

INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 612

Whereas the Honorable Arlen Specter was born on February 12, 1930, in Wichita, Kansas;

Whereas Arlen Specter earned a Bachelor of Arts degree in international relations from the University of Pennsylvania in 1951 and a Juris Doctorate degree from Yale Law School in 1956;

Whereas Arlen Specter served in the Air Force during the Korean War, obtaining the rank of Second Lieutenant in the Air Force Office of Special Investigations;

Whereas Arlen Specter served the people of Philadelphia, Pennsylvania, as Assistant District Attorney from 1959 to 1964 and as District Attorney from 1965 to 1974;

Whereas Arlen Specter was recommended to serve as assistant counsel on the President's Commission on the Assassination of President Kennedy in 1964, and he established conclusions central to the report of the Commission;

Whereas Arlen Specter served with distinction as a Senator from the Commonwealth of Pennsylvania for 3 decades, first elected in 1980, then reelected in 1986, 1992, 1998, and 2004;

Whereas, as a member and the Chairman of the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the Committee on Appropriations of the Senate, Arlen Specter worked in a bipartisan fashion to highlight the impact of specific diseases and to advance support for medical research and high-quality health care;

Whereas, as a member and the Chairman of the Committee on the Judiciary, Arlen Specter was recognized for his thorough questioning and presided over the confirmation hearings of 2 Justices of the Supreme Court;

Whereas, as a Senator, Arlen Specter served as the Chairman of the Select Committee on Intelligence of the Senate from 1995 to 1997, and as the Chairman of the Committee on Veterans' Affairs of the Senate from 1997 to 2001 and from 2003 to 2005;

Whereas, as a Senator, Arlen Specter further served as a member of the Committee on Appropriations of the Senate, the Committee on Environment and Public Works of the Senate, and the Special Committee on Aging of the Senate;

Whereas Arlen Specter was admired for his independent decisionmaking and willingness to cross party lines;

Whereas Arlen Specter introduced the Comprehensive Immigration Reform Act of 2006 (S. 2611, 109th Congress) and achieved bi-

partisan support and passage for the bill in the Senate on May 25, 2006;

Whereas Arlen Specter advocated both for strong national security measures and the maintenance of civil liberties;

Whereas Arlen Specter valiantly overcame bouts with brain tumors and cancer during his service in the United States Senate;

Whereas Arlen Specter returned to Philadelphia after his Senate career and taught as a Visiting Professor of Law at the University of Pennsylvania Law School; and

Whereas Arlen Specter passed away on October 14, 2012, and is survived by his wife Joan, his sister Shirley Kety, his sons Stephen and Shanin, and 4 grandchildren: Now, therefore, be it

*Resolved, That—*

(1) the Senate—

(A) expresses profound sorrow at the death of the Honorable Arlen Specter, former Senator for the Commonwealth of Pennsylvania;

(B) conveys the condolences of the Senate to the family of Arlen Specter; and

(C) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the House of Representatives and the family of Arlen Specter; and

(2) when the Senate adjourns today, it stands adjourned as a further mark of respect to the memory of Arlen Specter.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3311. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 3311.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 3637, to temporarily extend the transaction account guarantee program, and for other purposes; which was ordered to lie on the table.

On page 4, after line 20, add the following:

### TITLE II—INCREASING AMERICAN JOBS THROUGH GREATER EXPORTS TO AFRICA

#### SEC. 201. SHORT TITLE.

This title may be cited as the “Increasing American Jobs Through Greater Exports to Africa Act of 2012”.

#### SEC. 202. PURPOSE.

The purpose of this title is to create jobs in the United States by expanding programs that will result in increasing United States exports to Africa by 200 percent in real dollar value within 10 years.

#### SEC. 203. DEFINITIONS.

In this title:

(1) **AFRICA.**—The term “Africa” refers to the entire continent of Africa and its 54 countries, including the Republic of South Sudan.

