

The bottom line is this: These are not simple problems and they will require real leadership to tackle. We cannot play games with America's best friend. Israel continues to be threatened by rockets launched by Hamas from the Gaza Strip. Iran appears intent on developing a nuclear weapon and is the foremost state sponsor of terror. But instead of approaching these issues with the careful consideration they deserve, the Republicans seem intent on twisting reality for political gain.

We see it on the domestic front, too. The Republican leader said—he said it here—his party's top priority is to make President Obama a one-term President, and they are using any pretense they can to establish that. Their top priorities, then, clearly do not include helping everyday Americans by creating jobs, improving our schools, or strengthening our health care system. If we take Mitt Romney at his word, they are certainly not aimed at doing what is in Israel's best interest. And when they simply wish for our President's failure, they are hurting America's chance for success.

When they fail to put forth any ideas of their own, they show themselves to be unfit to govern, unable to lead. Their mission, their primary mission is to bring down the record that President Obama has established. We have recaptured a lot of jobs. Still, we have a long way to go to get our economy in better motion than it is, but everybody knows we are working on it. We have seen remarkable growth in jobs in the automobile industry, which looked as though it might have ended up being unable to function in this country of ours.

The whole world knows that America's leadership depends on its domestic strength and not on casual political rhetoric that challenges America's loyalty to its friends.

I yield the floor and 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.

Ms. STABENOW. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan.

Ms. STABENOW. Madam President, I rise today to strongly urge my colleagues to support the nomination of an outstanding judge, Gershwin Drain, to the United States District Court for the Eastern District of Michigan. We will have an opportunity to vote in a few minutes. Senator LEVIN and I join together in the strongest possible recommendation to our colleagues on this nomination. I have known Judge Drain for many years. I can tell you he is a very impressive individual with a long record of excellent public service. He has served in the district court, the Detroit Recorder's Court and the Wayne County Circuit Court.

He is active in the community. When I am in the community and have the opportunity to be at events that are important for people, for families, for communities, for children, for economic development, Judge Drain is always there, supporting the efforts of Detroit and of Michigan.

He is of course dedicated to his incredible family, who I know is very proud of him, as we are. But don't take my word for it. The American Bar Association Standing Committee on the Federal Judiciary unanimously rated Judge Drain "qualified" to serve on the District Court. He was named a "Man Of Excellence" by the Michigan Chronicle newspaper, and the Detroit News named him "Michiganian of the Year"—both very prestigious recognitions in Michigan.

This is a very important judgeship that has been vacant for more than 2 years. It is important for people in Michigan and throughout the eastern district to be able to have the full measure of justice they expect and deserve when coming before the court. It is very important that we fill this vacancy.

I am appreciative and proud that the President of the United States has nominated him. I appreciate the support of the Judiciary Committee in bringing this nomination forward and the agreement to allow us to vote on this nominee.

Judge Drain has the qualifications, the experience, and the temperament for this very important position. I strongly urge my colleagues to support his nomination and to vote yes when it comes before us in the next few minutes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The question is, Will the Senate advise and consent to the nomination of Gershwin A. Drain, of Michigan, to be United States District Judge for the Eastern District of Michigan?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

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

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

The result was announced—yeas 55, nays 41, as follows:

[Rollcall Vote No. 189 Ex.]

YEAS—55

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

NAYS—41

Alexander	Enzi	McCain
Ayotte	Graham	McConnell
Barrasso	Grassley	Murkowski
Blunt	Hatch	Nelson (NE)
Boozman	Heller	Paul
Burr	Hoeben	Portman
Chambliss	Hutchison	Risch
Coburn	Inhofe	Roberts
Cochran	Isakson	Shelby
Collins	Johanns	Snowe
Corker	Johnson (WI)	Thune
Cornyn	Kyl	Toomey
Crapo	Lee	Wicker
DeMint	Lugar	

NOT VOTING—4

Kirk	Rubio
Moran	Vitter

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table, that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

BURMESE FREEDOM AND DEMOCRACY ACT

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for S. 3326, a trade package that includes legislation sponsored by myself and Senator MCCONNELL to renew the import ban on Burma for another year.

