but not, to my knowledge, in the immediate aftermath of the storms. As these things have gone on over years—for instance, 4 years after Katrina we were trying to find money to rebuild one of our big military bases that collapsed, so we funded that through Defense, an offset, and it wasn’t within the first couple of weeks of Katrina. That was after 4 years, and we couldn’t find the money and we really wanted to find it. So there are ways you can offset sometimes in the distance, but not immediately.

I am going to remind people that after Katrina, in the first 3 weeks, the Federal Government funded $66 billion without an offset. After the collapse of the Twin Towers, we funded $60 billion, and sent that to New York after the collapse of the Twin Towers. After 2004, which was a very terrible year for Florida, this Congress sent $2 billion within a few weeks of four hurricanes hitting Florida. Had we not done that, that State—very serious economic downturn. It never could have recovered from four hurricanes in 1 year. They didn’t hit Louisiana, they didn’t hit Texas, they didn’t hit Alabama. All four of them hit Florida. Did we ballyhoo about it? Did anyone say, “Let’s run up to Washington and find a $2 billion program that is not working and cut it out so we can go help the people in Florida? Absolutely not. We sent the money to Florida, and I know they were grateful for it. That might be one of the reasons Senator Bayh, who was not in the Senate then but now is—has voted for this position, because he knows. He remembers.

I don’t know what the House is going to do, and I most certainly don’t think we need to shut the government down over this debate, but it is a very important debate to be having. I am proud to be leading the effort, along with many Democrats and some Republicans who are saying, in the aftermath of a year that was one of the worst on record, we do not need to find the offsets now. I hope the House will reconsider their position. I thank the Chair, and I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXTENDING THE GENERALIZED SYSTEM OF PREFERENCES

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2832, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes.

Pending:

Reid (for Casey) amendment No. 638, to extend and modify trade adjustment assistance.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

AMENDMENT NO. 638

Mr. CORNYN. Mr. President, I call up my amendment No. 634 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment (No. 638).

Mr. CORNYN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide Taiwan with critically needed United States-built multiform fighter aircraft to strengthen its self-defense capabilities against the increasing military threat from China.)

At the appropriate place, insert the following:

SEC. 7. SALE OF F-16 AIRCRAFT TO TAIWAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense, in its 2011 report to Congress on "Military and Security Developments Involving the People's Republic of China," found that "China continued modernizing its military in 2010, with a focus on new capabilities for cross-Strait relations. The PLA seeks the capability to deter Taiwan independence and influence Taiwan's relations on Beijing's terms. In pursuit of this objective, Beijing is developing capabilities intended to deter, delay, or deny possible U.S. support for Taiwan's defense, including air-launched cruise missiles, [and] biological and chemical weapons."

(2) The Defense Intelligence Agency (DIA) concluded a preliminary assessment of the status and capabilities of Taiwan's air force in an unclassified report, dated January 21, 2011, which it found that, "[a]lthough Tai- wan has nearly 400 combat aircraft in serv- ice, far fewer of these are operationally capa- ble." The report concluded, "Many of Tai- wan's fighter aircraft are close to or beyond service life, and many require extensive maintenance support. The retirement of Mi- rage and F-5 aircraft will reduce the total size of the Taiwan Air Force."

(3) Since 2006, authorities from Taiwan have made repeated requests to purchase 66 F-16C/D multirole fighter aircraft from the United States, in an effort to strengthen Taiwan's air force and maintain its self-def- defense capability.

(4) According to a report by the Perryman Group, a private economic research and analysis firm, the requested sale of F-16Cs to Tai- wan "would generate some $8,700,000,000 in output (gross product) and more than 87,664 person-years of employment in the United States manufacturing sectors and create new jobs."

(5) The sale of F-16Cs to Taiwan would both sustain existing high-skilled jobs in key United States manufacturing sectors and create new ones.

(6) On August 1, 2011, a bipartisan group of 181 members of the House of Representatives sent a letter to the President, expressing support for the sale of F-16Cs to Taiwan. On May 26, 2011, a bipartisan group of 45 members of the Senate sent a similar letter to the President, expressing support for the sale. Two other members of the Senate wrote separately to the President or the Secretary of State in 2011 and expressed support for this sale.

(7) The Energy and Commerce Committee reported the legislation favoring Congress. It is the sense of Congress that—

(1) a critical element to maintaining peace and stability in Asia in the face of China's two-decade-long program of military modernization and expansion of military ca- pabilities is ensuring a militarily strong and confident Taiwan; and

(2) Taiwan is confident in its ability to deter Chinese aggression will increase its ability to proceed in developing peaceful relations with China in areas of mutual inter- est.