(2) **AFRICAN DIASPORA.**—The term “African diaspora” means the people of African origin living in the United States, irrespective of their citizenship and nationality, who are willing to contribute to the development of Africa.

(3) **AGOA.**—The term “AGOA” means the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.).

(4) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Rela-

tions, and the Committee on Finance of the Senate; and

(B) the Committee on Appropriations, the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Ways and Means of the House of Representatives.

(5) **DEVELOPMENT AGENCIES.**—The term “development agencies” includes the Department of State, the United States Agency for International Development (USAID), the Millennium Challenge Corporation (MCC), the Overseas Private Investment Corporation (OPIC), the United States Trade and Development Agency (USTDA), the United States Department of Agriculture (USDA), and relevant multilateral development banks.

(6) **TRADE POLICY STAFF COMMITTEE.**—The term “Trade Policy Staff Committee” means the Trade Policy Staff Committee established pursuant to section 2002.2 of title 15, Code of Federal Regulations, and is composed of representatives of Federal agencies in charge of developing and coordinating United States positions on international trade and trade-related investment issues.

(7) **MULTILATERAL DEVELOPMENT BANKS.**—The term “multilateral development banks” has the meaning given that term in section 1701(c)(4) of the International Financial Institutions Act (22 U.S.C. 262r(c)(4)) and includes the African Development Foundation.

(8) **SUB-SAHARAN REGION.**—The term “sub-Saharan region” refers to the 49 countries listed in section 107 of the African Growth and Opportunity Act (19 U.S.C. 3706) and includes the Republic of South Sudan.

(9) **TRADE PROMOTION COORDINATING COMMITTEE.**—The term “Trade Promotion Coordinating Committee” means the Trade Promotion Coordinating Committee established by Executive Order 12870 (58 Fed. Reg. 51753).

(10) **UNITED STATES AND FOREIGN COMMERCIAL SERVICE.**—The term “United States and Foreign Commercial Service” means the United States and Foreign Commercial Service established by section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721).

## SEC. 204. STRATEGY.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the President shall establish a comprehensive United States strategy for public and private investment, trade, and development in Africa.

(b) **FOCUS OF STRATEGY.**—The strategy required by subsection (a) shall focus on—

(1) increasing exports of United States goods and services to Africa by 200 percent in real dollar value within 10 years from the date of the enactment of this Act;

(2) promoting the alignment of United States commercial interests with development priorities in Africa;

(3) developing relationships between the governments of countries in Africa and United States businesses that have an expertise in such issues as infrastructure development, technology, telecommunications, energy, and agriculture;

(4) improving the competitiveness of United States businesses in Africa, including the role the African diaspora can play in enhancing such competitiveness;

(5) exploring ways that African diaspora remittances can help communities in Africa tackle economic, development, and infrastructure financing needs;

(6) promoting economic integration in Africa through working with the subregional economic communities, supporting efforts for deeper integration through the development of customs unions within western and

central Africa and within eastern and southern Africa, eliminating time-consuming border formalities into and within these areas, and supporting regionally based infrastructure projects;

(7) encouraging a greater understanding among United States business and financial communities of the opportunities Africa holds for United States exports; and

(8) monitoring—

(A) market loan rates and the availability of capital for United States business investment in Africa;

(B) loan rates offered by the governments of other countries for investment in Africa; and

(C) the policies of other countries with respect to export financing for investment in Africa that are predatory or distort markets.

(c) CONSULTATIONS.—In developing the strategy required by subsection (a), the President shall consult with—

(1) Congress;

(2) each agency that is a member of the Trade Promotion Coordinating Committee;

(3) the relevant multilateral development banks, in coordination with the Secretary of the Treasury and the respective United States Executive Directors of such banks;

(4) each agency that participates in the Trade Policy Staff Committee;

(5) the President's National Export Council;

(6) each of the development agencies;

(7) any other Federal agencies with responsibility for export promotion or financing and development; and

(8) the private sector, including businesses, nongovernmental organizations, and African diaspora groups.

