RECOGNITION OF THE MINORITY LEADER

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

COLOMBIA FREE TRADE AGREEMENT

Mr. MCCONNELL. Mr. President, earlier today, the President spoke to the Chamber of Commerce in what some have described as an effort to make nice with the business community. I will leave others to analyze what the speech means politically. The first concern of the American people is what it will mean for the economy. As I have said before, what the President says matters a lot less than what he does.

So we will just have to wait and see whether the administration's actions support its rhetoric. And it is in that spirit that I would like to suggest one thing the President could do immediately, with Republican support, to show he is serious about jobs and the economy. He could work with us to pass free trade agreements with Colombia and Panama that have been languishing for years now.

We welcome the President's support for the South Korea Free Trade Agreement which has earned strong bipartisan support. But by failing to show the same commitment in passing these two other free trade agreements, the President is missing out on an important opportunity to do something good for the economy and for jobs.

The President says he wants to double U.S. exports in 5 years. Free trade agreements with Colombia and Panama would go a long way toward meeting that goal—and creating jobs here in America—by opening markets in Latin America.

In my view, the time for delay on these two agreements is over. The President needs to do more than promise to ''pursue'' these agreements, as he did today. He should work with Congress to pass these two agreements and sign them into law.

This should be an easy one. Colombia is a strong strategic ally in South America, and it has made great strides in addressing the concerns of labor union critics here in the U.S. It has come a long way. We should not walk away from Colombia now. As for Panama, our two nations have had strong strategic and economic ties for years. This agreement would only strengthen those bonds and build on them.

As America sits on the sidelines, our competitors around the world, including the EU and Canada, are moving forward to lower barriers to trade and increase access for their businesses and workers. This is unacceptable, particularly for an administration that is claiming as its top priority to ''win the future.''

It won't be enough for Republicans and it shouldn't be enough for the business community to allow the administration's trade agenda to start and end with South Korea. We should be passing all pending trade agreements and inking new ones on a bipartisan basis, even when it requires the President bringing his own party along.

We have heard Secretary Clinton, Senator BAUCUS, and Ambassador Kirk all express support for submitting a Colombia FTA to Congress. But the President's own pronouncements continue to fall short. It is not enough for the President to say good things about free trade while siding with labor bosses over job creators and the vast majority of American workers who do not belong to unions and who would largely benefit from opening markets overseas. We shouldn't allow labor union bosses to have veto power over economic policies that benefit us all.

So the question is: will the President allow our allies in South America to continue waiting for us to move forward, or will he send the message that America stands by her allies and is prepared to do something good for American workers, good for the American economy, and good for key allies. Congress is ready to pass these two deals today. It is time for the President to commit to the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNS. Mr. President, I compliment the minority leader on his comments on trade. I wish to speak in morning business on the same topic. I will not have to speak long because I have talked about this many times since I joined the Senate over 2 years ago.

Today I will focus on the U.S.-Colombia trade agreement. This agreement was signed by both the United States and Colombia on November 22, 2006. It has been around many years. It is expected to create several thousand jobs. Yet for 5 years, to the detriment of U.S. exporters and job seekers, policymakers have punted on this important trade agreement. The Obama administration has been sitting on the sidelines watching other countries slowly chip away at U.S. competitiveness in the Colombian marketplace. Our friends to the north in Canada and to the south in Mexico wisely negotiated new agreements with Colombia. They saw the void U.S. companies and workers should have been filling and acted to fill that void themselves. I believe it is time we stop watching other countries make the moves that have been teed up for this country for about 5 years.

Implementing the agreement would increase U.S. exports by more than $½ billion annually and create almost 4,000 much needed jobs in the United States. Simply stated, passing this agreement would help to improve our economy.

In last year's State of the Union Address, we heard our President say:

> If America sits on the sidelines while other nations sign trade deals, we will lose the chance to create jobs on our shores.

I applauded his comments. I applauded his desire to increase exports. But, unfortunately, no action was taken on the President's words.

During this last year's State of the Union Address, the President again acknowledged the need for the Colombia trade agreement by saying:

> We will strengthen our trade relations with key partners like South Korea and Panama and Colombia.