(3) the cross-Strait military balance be- tween China and our longstanding strategic partner, Taiwan, has clearly shifted in Chi- na's favor;

(4) China's military expansion poses a clear and present danger to Taiwan, and this
The threat has very serious implications for the ability of the United States to fulfill its security obligations to allies in the region and protect our vital United States national interests.

(5) Taiwan’s air force continues to deteriorate, and it needs additional advanced multirole fighter aircraft in order to modernize its fleet and maintain sufficient self-defense capability;

(6) the United States has a statutory obligation under the Taiwan Relations Act (22 U.S.C. 3301 et seq.) to provide Taiwan with U.S. defense articles necessary to enable Taiwan to maintain sufficient self-defense capabilities, in furtherance of maintaining peace and stability in the western Pacific region;

(7) in order to comply with the Taiwan Relations Act, the United States must provide Taiwan with additional advanced multirole fighter aircraft, as well as significant upgrades to Taiwan’s existing fleet of multirole fighter aircraft; and

(8) the proposed sale of F-16C/D multirole fighter aircraft to Taiwan would have significant economic benefits to the United States economy.

Sincerely,

Richard G. Lugar,
Ranking Member.

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U.S. SENATE, COMMITTEE ON FOREIGN RELATIONS, WASHINGTON, DC, April 1, 2011.

Hon. HILLARY R. CLINTON,
Secretary of State, U.S. Department of State, WASHINGTON, DC.

Dear Secretary Clinton: The issue of U.S. defense equipment sales to Taiwan has now become an urgent matter. Taiwan has legitimate defense needs, and its existing capabilities are decaying. Replacement of its tactical aircraft is warranted, is not provocative and is justified.

While it has acquired some Mirage aircraft, Taiwan has acquired more than 400 tactical aircraft (F-16As and F-5Es), sold and produced in Taiwan by the United States. It has also funded the development of its own indigenous defense fighters (IDF) and an aircraft for Indonesia, the Defense Intelligence Agency has assessed Taiwan as “limited combat range and payload capability (which) restrict its effectiveness in air-to-air combat.”

Given the decrepit state of Taiwan’s F-5s, the service life issues with its IDF, and a growing problem faced by all recipient countries in obtaining affordable and sustainable access to spare parts for Mirages, Taiwan is losing the qualitative advantage in defense aircraft that has long served as its primary military deterrent against China.

Taiwan needs new tactical fighter aircraft. Within the next decade Taiwan will retire 70% of its fighter force structure. Its Mirage fleet is concerned with their utility, Taiwan’s Mirage fighters lacks parts and life-cycle support, and its Indigenous Defense Fighters are being converted to a trainer role. At the existing rate, it will require the replacement of all 145 F-16 A/B fighters all require a mid-life upgrade. With F-16s already in its inventory, Taiwan is seeking to combine its fighter fleet around a single airframe with the commensurate cost and operational benefits. We are deeply concerned that further delay of the decision to sell F-16s to Taiwan could result in closure of the F-16 production line, and urge you to expedite this defense export process before the line closes. Without new fighter aircraft and upgrades to its existing fleet of F-16s, Taiwan will be dangerously exposed to Chinese military threats, aggression and provocation, which pose significant national security implications for the United States.

The Taiwan Relations Act (TRA) of 1979 directs both the Congress and the President to make decisions on arms sales to Taiwan based solely on the “judgment of the needs of Taiwan,” and we believe that Taiwanese pilots, flying Taiwanese fighter aircraft manufactured in the United States, represent the best first line of defense for our democratic ally, while presenting no offensive threat to China.

We urge you to act swiftly and provide Taiwan with the F-16 C/D aircraft that are critical for meeting our obligations pursuant to the TRA and to preserving peace and security in the Taiwan Strait.

Sincerely,

Mr. CORNYN. Mr. President, as I said, yesterday I spoke about the legislation Senator MENENDEZ and I had offered. That stands-alone bill; this is now an amendment to this pending trade bill. I do believe it is appropriate for us to consider this matter in the context of this trade bill because, of course, we recognize and commonsense would tell us that selling to foreign customers the things that we grow here in America or that we manufacture in America sustains jobs right here at home. Indeed, we have circulated among various offices what the impact on jobs would be across the country when it comes to the sale and manufacture of these F-16s. A lot of jobs would be created in America at a time when unemployment is intrinsically and unacceptably high. But that is not the main reason I believe this amendment is so important.

Let me back up to say that yesterday the President did announce that he approved military exports to Taiwan, but I wish to address first the insufficiency of the response.