I have been involved in the struggle for freedom and democracy in Burma for 15 years.

In 1997, former Senator William Cohen and I authored legislation requiring the President to ban new U.S. investment in Burma if he determined that the Government of Burma had physically harmed, rearrested or exiled Aung San Suu Kyi or committed large-scale repression or violence against the democratic opposition.

President Clinton issued the ban in a 1997 Executive order.

In 2003, after the regime attempted to assassinate Aung San Suu Kyi, Senator MCCONNELL and I introduced the Burmese Freedom and Democracy Act of 2003, which placed a complete ban on imports from Burma. It allowed that ban to be renewed one year at a time.

It was signed into law and has been renewed annually since then.

It expired on July 26 which is why this legislation is before us today.

In past years, the debate on renewing the import ban on Burma has focused

on more than two decades of violence, oppression, and human rights abuses by the ruling Burmese military.

They annulled the last free parliamentary elections won by Aung San Suu Kyi and the National League for Democracy.

They kept Suu Kyi in prison or under house arrest, detained hundreds of political prisoners, and ignored democracy, human rights, and the rule of law.

They drafted a new constitution that maintained the military's grip on power and prevented Suu Kyi and her party from participating in the political process.

But, I am pleased to report that this year is different. We have seen some remarkable changes in Burma over the past year which appear to have put Burma on the path of reform and rejoining the international community.

Hundreds of political prisoners have been released.

New legislation broadening the rights of political and civic associations has been enacted; and negotiations with ethnic minority groups have begun and some cease-fires have taken effect.

In addition, Suu Kyi and her National League for Democracy, NLD, were allowed to compete in by-elections for 45 open seats in the new parliament in April 2012.

Suu Kyi and the NLD won 43 of the 44 seats they contested.

For those of us who have been inspired by her courage, her dedication to peace and her tireless efforts for freedom and democracy, it was a thrilling and deeply moving event. Years of sacrifice and hard work had shown results—the people of Burma had spoken with a clear voice in support of freedom and democracy.

The United States has responded to this reform process in a number of ways.

Secretary Clinton traveled to Burma last December and met with Suu Kyi and President Thein Sein.

The United States and Burma resumed full diplomatic relations, with Ambassador Derek Mitchell becoming the first U.S. ambassador to Burma in 22 years.

Earlier this month, the administration announced that it was suspending U.S. sanctions on providing financial services to Burma and investing in Burma.

I supported these actions. It is entirely appropriate to acknowledge the steps Burma has already taken and encourage additional reforms.

Some may ask then: why stop there? Given the reforms, why renew the import ban?

The fact of the matter is, the reforms are not irreversible and the Government of Burma still needs to do more to respond to the legitimate concerns of the people of Burma and the international community.

First, it must address the dominant role of the military in Burma under the new constitution.

The military is guaranteed 25 percent of the seats without elections and remains independent of any civilian oversight.

In addition, the commander in chief of the military has the authority to dismiss the government and rule the country under martial law.

It goes without saying that such powers are incompatible with a truly democratic government.

Second, Burma must stop all violence against ethnic minorities. I am particularly concerned about reports that the Burmese military is continuing attacks in Kachin State, displacing thousands of civilians and killing others.

Third, the government must release all political prisoners.

I applaud the decision of the Government of Burma to release hundreds of political prisoners, including a number of high-profile democracy and human rights activists.

Yet, according to the State Department, hundreds more remain in detention.

Unfortunately, the Government of Burma maintains there are no more political prisoners. We must keep the pressure on Burma until all democracy and human rights activists are free and able to resume their lives and careers.

I believe that renewing this ban will help keep Burma on the path to full democratization and national reconciliation and support the work of Suu Kyi, the democratic opposition, and the reformists in the ruling government.

It will give the administration additional leverage to convince Burma to stay on the right path.

And the administration will still have the authority to waive or suspend the import ban—as it has suspended sanctions on investment and financial services—if the Government of Burma took the appropriate actions.

If we do not renew the import ban, however, and Burma backslides on reform and democratization, we would have to pass a new law to reimpose the ban.

By passing this legislation, we ensure that the administration has the flexibility it needs to respond to events in Burma as it has done so with financial services and investment.