(d) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress the strategy required by subsection (a).

(2) PROGRESS REPORT.—Not later than 3 years after the date of the enactment of this Act, the President shall submit to Congress a report on the implementation of the strategy required by subsection (a).

(3) CONTENT OF REPORT.—The report required by paragraph (2) shall include an assessment of the extent to which the strategy required by subsection (a)—

(A) has been successful in developing critical analyses of policies to increase exports to Africa;

(B) has been successful in increasing the competitiveness of United States businesses in Africa;

(C) has been successful in creating jobs in the United States, including the nature and sustainability of such jobs;

(D) has provided sufficient United States Government support to meet third country competition in the region;

(E) has been successful in helping the African diaspora in the United States participate in economic growth in Africa;

(F) has been successful in promoting economic integration in Africa; and

(G) has made a meaningful contribution to the transformation of Africa and its full integration into the 21st century world economy, not only as a supplier of primary products but also as full participant in international supply and distribution chains and as a consumer of international goods and services.

#### SEC. 205. SPECIAL AFRICA STRATEGY COORDINATOR.

The President shall designate an individual to serve as Special Africa Export Strategy Coordinator—

(1) to oversee the development and implementation of the strategy required by section 204; and

(2) to coordinate with the Trade Promotion Coordinating Committee, (the interagency AGOA committees), and development agencies with respect to developing and implementing the strategy.

#### SEC. 206. TRADE MISSION TO AFRICA.

It is the sense of Congress that, not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce and other high-level officials of the United States Government with responsibility for export promotion, financing, and development should conduct a joint trade mission to Africa.

#### SEC. 207. PERSONNEL.

(a) UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—

(1) IN GENERAL.—The Secretary of Commerce shall ensure that not less than 12 total United States and Foreign Commercial Service officers are assigned to Africa for each of the first 5 fiscal years beginning after the date of the enactment of this Act.

(2) ASSIGNMENT.—The Secretary shall, in consultation with the Trade Promotion Coordinating Committee and the Special Africa Export Strategy Coordinator, assign the United States and Foreign Commercial Service officers described in paragraph (1) to United States embassies in Africa after conducting a timely resource allocation analysis that represents a forward-looking assessment of future United States trade opportunities in Africa.

(3) MULTILATERAL DEVELOPMENT BANKS.—

(A) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary of Commerce shall assign not less than 1 full-time United States and Foreign Commercial Service officer to the office of the United States Executive Director at the World Bank and the African Development Bank.

(B) RESPONSIBILITIES.—Each United States and Foreign Commercial Service officer assigned under subparagraph (A) shall be responsible for—

(i) increasing the access of United States businesses to procurement contracts with the multilateral development bank to which the officer is assigned; and

(ii) facilitating the access of United States businesses to risk insurance, equity investments, consulting services, and lending provided by that bank.

(b) EXPORT-IMPORT BANK OF THE UNITED STATES.—Of the amounts collected by the Export-Import Bank that remain after paying the expenses the Bank is authorized to pay from such amounts for administrative expenses, the Bank shall use sufficient funds to do the following:

(1) Increase the number of staff dedicated to expanding business development for Africa, including increasing the number of business development trips the Bank conducts to Africa and the amount of time staff spends in Africa to meet the goals set forth in section 209 and paragraph (4) of section 6(a) of the Export-Import Bank of 1945, as added by section 209(a)(2).

(2) Maintain an appropriate number of employees of the Bank assigned to United States field offices of the Bank to be distributed as geographically appropriate through the United States. Such offices shall coordinate with the related export efforts undertaken by the Small Business Administration regional field offices.

(3) Upgrade the Bank's equipment and software to more expeditiously, effectively, and efficiently process and track applications for financing received by the Bank.