Yesterday, Congress was officially notified by the Defense Security Cooperation Agency that the administration had approved a retrofit for 145 F-16A/B aircraft—aircraft Taiwan already owns. So this is not unprecedented. We have already sold Taiwan A/B versions of the F-16. But, as the administration acknowledges by saying these need to be updated, these are older aircraft and need to be modernized in order to be effective.

There is no question that these upgrades on the existing 145 F-16 aircraft are necessary, but it is not sufficient to deal with the other needs of our Taiwanese allies. You can see by this chart the disparity between what the People’s Republic of China has—about 2,300 operational combat aircraft versus 490 operational combat aircraft owned by the Government of Taiwan.

But what I think the President’s decision fails to acknowledge is the fact that many of the aircraft being flown now in Taiwan by the Taiwan Air Force are French Mirage aircraft which are some 20 years old or American F-5 aircraft which were first delivered in 1975 through 1985 but which are now virtually obsolete. And that’s why the sale of these additional 66 F-16 C/D version aircraft is so important—to replace those obsolete French Mirages and F-5s.

Taiwan’s request had been, as I indicated earlier, for the retrofit or for a new aircraft, but they wanted both. The administration should have approved both, and that is exactly what 47 Members of this Senate stated—the bipartisan letters I have admitted into the RECORD—encourage the administration to do to make the right decision and to do both. But since the administration chose only to go the retrofit route for existing aircraft, I think it is important for us to send a message and to exercise our authority under the Constitution to compel that sale.

There is a bigger point I would like to make as well. America’s credibility in East Asia and beyond is at risk by the administration’s decision yesterday. The President spoke at the United Nations earlier and addressed many priorities of U.S. foreign policy. I am not going to respond to each one of them because it was a 40-minute speech, but my point is, the success of U.S. foreign policy in every region of the world depends on the credibility of the U.S. Government—whether we stand by our friends and whether we keep our commitments or whether we will abandon our support for other democracies like Taiwan. The answer to that question is of enormous interest not only to the people of Taiwan, to whom we have pledged in this 1979 law, the Taiwan Relations Act that I mentioned earlier, but also to the people of Israel, to the people of Eastern Europe, to the people of Japan and South Korea, and to the fledging democracies now in Iraq and the people of Afghanistan, to people who are suffering from oppressive regimes all across the world who want the same basic freedoms we do and who share our values in self-government.

What kind of message does it send from America to its friends of freedom? What kind of message does the Senate send by denying our ally Taiwan the things that they need and that they requested? And what message can the United States send to reassure our allies in Taiwan as well as people watching everywhere around the world with our credibility on the line?

I want to reiterate that this is a bipartisan matter. This is not a partisan issue at all. Republicans and Democrats alike have supported the Mutual Defense Treaty signed by President Eisenhower in 1954, and the Taiwan Relations Act was supported with bipartisan support and signed by President Jimmy Carter in 1979, and it remains the law of the land. That states specifically that the United States will provide to Taiwan the defense articles necessary to enable Taiwan to maintain sufficient self-defense capabilities in furtherance of maintaining peace and stability in the Western Pacific region.

We know the U.S. military has been stressed by repeated deployments in Afghanistan and Iraq and commitments around the world. So why in the world wouldn’t we want to improve the capacity of the Taiwanese Government to help Taiwan ask for and potential burden on the United States in the process?

I want to remind my colleagues what sufficient defense capabilities means. This is part of a memorandum from President Ronald Reagan in 1982, and I think it is worth reading.

It is essential that the quantity and quality of the arms provided Taiwan be conditioned entirely on the threat posed by the People’s Republic of China. Both in quantitative and qualitative terms, Taiwan’s defense capability relative to that of the PRC will be maintained.

That was the understanding of Congress, that was President Reagan’s understanding, the explanation to the Chinese Government to reassure them about the purpose for these military sales—to provide a defensive capability, not an offensive capability but a defensive capability.

So why is Taiwan asking for these aircraft? Well, as I indicated earlier, Taiwan’s air defense capabilities are nearly obsolete, while China’s military capabilities are growing at an alarming rate. But air defense is not just a game of numbers; it is about the quality of the aircraft as well.

So what about the quality of Taiwan’s existing forces? Well, according to the Defense Intelligence Agency in an unclassified report last year, many Taiwan’s fleet’s fighter jets are close to or beyond service life and many require extensive maintenance support.

So China’s capabilities are clearly newer, and they are growing and focus clearly on intimidating Taiwan and, yes, even the United States.

China’s official press agency reported in March that the People’s Republic of China will increase its military budget this year by more than 12 percent. That is on top of an increase last year of 7.5 percent. But the Pentagon estimates that China is not transparent with regard to its military spending. In fact, China’s official and public budget of $90 billion is far less than the $150 billion that they actually spent.

