to shape components referred to in subdivision (C)(2) or one or more fabrics or knit to shape components originating under this note.”; and

(iii) in the matter following subdivision (C)(3), by striking the second sentence and inserting the following: “Any elastomeric yarn (except latex) contained in an originating fabric or knit to shape component referred to in subdivision (C)(3) must be formed in the territory of one or more of the parties to the Agreement.”.

(2) CHANGE IN TARIFF CLASSIFICATION RULES.—Subdivision (n) of general note 29 of the HTS is amended as follows:

(A) Chapter rule 4 to chapter 61 is amended—

(i) by striking “5401 or 5508” and inserting “5401, or 5508 or yarn of heading 5402 used as sewing thread.”; and

(ii) by inserting “or yarn” after “only if such sewing thread”.

(B) The chapter rules to chapter 61 are amended by inserting after chapter rule 5 the following:

“Chapter rule 6: Notwithstanding chapter rules 1, 3, 4 or 5 to this chapter, an apparel good of chapter 61 shall be considered originating regardless of the origin of any visible lining fabric described in chapter rule 1 to this chapter, narrow elastic fabrics as described in chapter rule 3 to this chapter, sewing thread or yarn of heading 5402 used as sewing thread described in chapter rule 4 to this chapter or pocket bag fabric described in chapter rule 5 to this chapter, provided such material is listed in U.S. note 20 to subchapter XXII of chapter 98 and the good meets all other applicable requirements for preferential tariff treatment under this note.”.

(C) Chapter rules 3, 4, and 5 to chapter 62 are each amended by striking “nightwear” each place it appears and inserting “sleepwear”.

(D) Chapter rule 4 to chapter 62 is amended—

(i) by striking “5401 or 5508” and inserting “5401, or 5508 or yarn of heading 5402 used as sewing thread.”; and

(ii) by inserting “or yarn” after “only if such sewing thread”.

(E) The chapter rules to chapter 62 are amended by inserting after chapter rule 5 the following:

“Chapter rule 6: Notwithstanding chapter rules 1, 3, 4 or 5 to this chapter, an apparel good of chapter 62 shall be considered originating regardless of the origin of any visible lining fabric described in chapter rule 1 to this chapter, narrow elastic fabrics as described in chapter rule 3 to this chapter, sewing thread or yarn of heading 5402 used as sewing thread described in chapter rule 4 to this chapter or pocket bag fabric described in chapter rule 5, provided such material is listed in U.S. note 20 to subchapter XXII of chapter 98 and the good meets all other applicable requirements for preferential tariff treatment under this note.”.

(F) Tariff classification rule 33 to chapter 62 is amended to read as follows:

“33. A change to pajamas and sleepwear of subheadings 6207.21 or 6207.22, tariff items 6207.91.30 or 6207.92.40, subheadings 6208.21 or 6208.22 or tariff items 6208.91.30, 6208.92.00 or 6208.99.20 from any other chapter, provided that the good is cut or knit to shape, or both, and sewn or otherwise assembled in the territory of one or more of the parties to the Agreement.”.

(G) Chapter rule 2 to chapter 63 is amended—

(i) by striking “5401 or 5508” and inserting “5401, or 5508 or yarn of heading 5402 used as sewing thread.”; and

(ii) by inserting “or yarn” after “only if such sewing thread”.

(H) The chapter rules to chapter 63 are amended by inserting after chapter rule 2 the following:

“Chapter rule 3: Notwithstanding chapter rule 2 to this chapter, a good of this chapter shall be considered originating regardless of the origin of sewing thread or yarn of heading 5402 used as sewing thread described in chapter rule 2 to this chapter, provided the thread or yarn is listed in U.S. note 20 to subchapter XXII of chapter 98 and the good meets all other applicable requirements for preferential tariff treatment under this note.”.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection apply to goods of a CAFTA-DR country that are entered, or withdrawn from warehouse for consumption, on or after the date that the Trade Representative determines is the first date on which the equivalent amendments to the rules of origin of the Agreement have entered into force in all CAFTA-DR countries.

(B) PUBLICATION OF DETERMINATION.—The Trade Representative shall promptly publish notice of the determination under subparagraph (A) in the Federal Register.

SEC. 3. EXTENSION OF AND RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

(a) EXTENSION OF BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.—Section 9(b)(3) of the Burmese Freedom and Democracy Act of 2003 (Public Law 108-61; 50 U.S.C. 1701 note) is amended by striking “nine years” and inserting “twelve years”.