Suu Kyi herself has argued that “sanctions have been effective in persuading the government to go for change.”

I think renewing the import ban will push it to go further.

I urge my colleagues to support this bill.

Mrs. HAGAN. Mr. President, I ask unanimous consent that the quorum call be dispensed with.

Mr. President, the bill we are considering this morning—the AGOA-CAFTA-Burma sanctions package—has several parts, but I want to focus on the very real impact that one provision will have on jobs in my home State of North Carolina.

This provision would make non-controversial technical fixes to the Do-

minican Republic-Central American Free Trade Agreement.

When the DR-CAFTA was first negotiated nearly a decade ago, the intention of all the parties was to preserve the benefits of tariff reductions on yarn for the countries at the negotiating table.

That is how the United States has traditionally negotiated the textile chapter of its free-trade agreements.

But when the DR-CAFTA was agreed to in 2005 an out-of-date definition for sewing thread was used that inadvertently allowed non-CAFTA nations to export a certain kind of yarn into the CAFTA region duty free.

Textile manufacturers in countries like China began exploiting this loophole to substitute their yarn for U.S.-produced yarn, and this action severely damaged textile manufacturers in North Carolina and the rest of the United States.

Let me give you one example.

Unifi is a textile manufacturing company headquartered in Greensboro, NC, with plants throughout the State. Half of their employees tied to the thread business have lost their jobs since 2006 when CAFTA took effect and the yarn loophole was exposed.

Unifi is not alone.

There are nearly 2,000 jobs in the United States that are directly affected by the exploitation of this loophole.

Creating jobs in North Carolina is my No. 1 priority.

Now I am proud of North Carolina's historic textile industry. It continues to innovate its way through advanced manufacturing and investments in research and development.

But times are tough enough as it is for the American textile industry.

We simply cannot afford to lose good-paying manufacturing jobs in North Carolina's textile industry because foreign countries are exploiting drafting errors and Congress delays fixing them.

We should be looking for ways to allow our textile companies to compete with their foreign counterparts on a level playing field. This bill is a step in that direction.

The corrections in this bill were brought to the attention of other CAFTA countries by the United States, were agreed to in February 2011 and have since been enacted by all the other CAFTA countries.

I am glad that we overcame this hurdle to ally ensure the integrity of the textile provisions of the Central American Free Trade Agreement.

This fix is long overdue.

I want to express my deep appreciation to Chairman BAUCUS for his leadership in moving this bill forward.

Mr. MCCONNELL. Mr. President, I rise today to applaud Senate passage of the Burmese Freedom and Democracy Act. The measure extends for another year the import ban with regard to Burma.

I would like to clarify two issues that have prompted some confusion regarding this legislation.

First, the measure we are passing renews import sanctions for 1 year and 1 year only. I emphasize this point because it has been misreported that this bill renews sanctions for 3 years. That is not accurate; the bill renews them only for 1.

Second, enactment of this bill does not overturn the easing of investment and financial sanctions that the administration unveiled earlier this year. In fact, this year's bill, as in years past, provides authority for the administration to waive the import sanctions should it determine that certain conditions have been met. Before deciding whether to waive import sanctions, I would strongly urge the administration not only to consider the changes occurring within Burma but also to consult closely with Nobel Peace Prize laureate Daw Aung San Suu Kyi and the National League for Democracy.

This year's legislation comes at a time of historic changes on the ground in Burma. Daw Aung San Suu Kyi, long a political prisoner in the country, is now a member of Parliament. The National League for Democracy, once a banned organization, now actively participates in the political life of Burma.

For these reasons, the administration has taken a number of actions to acknowledge the impressive reforms that President Thein Sein and his government have instituted. The United States has responded by sending an ambassador to Burma for the first time in two decades. The administration also largely waived the investment ban and financial restrictions, permitting U.S. businesses to begin investing again in Burma.

For my part, I want to see investment in the "new" Burma. I want to see Burmese reformers empowered accordingly, and I want to see greater economic development come to this underdeveloped country. And, frankly, during challenging economic times here at home, I want American businesses to be able to compete in Burma now that sanctions have been removed by other Western governments.