So whom does China intend to intimidate by this military power? Here is what the Pentagon had to say in its 2011 report to Congress called “Military and Security Developments Involving the People’s Republic of China.” The Defense Department observed that China continued modernizing its military in 2010, with a focus on Taiwan contingencies. The Pentagon also noted that China’s Air Force will remain primarily focused on...
“building the capabilities required to pose a credible military threat to Taiwan and U.S. forces in the East Asia.”

Some say we shouldn’t look at our policy with Taiwan in a vacuum, and I agree with that. We should look at it in the context of both the region and our strategic relationship with China. We know many of China’s neighbors in that region are concerned about the military buildup and the increasingly bellicose rhetoric from the government.

Last year, China claimed the South China Sea as a core interest, which unsettled Vietnam and the Philippines and Indonesia and other nations in the region. China has renewed its longrunning border dispute with India, and, frankly, it continues to be an enabler, as we know, of the nuclear threat in North Korea. We know Pakistan’s Defense Minister publicly discussed the possibility of China building a naval base in Pakistan, which is already an adversarial trade partner. It is important port at the mouth of the Gulf of Oman.

So it is important to look at the impact of China’s growing military strength and its bellicose rhetoric on the world. Frankly, frankly, the disparity I pointed out earlier between the capability of the People’s Republic of China when it comes to air power and that of Taiwan is a destabilizing influence in the region. Why in the world would you want to create a destabilizing condition in that region as opposed to a stable one that is in our best interests and that is in the best interests of our allies?

We can tell that the Communist Chinese Government is trying to intimidate the United States from living up to its responsibilities. Last week, China’s top official newspaper used a lot of unnecessary language on the subject of the arms sales to Taiwan. They called those sales on Capitol Hill who are supporting this “madmen,” and said we were “playing with fire” and said there would be a “disastrous price” if we continued to support our allies in Taiwan. They would like nothing better than for us to turn our backs on our allies in Taiwan, just like other bullies around the world who would love for America to retreat and to pull back in our support for self-governing peoples everywhere.

I don’t think we want to send the message—I know I do not want to send the message—that the United States will give in to this kind of intimidation. We should pass this legislation to send a clear message to China and other nations around the world who are beating their chests and are trying to create a destabilizing condition in that region. We should pass this amendment to this bill because it is important for economic reasons and for strategic reasons.

As I indicated earlier, there are a lot of people watching what we do. It would greatly reassure our allies and partners around the world if we acted in a responsible way consistent with our legal obligation under the Taiwan Relations Act, which apparently the administration has declined to do.

I know my colleagues agree with me that President Clinton did in 1996. He deployed two aircraft carrier battle groups during the Taiwan Strait crisis then. That crisis developed when China tried to intimidate Taiwan, once again, on the eve of its first free Presidential election. China threatened to send a series of so-called military exercises that included the firing of missiles just a few miles north of Taiwan.

President Clinton responded by ordering the largest U.S. military force since the Vietnam war to deploy to the region, including carrier battle groups led by the USS Nimitz and the USS Independence. America’s show of resolve and strength did not escalate that crisis, it diffused it—exactly what we would have wished if we had done this sale to Taiwan. It would send, as that did then, a welcome signal to the region.

According to an article in the current issue of Washington Quarterly, following that crisis the region’s confidence in the United States soared. Japan, Singapore, the Philippines, and other nations in the region all bolstered their security ties with the United States.

Isn’t that what we want? If America is going to be an undependable ally, there is no real benefit to people aligning their interests with ours and joining with us in these sorts of strategic security ties.

The Taiwan Strait crisis was one of the real foreign policy successes of the Clinton administration, but the authors of that same article conclude that “forsaking Taiwan now will likely have the opposite effect.”

I want to return to a subject I brought up earlier. In addition to our other interests, which are many, and having us seen as being a dependable ally to our friends and keeping our commitments, this bill deserves the support of the Senate for other reasons as well. In addition to our longstanding bipartisan consensus on Taiwan, the growing gap in military capabilities between Taiwan and China, China’s aggressive behavior toward its neighbors and the United States’ credibility with our allies and free people everywhere, this is a jobs bill.

This is a policy that creates jobs. If we sell this American-made product to our friends and allies who are willing to pay for it—and it will not cost one dime in taxpayer dollars—it creates jobs at home. This chart shows, in yellow, all of the States where jobs would be created and sustained as a result of these sales. This map shows every State in which direct and indirect employment from this export sale of F-16s to Taiwan is projected to be at least 50 person-years of employment, which is the equivalent of 10 American workers employed full time for 6 years.
amendment would pass of itself, irrespective of the merits, it would derail passage of trade adjustment assistance because it would be an amendment. So it would go over to the other body, they would have to work with it, maybe—maybe if we include maybe other amendments, and it would, perhaps, come over here again.