(b) RENEWAL OF IMPORT RESTRICTIONS.—

(1) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(2) RULE OF CONSTRUCTION.—This section shall be deemed to be a “renewal resolution” for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect on the date of the enactment of this Act or July 26, 2012, whichever occurs first.

SEC. 4. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986—

(1) in the case of a corporation with assets of not less than \$1,000,000,000 (determined as of the end of the preceding taxable year), the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2017 shall be 100.25 percent of such amount; and

(2) the amount of the next required installment after an installment referred to in paragraph (1) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

SEC. 5. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking “August 2, 2021” and inserting “October 22, 2021”; and

(2) in subparagraph (B)(i), by striking “December 8, 2020” and inserting “October 29, 2021”; and

(3) by striking subparagraphs (C) and (D).

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at 12:50 p.m. today, the Senate proceed to executive session to consider Calendar No. 651; that there be an hour of debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote with no intervening action or debate on Calendar No. 651, Judge Drain of Michigan, at least a judge-to-be in Michigan.

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

VETERANS JOBS CORPS ACT OF 2012—MOTION TO PROCEED—Continued

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Ohio.

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

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

Mr. BROWN of Ohio. Madam President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

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

WALL STREET REFORM

Mr. BROWN of Ohio. Madam President, I rise to discuss the troubling state of our financial system and the unfinished business of Wall Street reform. I am here to talk specifically about too-big-to-fail banks.

Decades of deregulation and laissez faire economic policies helped the six largest U.S. banks grow from 18 percent of gross domestic product only 25 years ago to 68 percent of gross domestic product in 2009. So it went from 18 percent in the mid-1990s to 68 percent of GDP in 2009.

We know what happened next. During the financial crisis, these six megabanks collected \$1.2 trillion—just to understand that figure, if we can—\$1.2 trillion is \$1,200 billion and \$1 billion is \$1,000 million. The six megabanks collected \$1.2 trillion in Federal taxpayer-funded support from the Treasury, from the FDIC, and from the Federal Reserve.

Two years after we passed the Dodd-Frank Wall Street Reform Act—and I supported it because it took many important steps—I am concerned we are not seeing reform, nearly sufficient enough reform, in the financial sector. As we uncover more and more risky, fraudulent, and illegal activities, it seems far too clear that the American people absolutely see this and believe Wall Street is back to business as usual.

Since 2010, we have learned about a number of things. I am just going to

rattle off seven or eight significant, serious problems. Some are illegal, some are accusations, some are alleging significant systemic problems—all troubling issues that have happened just in the last couple years: Investor lawsuits and SEC enforcement actions over mortgage-backed securities; municipalities being sold overpriced credit derivatives, bankrupting some of those municipalities, and think of the hardship that causes these communities; the forging of foreclosure documents and mortgage securities legal documents by five of the Nation's largest servicers, leading to \$25 billion in penalties—\$25 billion in penalties—from these servicers forging foreclosure documents and mortgage security legal documents—\$25 billion in penalties; the Nation's largest bank halting all consumer debt collection lawsuits due to concerns about poorly maintained and inaccurate paperwork; the Nation's largest bank losing \$5.8 billion so far—so far—on large, complex derivative trades that regulators either missed or didn't understand or ignored; suspicions that 16 global banks, including the three largest U.S. banks, manipulated LIBOR—the London Interbank Overnight Rate—that is used as a benchmark for mortgages, credit cards, student loans, and even for derivatives—financial instruments that affect almost everybody in our country.

Continuing with the list of problems since 2010: a criminal bid-rigging trial exposing illegal practices by many Wall Street banks in arranging bids so banks could underpay for municipal bonds; former employees of the Nation's largest bank alleging the company urged them to steer clients to their own mutual funds because they were more profitable to the bank, even though they paid investors lower returns than other funds, while their clients presumably were trusting them to act in their best interests; the Federal Energy Regulatory Commission investigating whether the biggest U.S. bank manipulated prices in the energy markets, forcing consumers to pay more; a \$175 million settlement by the Nation's fourth largest bank for discriminatory lending practices in housing markets that include Cleveland and many other cities. One can walk through these neighborhoods and see what foreclosures have done to them, see what rigging, what other dysfunctional servicers' behavior or illegal activities have done to these communities and to these families.

Putting the numbers aside and the political speech aside, imagine for a moment that a parent of 12- and 13-year-old daughters has to sit down with them and say: Sorry, but dad lost his job a few months ago and now we are losing our home.

Where are we going to move, Mom?

I don't know.

What school am I going to go to?

I don't know yet. We have to figure that out.

Imagine the personal hurt and hardship caused by a lot of these things to