Once again, these words will ring hollow with no action. Yet again today, in a much touted speech to the Chamber of Commerce, the President talked about pursuing the Colombia trade agreement. I must admit, I asked the question: What on Earth is left to pursue? The agreement was signed nearly 5 years ago. It is ready for approval. All the President needs to do is submit it for our action. If the President thinks there was more pursuing to do, what have we been waiting for the past couple of years? Why has not the administration pursued whatever it is they think needs pursuing for now over 2 years?

Americans who are out of work know this administration is missing an opportunity to say to thousands of Americans: You have a job. Our job creators are waiting. My hope is the President stands behind his remarks today.

This is a golden opportunity for the President to send a signal that his words do have meaning and to show that we can, in fact, work together in a bipartisan way. He could submit the Colombia trade agreement to Congress for approval today and send an enormously powerful message that when he says ''pursue,'' he means action, not stall.

Folks from my State are anxiously awaiting approval of this agreement as are folks from around the country. We should all be reminded that workers and businesses in our home States will benefit from the Colombia trade agreement. Our farmers and ranchers would benefit from the elimination of tariffs on more than 77 percent of agricultural goods. American workers will see more of their products sold as 76 percent of Colombian tariffs on our industrial goods are eliminated immediately. No doubt about it, this agreement will have a real impact on Nebraskans and other Americans who work hard every day to make a better life for their families.

Let me share a couple of examples of Nebraskans who want to see the U.S.-Colombia trade agreement ratified. Take Nebraska-based manufacturer Valmont Industries, for example. Valmont has loyal customers in Colombia who buy its irrigation pivots. Currently, Colombia imposes a 15-percent duty or tax on those pivot systems. This would be eliminated by the Colombia trade agreement. If the 15-percent duty is, in fact, eliminated, Valmont estimates they would gain market share against European competitors and add 10 to 15 new jobs in Nebraska alone.

Take Rick Larson of Potter, NE. He grows wheat and corn. He has a small livestock operation. Unfortunately, the market share of American farmers is declining rapidly in Colombia. When we signed the agreement, American farmers such as Rick Larson in Potter supplied 76 percent of the wheat to Colombia. Today they sell 22 percent. For Rick that means he has lost 15 cents per bushel of wheat. That impacts a real family.

It is a similar story with corn. He has lost 4 cents per bushel. In a place where we throw around the idea of trillions, that may not sound like much, but it means Rick's wheat and corn revenues were down $7,600 last year just because the administration had not submitted those trade agreements for our approval. Farmers such as Rick cannot believe we are sitting on our hands while our market share is evaporating right before our eyes. He shudders to think what will happen to his sales prices once Canada beats us to a free-trade agreement, even though it was signed 2 years after ours.

It is not easy to regain lost market share once it is gone. It worries exporters when they see their government standing between them and a promising marketplace. Nebraska farmers and ranchers and those across the country can compete with anyone. All they are asking for is a level playing field and a fair shot.

We have been giving exporters from Colombia more than a fair shot through the Andean Trade Preferences Act, which is set to expire on February 12. Under the agreement, a whopping 90 percent of goods and services coming into our country to compete with our citizens enters absolutely duty free.

I think we should extend the Andean Trade Preferences, but we should also knock down the barriers for our own exporters and level the playing field. We must give our workers that level playing field by approving the Colombia Free Trade Agreement.

American exporters have waited too long to realize the benefits of this trade agreement. Isn't it time to get serious about beating our global competitors in the Colombian market? Don't we all realize U.S. jobs depend upon this?

You see, we all represent people such as Valmont and farmers such as Rick. Let's pay tribute to their entrepreneurial spirit by tearing down Colombian trade barriers that inhibit economic growth in this great Nation.