We have an agreement between the House and Senate and White House where we pass both trade adjustment assistance and free-trade agreements and most everybody wins. This amendment ultimately would imperil passage of the three pending trade agreements with Colombia, Panama, and South Korea. I know a number of my colleagues on both sides of the aisle also support the sale of F-16s to Taiwan.

But to paraphrase Ecclesiastes, this is an issue that should be debated at another time. Not here. At another time. Just 9 days ago, Senator CORNYN introduced legislation on the F-16 issue that tracks the substantive language of this amendment. That amendment has been referred to the Senate Foreign Relations Committee, where it belongs. That is, in fact, the right way to deal with this issue, through consideration by the committee of jurisdiction.

In the spirit of Ecclesiastes, I, therefore, urge my colleagues to save this issue for another day to vigorously discuss and debate it, to look at the merits, to see what makes sense and does not make sense. But that is for another day. We should vote against the amendment at this time. It could be a very divisive issue, I am not passing judgment on it, but this is not the time and place. If it were adopted, it would severely jeopardize the passage of trade adjustment assistance and also the free-trade agreements which are supported by many Members of this body.

AMENDMENT NO. 650

I would like to speak on another matter, and that is the Thune amendment. The Thune amendment looks, not forward, it looks backward. That is, it is not worth time trying to point the finger of blame anywhere. Rather, it makes much more sense to get the job done; that is, pass the free-trade agreements. And passage of the trade adjustment assistance will mean passage of the free-trade agreements. So we should instead use our resources to identify foreign trade barriers that impede U.S. exports. We should help small businesses succeed in global markets, and we should monitor whether our trade partners are abiding by the rules.

So let's look forward, not to the past. Let's avoid further delay of our trade agreements. Let's defeat this amendment and send to the House a clean bill on trade adjustment assistance.

AMENDMENT NO. 651

Speaking on another amendment—first was the Cornyn amendment, second was the Thune amendment, and now is the Rubio amendment, which will be voted upon soon—I urge my colleagues to vote against Senator Rubio’s amendment. It would limit trade adjustment benefits only to workers who lose their jobs as a result of imports from a country with which the United States has a free-trade agreement. The United States has only about 17 free-trade agreement partners. We do not limit our trade just to those countries. There is a lot of trade around the world. The United States trades with virtually every country in the world, not just to countries with which we have free-trade agreements. In fact, we export to nearly 200 countries around the world. Remember, we have only 17 free-trade agreements, but we export to nearly 200 countries around the world.

Under this amendment, the Rubio amendment, workers who lose their jobs as a result of trade with 8 of our top 10 trade partners, including China and Japan, would not receive TAA benefits. Why? Because there is no free-trade agreement with those countries. It makes no sense whatsoever. In fact, the Rubio amendment would say to workers around the country, if you lose your job due to trade with India, you are out of luck. If you lose your job due to trade with China, you are out of luck. Only if you lose your job with a country with which we have a free-trade agreement do you get assistance.

The Rubio amendment would significantly, therefore, limit the number of workers who get help under trade adjustment assistance. Why would we want to do that? Why would we want to do that at a time when 14 million Americans are looking for work? Trade adjustment assistance helps Americans in transition to new jobs; they need time to find good-paying jobs, and now is the time to shut out those Americans.

So for these reasons—and also because passage of the Rubio amendment would jeopardize passage of trade adjustment assistance and jeopardize the passage of free-trade agreements—I urge my colleagues to oppose that amendment as well.

I yield the floor and 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. RUBIO. Mr. President.

The PRESIDING OFFICER. The junior Senator from Florida.

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

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

AMENDMENT NO. 652 TO AMENDMENT NO. 651

Mr. RUBIO. Mr. President, I call up Rubio amendment No. 651 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida (Mr. Rubio) proposes an amendment numbered 652 to amendment No. 653.

Mr. RUBIO. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To limit eligibility for trade adjustment assistance to workers who are laid off because of imports from, or a shift in production to, a country with which the United States has a free-trade agreement in effect)

On page 5 of the amendment, between lines 6 and 7, insert the following:

SEC. 212. REQUIREMENT THAT TO BE ELIGIBLE FOR TRADE ADJUSTMENT ASSISTANCE WORKERS BE LAID OFF BECAUSE OF IMPORTS FROM, OR A SHIFT IN PRODUCTION TO, A COUNTRY WITH WHICH THE UNITED STATES HAS A FREE TRADE AGREEMENT IN EFFECT.

Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended by section 211 of this Act, is further amended by striking subsection (a) and inserting the following:

(a) IN GENERAL.—A group of workers shall be certified by the Secretary as eligible to apply for adjustment assistance under this chapter pursuant to a petition filed under section 221 if the Secretary determines that—

(i) a significant number or proportion of the workers in such workers’ firm have been laid off wholly or partially or threatened to become laid off wholly or partially, or are threatened to become totally or partially separated; and

(ii) (A)(i) the sales or production, or both, of such firm have decreased absolutely; (ii) imports from a country with which the United States has a free trade agreement in effect of articles or services like or directly competitive with articles produced or services supplied by such firm have increased; (bb) which are produced directly using services supplied by such firm,
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have increased; or

(III) imports of articles directly incor-
porating one or more component parts pro-
duced in such a country that are like or di-
rectly competitive with articles which are pro-
derived from imported parts and materi-
als, and such parts and materials are pro-
duced in such country and such parts and materi-
als are produced or services which are supplied by such firm; or

(ii) such workers’ firm has acquired from
such a country articles or services that are
like or directly competitive with articles
which are produced or services which are
supplied by such firm; and

(iii) the shift described in clause (i)(I)
and the acquisition of articles or services de-
scribed in clause (i)(II) contributed impor-
tantly to such workers’ separation or threat of separ-
ation.

Mr. RUBIO. Mr. President, we have
had this important conversation this
week about trade policy in the United
States, and it is an important one.

Clearly, one of the great things that
will keep our economy strong for the years
to come is further free trade. As
we have these pending free-trade agree-
ments—and most everyone around here
I have run into says they are in favor of,
including the President, the one with
South Korea, the one with Panama,
the one with Colombia—there has been
a prerequisite put in place by those
in charge in the Chamber, and
that is we deal with the TAA issues.

That is why we are on the issue today,
which clearly has been linked, free-
trade agreement and the TAA law.

I wish to talk a little bit about the free-
trade agreements because we are
continuing to wait for them to be sent
down to us. These agreements would
increase our exports by billions of dol-
ars and create jobs here in the United
States. For example, there are exports of
about $12 billion annually, adding about
$14 billion to the U.S. economy.

These are real numbers.

The South Korea agreement alone,
for example, is estimated to add as
many as 70,000 American jobs. These
benefits are not realized because the
President has not submitted these for
approval to this body or to the Con-
gress. I especially appreciate the work
of my colleagues as possible in putting
this program back into its historical
purpose.

I yield the floor.

The PRESIDING OFFICER. The sen-
ator from Pennsylvania.

Mr. CASEY. I wanted to speak gen-
erally about the matter that is before
the Senate today about trade. I think
it is important we try our best to
figure out and understand, as best we
can, what the amendment does, and I am
willing to do what I can to help people
to understand this program back into its
historical purpose.

As defined by the TAA, the purpose
is to help workers transition during the
disruption. That is why it has been
in place when a free-trade agreement,
and the temporary disruptions that
impact the workers. The TAA pro-
vides funds for the workers to help
them transition to a new job.

It is a big problem in Florida.

I want to make two comments, one
about one of the amendments we will
consider today by the Senator from
Florida, but also to speak more broadly
about this legislation. When the Senate
is considering this legislation, let us
come up with something that is not
every day do a good job of trying to put
ourselves in the position of other peo-
ple, workers and people who are suf-
fering through a tough economy. When
the Senate is doing its best work, part
of the way we get there is by trying to
figure out and understand, as best we
can, what is it like to lose a job or suf-
fer from—without a record of unfair trade practices
by the United States, for better or worse,
since the Trade Expansion Act of 1962.

Interestingly, this policy was first
proposed by John F. Kennedy when he
aptly titled it the Trade Ad-
justment Act. The initial goal was to
respond to perceived effects of trade
policy. In essence, you enter into a
trade policy, such as a free-trade agree-
ment with another country, and Amer-
ican workers lose their jobs in the short
term, but you create a fund to
help them transition to what you hope
will be the new jobs created by the
free-trade agreement. As you create
this new relationship with new coun-
tries and new economies, the effect of
it is while some jobs may be lost, those
jobs are replaced with new opportuni-
ties and new jobs. In the process of
that transition, new jobs are created
for the job you have to do to get into the
future as a product of free trade, you
create this fund to help workers adjust
from point A to point B. That is the
purpose of it. That is why it has
been there in things such as the
Trade Act of 1974. It was also
in the North American Free Trade
Agreement under President Clinton. It
was also included in the Trade Act of
2002, the last authorization of the trade
promotion authority so vital to pro-
moting the free-trade policies in the
United States.