(c) OVERSEAS PRIVATE INVESTMENT CORPORATION.—

(1) STAFFING.—Of the net offsetting collections collected by the Overseas Private In-

vestment Corporation used for administrative expenses, the Corporation shall use sufficient funds to increase by not more than 5 the staff needed to promote stable and sustainable economic growth and development in Africa, to strengthen and expand the private sector in Africa, and to facilitate the general economic development of Africa, with a particular focus on helping United States businesses expand into African markets.

(2) REPORT.—The Corporation shall report to the appropriate congressional committees on whether recent technology upgrades have resulted in more effective and efficient processing and tracking of applications for financing received by the Corporation.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as permitting the reduction of Department of Commerce, Department of State, Export Import Bank, or Overseas Private Investment Corporation personnel or the alteration of planned personnel increases in other regions, except where a personnel decrease was previously anticipated or where decreased export opportunities justify personnel reductions.

#### SEC. 208. TRAINING.

The President shall develop a plan—

(1) to standardize the training received by United States and Foreign Commercial Service officers, economic officers of the Department of State, and economic officers of the United States Agency for International Development with respect to the programs and procedures of the Export-Import Bank of the United States, the Overseas Private Investment Corporation, the Small Business Administration, and the United States Trade and Development Agency; and

(2) to ensure that, not later than 1 year after the date of the enactment of this Act—

(A) all United States and Foreign Commercial Service officers that are stationed overseas receive the training described in paragraph (1); and

(B) in the case of a country to which no United States and Foreign Commercial Service officer is assigned, any economic officer of the Department of State stationed in that country shall receive that training.

#### SEC. 209. EXPORT-IMPORT BANK FINANCING.

(a) FINANCING FOR PROJECTS IN AFRICA.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that foreign export credit agencies are providing non-OECD arrangement compliant financing in Africa, and that in order to counter such actions and ensure United States jobs, the Export-Import Bank should provide timely financing to meet such terms, as appropriate.

(2) IN GENERAL.—Section 6(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)) is amended by adding at the end the following:

“(4) PERCENT OF FINANCING TO BE USED FOR PROJECTS IN AFRICA.—The Bank shall, to the extent that there are acceptable final applications, increase the amount it finances to Africa over the prior year's financing for each of the first five fiscal years beginning after the date of the enactment of the Increasing American Jobs Through Greater Exports to Africa Act of 2012.”.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for 5 years, the Export-Import Bank shall report to the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives if the Bank has not used at least 10 percent of its lending capabilities for projects in Africa as described in paragraph (4) of section 6(a) of the Export-Import

Bank of 1945, as added by paragraph (2). The report shall include the reasons why the Bank failed to reach this goal and a description of all final applications for projects in Africa that were deemed unworthy of Bank support.

(b) **AVAILABILITY OF PORTION OF CAPITALIZATION TO COMPETE AGAINST FOREIGN CONCESSIONAL LOANS.**—

(1) **IN GENERAL.**—The Bank shall make available annually such amounts as are necessary for loans that counter trade distorting non-OECD arrangement compliant financing or preferential, tied aid, or other related non-market loans offered by other nations for which United States companies are also competing or interested in competing.

(2) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for 5 years, the Export-Import Bank shall report to the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives if the Bank has not used at least \$250,000,000 annually for loans that counter non-OECD arrangement compliant financing offered by other nations to its firms, as described in paragraph (1). The report shall not disclose any information that is confidential or business proprietary, or that would violate section 1905 of title 18, United States Code (commonly referred to as the “Trade Secrets Act”). The report shall include—

(A) a description of trade distorting non-OECD arrangement compliant financing loans made by other countries during that fiscal year to firms that competed against United States firms;

(B) a description of any similar completed applications from United States firms that were denied by the Bank and the reason for such denial; and

(C) a description of any completed applications for tied aid that were denied for financing by the Bank and an explanation of why the applications were denied.

#### **SEC. 210. SMALL BUSINESS ADMINISTRATION.**

Section 22(b) of the Small Business Act (15 U.S.C. 649(b)) is amended—

(1) in the matter preceding paragraph (1), by inserting “the Trade Promotion Coordinating Committee,” after “Director of the United States Trade and Development Agency.”; and

(2) in paragraph (3), by inserting “regional offices of the Export-Import Bank,” after “Retired Executives.”.