I urge the President to transmit the signed U.S.-Colombia trade agreement to Congress immediately. This is one Senator who is going to stand behind the President and do everything I can to try to get that agreement ratified in the Senate. It is time for Speaker BOEHNER and Leader REID to call it up for consideration as soon as it reaches their desks. But, most important, it is time for the President to lay it on their desks.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORPHANED EARMARKS ACT

Mr. BEGICH. Mr. President, I rise to join my friend from Oklahoma to talk about a commonsense piece of legislation. I come to the floor pretty often to talk about the deficit, and I wish to talk about something very specific we can do to address this matter. The Orphaned Earmarks Act would rescind earmarks that remain 90 percent or more unused 9 years after being appropriated.

In early January, USA Today published an article examining 20 years of earmarks that have not been spent. According to the analysis: ''In at least 3,649 of those earmarks, not a single dollar had gone toward its intended purpose'' and ''Many of the orphan earmarks also count against a state's share of federal highway funds and have taken billions of dollars away from state transportation departments across the nation.''

During the past 20 years, orphan earmarks reduced the amount of money States would have received in Federal highway funding by almost $7.5 billion. That is $7.5 billion that States could have used to replace obsolete bridges, repair aging roads, and bring jobs to rural areas.

As all of us know, when lawmakers earmark money, even if it is never spent for pet highway projects, that money still reduces what States receive from the Federal Government. In my own State of Alaska, $187 million in funding was lost out in the past 20 years because of orphaned earmarks.

I know some of my colleagues are concerned about States losing out on money we all could use, especially these days, but let's not worry. I don't want to take away your earmarks that help communities in need and help create jobs. We are talking about earmarks that have been abandoned for more than 10 years and are just sitting there like uncashed checks. Dr. COBURN and I have addressed this in our legislation. We have built in a 12-month period—I repeat, a 12-month period—for agency heads to make sure earmarks can be used before rescinding.

On that note, I wish to make something else clear. I do not personally support an earmark moratorium. I know my friend from Oklahoma and I disagree on this earmark funding, but I believe it is vital to my home State of Alaska. We have unique needs and have relied on this critical funding from day one to support health, safety, and jobs. What I have a problem with is wasteful spending that could have otherwise been used for a project or to cut the deficit.

Our legislation requires the Director of OMB to submit to Congress and publicly post on the OMB Web site an annual report that includes a listing and accounting for earmarks with unobligated balances summarized by agencies, including the amount of the original earmark, the amount of the unobligated balances, and the year the funding expires; the number of rescissions resulting from this section and the annual savings resulting from this section for the previous fiscal year; finally, a listing and an accounting for earmarks provided to Federal agencies scheduled to be rescinded at the end of the current fiscal year.

Senator Feingold offered an amendment last March to the FAA bill to rescind any DOT earmarks that remained 90 percent or more unobligated for 9 years after being appropriated, with the possibility of holding funds 1 more year for earmarks the agency head believed would be funded within 12 months. Because Senator Feingold had modified the legislation to reflect concerns by Senator BOXER and Senator MURRAY, the Senate voted 87 to 11 to pass this amendment. However, as we all know, the FAA bill did not pass last year.

The Coburn-Begich bill is modeled after a Bush administration proposal from 2008 and would have rescinded any highway and bridge earmark funds from the 1998 highway bill, TEA–21, that had less than 10 percent of the funds spent or obligated. That proposal would have saved about $626 million, including $389 million in 152 earmarks that had no funding obligated a decade after passing. The Coburn-Begich bill targets all orphaned earmarks, not just those in the highway bill.

Let me conclude. I know my friend from Oklahoma is here to speak as well. I will tell my colleagues that when I became mayor in 2003 in Anchorage, AK, we looked at what all of our bonds voters had voted on year-in and year-out, and we looked at all the projects. What we found was that sizable amounts were being spent on projects where they were intended, but there was another percentage that for years had just been lying there for a variety of reasons. Maybe the project didn't pan out, maybe they didn't get enough money from another source or the project just vanished from the books because of public opposition to it. But what we found was we were passing bonds for projects that never went forward. So we cleaned the bonds up when I was mayor.

Then we did one other thing which I think this legislation now on the Federal level really focuses on, not only to make sure we clean up the books but also, when you have money, to make it very clear that we need to spend the money on the project for which it was identified. We made sure those projects that were on that bond, that voters voted for, that they put their taxpayer