That said, high standards for accountability in American business operations in Burma are important going forward. This seems particularly acute with regard to transactions involving Myanmar Oil and Gas Enterprise. I would urge U.S. businesses to show the Burmese people and the world the positive effects that American investment prompts. I am confident that, as they do elsewhere around the world, U.S. enterprises in Burma will set the standard for ethical and transparent business practices and lead the way for others to follow.

I would be remiss if I did not note the significant challenges in Burma that lie ahead. Ongoing violence in Kachin State and sectarian tensions in Arakan State reflect the long-term challenge of national reconciliation. Hundreds of political prisoners remain behind bars. The constitution still has a number of undemocratic elements. And the re-

gime's relationship with North Korea, especially when it comes to arms sales with Pyongyang, remains an issue of grave concern.

Even with these challenges, however, I am greatly encouraged by the progress that has been made over the past year and a half in Burma. My colleagues and I in the Senate will continue to monitor developments in the country with great interest and with hope for the future.

AFRICAN GROWTH AND OPPORTUNITY AMENDMENT ACT

The PRESIDING OFFICER. Under the previous order, H.R. 5986 having been received from the House of Representatives, and its text being identical to the text of S. 3326, the Senate will proceed to the immediate consideration of the measure, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 5986) to amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2008, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the clerk will read the bill for the third time.

The bill was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill (H.R. 5986) is passed.

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

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

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

SYRIA

Mr. MCCAIN. Mr. President, at this late hour of our session, until September, I think it is important we continue to pay attention to and be concerned about the situation in Syria. Today, Kofi Annan, the former Secretary General of the United Nations, announced the failure of his mission. If there is anything about the conflict in Syria that did not surprise most of us, it is the fact that Kofi Annan's mission was a failure. It was doomed to failure from the beginning. It was based on the premise that somehow Bashar Assad would be motivated to stop the mas-

sacre of his people. It was motivated on the premise that somehow U.N. observers could come in and stand between the two fighting forces but totally ignore the fundamentals of this conflict.

The fundamentals of this conflict are simple: It is the Syrian people attempting to assert their God-given rights and throw off the yoke of a brutal and unconscionable dictator, and on the other side of the equation Bashar Assad's commitment to doing whatever is necessary, including massacring now as many as 20,000 of his own people in his desperate quest to remain in power in Syria.

Let's not forget that one of the reasons we have seen heavy Russian involvement in the form of supplies of arms and equipment and continued Russian veto of resolutions in the U.N. Security Council that would have imposed even the mildest sanctions on Bashar Assad is what seems to be some kind of nostalgia on President Putin's part for the old Russian empire and the maintenance of their one base on the Mediterranean port in Syria.

The Russians' behavior in this throughout, as they continue to block one resolution after another, of course, is revealing of the true nature of the Putin regime, the autocracy and kleptocracy that has now asserted its full power and weight in Russia. In addition to that, of course, we have the Chinese joining Russia in their sustaining of vetoes in the U.N. Security Council.

It is hard to overstate the damage these actions by Russia and China have done to them, but it is also hard to overstate the damage that has been done to the Syrian people, with Russian equipment being supplied constantly, Iranian boots on the ground helping to set up torture centers, and continued encouragement of Bashar Assad to remain in power.

I am not here to again critique this administration's abysmal record, but isn't it ludicrous—isn't it ludicrous—to base your entire policy toward Syria on the belief that somehow the Russians would convince Bashar Assad that he should leave Syria? Isn't it foolish to somehow base your policy and nonintervention on the belief that somehow the mission of a former Secretary General of the United Nations would succeed when it was clear the Syrian people were not going to be satisfied with the continuous barbarous regime of Bashar Assad, and certainly Bashar Assad was not going to give up?

It is clear through Iran's actions that its rulers are playing for keeps in Syria, and they will stop at nothing to prevent the fall of Bashar Assad. Why are the Iranians so committed and involved? The words of General Mattis, the Commander of U.S. Central Command, described it before the Senate Armed Services Committee when he said that the fall of Bashar Assad would be "the greatest blow to Iran in 25 years."

So the United States does have more than a humanitarian interest in what