#### **SEC. 211. BILATERAL, SUBREGIONAL AND REGIONAL, AND MULTILATERAL AGREEMENTS.**

Where applicable, the President shall explore opportunities to negotiate bilateral, subregional, and regional agreements that encourage trade and eliminate nontariff barriers to trade between countries, such as negotiating investor friendly double-taxation treaties and investment promotion agreements. United States negotiators in multilateral forum should take into account the objectives of this title. To the extent any such agreements exist between the United States and an African country, the President shall ensure that the agreement is being implemented in a manner that maximizes the positive effects for United States trade, export, and labor interests as well as the economic development of the countries in Africa.

#### **PRIVILEGES OF THE FLOOR**

Mr. REID. Mr. President, on behalf of Senator TIM JOHNSON, I ask unanimous

consent that Jeanette Quick, a detailee on his committee staff, be granted the privilege of the floor for the duration of S. 3637.

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

#### **UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR**

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 762 and 829; that there be 30 minutes for debate equally divided in the usual form; that following the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar Nos. 762 and 829 in that order; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action, and that the Senate then resume legislative session.

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

#### **MARCH OF DIMES COMMEMORATIVE COIN ACT OF 2012**

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3187, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3187) to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

There being no objection, the Senate proceeded to consider the bill.

Mr. BLUMENTHAL. 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 that any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 3187) was ordered to a third reading, was read the third time, and passed.

#### **HONORING THE LIFE AND LEGACY OF THE HONORABLE ARLEN SPECTER**

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 612 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 612) honoring the life and legacy of the Honorable Arlen Specter, distinguished former Senator for the Commonwealth of Pennsylvania.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 612) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### **S. RES. 612**

Whereas the Honorable Arlen Specter was born on February 12, 1930, in Wichita, Kansas;

Whereas Arlen Specter earned a Bachelor of Arts degree in international relations from the University of Pennsylvania in 1951 and a Juris Doctorate degree from Yale Law School in 1956;

Whereas Arlen Specter served in the Air Force during the Korean War, obtaining the rank of Second Lieutenant in the Air Force Office of Special Investigations;

Whereas Arlen Specter served the people of Philadelphia, Pennsylvania, as Assistant District Attorney from 1959 to 1964 and as District Attorney from 1965 to 1974;

Whereas Arlen Specter was recommended to serve as assistant counsel on the President's Commission on the Assassination of President Kennedy in 1964, and he established conclusions central to the report of the Commission;

Whereas Arlen Specter served with distinction as a Senator from the Commonwealth of Pennsylvania for 3 decades, first elected in 1980, then reelected in 1986, 1992, 1998, and 2004;

Whereas, as a member and the Chairman of the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the Committee on Appropriations of the Senate, Arlen Specter worked in a bipartisan fashion to highlight the impact of specific diseases and to advance support for medical research and high-quality health care;

Whereas, as a member and the Chairman of the Committee on the Judiciary, Arlen Specter was recognized for his thorough questioning and presided over the confirmation hearings of 2 Justices of the Supreme Court;

Whereas, as a Senator, Arlen Specter served as the Chairman of the Select Committee on Intelligence of the Senate from 1995 to 1997, and as the Chairman of the Committee on Veterans' Affairs of the Senate from 1997 to 2001 and from 2003 to 2005;

Whereas, as a Senator, Arlen Specter further served as a member of the Committee on Appropriations of the Senate, the Committee on Environment and Public Works of the Senate, and the Special Committee on Aging of the Senate;

Whereas Arlen Specter was admired for his independent decisionmaking and willingness to cross party lines;

Whereas Arlen Specter introduced the Comprehensive Immigration Reform Act of 2006 (S. 2611, 109th Congress) and achieved bipartisan support and passage for the bill in the Senate on May 25, 2006;