From its inception, TAA has been
linked to free trade. Basically the un-
derstanding is when you enter into
free-trade agreements with another coun-
try, you create a fund to help workers
transition during the dis-
rup tion. Very simply put, you have a
job, maybe it goes overseas in the free-
trade agreement, but a new job is cre-
pated and it is said that the TAA
assistance and we are going to help
you transition through this fund.

That was the purpose of it until 2009
when under the stimulus bill that has
been changed and has been vastly ex-
trapolated in America as a result of that
stimulus bill that has expanded. Now in order to qualify for it,

The PRESIDING OFFICER. I yield
the floor.

Mr. CASEY. I yield the floor.
understand what this legislation is all about.

This is legislation which basically says the American people, through our government, are going to do everything possible to help folks when they lose a job, and especially when they lose it as a result of unfair foreign competition. I have seen it in Pennsylvania for decades. We have been getting hammered because we have not often stood up for our own workers. We have not fought to help them through the horror of job loss because of unfair foreign competition. All we are saying is we are going to try to help them to cross that bridge from losing that job in many cases they had for years or decades. So, No. 1, we are going to try to help them in that crisis.

No. 2, we are going to do everything we can to retrain them. They have to go to the training. This is not something we can hand to them. They have to work at the training and prepare themselves. I think most Americans believe when someone is in crisis, you try to help them, but you also want to make sure they can help themselves through training and retraining.

I do not consider here what it would be like for one of us. Each of us has a salary and has health care here in the Senate and we have a pension plan, so we are doing pretty well. Imagine what it is like, though, to work for a lifetime, decades doing the same work, and you do that work with pride and dignity; you take care of your family; you work in a job that has a sustaining wage. You do that for decades, the same job virtually every day, every year, but you have two things: You have the ability to provide for your family and you have some dignity. Imagine when a hurricane, or unfair foreign competition, which our government has not done enough to fight against, sweeps through your factory and wipes you out before you can even think about it. It wipes out every job, or a lot of jobs. Sometimes physically it lifts the equipment off the floor and moves it to another country. That is what we are talking about here. So someone who has been doing this work for decades, in some cases, and all of a sudden they are not only without a job—that is bad enough—but they are faced with the prospect of not being able to transition because they have been doing the same job for decades and they have not had access to education or training that would allow them to transition. It would be nice if we had an economy everyone could transition, that you could get an educational level—and this is what it should be if we are doing the right thing providing this—that we have an educational level and an exposure to an immersion in skills and other advantages that will allow you to absorb that shock, allow you to pivot when someone with unfair trade is out of work. That is our job. That is our mission. That is our goal. That is what we hope we can develop in our education, our training system, training strategies. That is why workforce development is so important, so people have the broadbased skill level and they can absorb those shocks. But a lot of people can’t.

All we are saying with trade adjustment assistance is we are going to help you through short-term crisis for you and your family, and we are going to try to provide the training opportunities.

We are going to try to provide training opportunities so people cannot just get a job because they have developed a skill that will allow them to have the same income for their families that they are used to but at least—at least—provide some short-term help for folks, and then give them skills for the long term. That is what this is all about. This is not complicated. It is all about that.

I understand we have a lot of folks here who have concerns about the legislation. They have concerns about one or the other aspect of it. But I hope we could be helping all the folks who are adversely impacted.

For example, if we look at one of the provisions—this is why I want to get to the amendment itself. We are talking about housing. How does the underlying amendment work? If you are looking at it, it does: The underlying amendment covers workers whose firms shift production to any country—a country—including China or India, not just countries with which the United States has entered into a free-trade agreement.

Look, I do not think we should be treating workers we are trying to help under trade adjustment assistance any differently if they do not fall within that category of only the 17 countries with which we have free-trade agreements. So I think we should make sure that—of course, this is one of the changes the underlying amendment will validate, that we are trying to help anyone in that category who has been adversely affected. So I do not think we should limit it to just 17 countries. We trade with countries all over the world, and we should do our best within the limits of this legislation to make sure it applies to a lot more than 17 countries, and that is the effect of the underlying amendment.

The Rubio amendment would only cover workers who lose their jobs due to trade with those 17 countries with which we have a trade agreement. In some ways—this is my own opinion on it—it puts the burden on the workers to somehow prove they are in the right category when the burden should be on us to make sure we are doing everything possible to help them—again, short-term help for the crisis, long-term help by way of skill development.

We have 14 million people in the country out of work; 14.4 million is what I saw at last count. Of the 14.4 million people, almost 4.5 million have been out of work for 1 year or more. Just think about that. That is a bigger number than the population of a number of States. In Pennsylvania we have 12.5 million people. If we can just consider more than one-third of a State’s population being out of work for more than 1 year. So we have a lot of people who are out of work a long time, and they are especially disadvantaged if they happen to work in those industries that are particularly adversely impacted by trade with countries that are not playing by the rules.

We are going to have a discussion today, as well, about the introduction of currency legislation as it relates to China. Chairman of the Finance Committee, the Presiding Officer—and it is a bipartisan bill—think we have to get much tougher as it relates to Chinese currency. If China cheats, that costs jobs. So we should be very tough in those instances, and I think we can be, and do it in a bipartisan way.

But I would hope, with a program that works, we would be doing everything possible to keep it expanded for people affected by countries beyond just those 17. I know the Senator from Florida is concerned. That is why I want to keep the provisos in place to protect all our workers as best we can and not just start to limit it to 17 countries at a time when we need help for folks—short term with the crisis, but long term development so they can transition and start a new worklife, even if they are 45 or 50 or 55 years old. A lot of these folks are in that age category.

I yield the floor to the PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I would like to speak in support of Senator RUBIO’s amendment and thank him for helping us to focus on the original intent of trade adjustment assistance.

Obviously, we want to help folks who are unemployed or displaced because of trade. But we have to realize where we are with our country right now. We are using borrowed money and sometimes paying interest on that money instead of using it to create new jobs. So we have a responsibility to taxpayers and to some form of fiscal sanity, as well as to those who have lost their jobs. What Senator RUBIO is trying to do is to restore those original, responsible boundaries of trade adjustment assistance to make sure this program is focused on those who are hurt by trade agreements.

The discussion is somewhat odd in the first place in that for several years the President has been telling us these trade agreements are actually going to increase jobs in our country, expand exports—which I believe they will—but to use this as an excuse and to hold these trade bills hostage for several years in order to fund a program which duplicates many other programs—because we need to remember, those who are put out of work in our country today have not only regular unemployment benefits but they have been extended much beyond what they have ever been before. There are dozens of State and Federal training programs now that duplicate each other. Unfortunately, many of them have been
I encourage my colleagues to take a look at this amendment. Federal programs that continue to expand and expand, they become less and less effective; they cost more and more money. If we are going to continue this program, let's do it responsibly.

Mr. President, I yield back and suggest the absence of a quorum.

The PRESIDING OFFICER: The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. The PRESIDING OFFICER: The quorum call is rescinded.

Mr. CORNYN. Mr. President, I want to speak briefly again on my amendment as to the sale of F–16Cs to Taiwan and respond to the comments of the distinguished chairman of the Finance Committee, Senator Baucus, who said this was neither the right bill nor the right time. I understand every manager of a bill wants a clean bill; in other words, they do not want amendments. They would like to bring it here and have the Senate pass it without any changes whatsoever. But that is not the way our system works.

Indeed, it is actually urgent we get this matter settled in a positive way because, as I mentioned earlier, there are 23,000 jobs in America that depend on this sale—many of them in the production line in Texas—but there are jobs all over the United States that depend on this.

Mr. President, I ask unanimous consent to have printed in the RECORD a document titled “Projected Nationwide Employment Impact of Production of 66 F–16Cs for Taiwan.”

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROJECTED NATIONWIDE EMPLOYMENT IMPACT OF PRODUCTION OF 66 F–16Cs FOR TAIWAN—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Job–Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oklahoma (OK)</td>
<td>71.8</td>
</tr>
<tr>
<td>Oregon (OR)</td>
<td>127.8</td>
</tr>
<tr>
<td>Pennsylvania (PA)</td>
<td>266.4</td>
</tr>
<tr>
<td>Rhode Island (RI)</td>
<td>1.1</td>
</tr>
<tr>
<td>South Carolina (SC)</td>
<td>66.9</td>
</tr>
<tr>
<td>South Dakota (SD)</td>
<td>0.0</td>
</tr>
<tr>
<td>Vermont (VT)</td>
<td>170.6</td>
</tr>
<tr>
<td>Washington (WA)</td>
<td>507.7</td>
</tr>
<tr>
<td>Wisconsin (WI)</td>
<td>78.5</td>
</tr>
<tr>
<td>Wyoming (WY)</td>
<td>17.3</td>
</tr>
<tr>
<td>District of Columbia (DC)</td>
<td>36.2</td>
</tr>
<tr>
<td>Rest of U.S. (Spill-over Effects)</td>
<td>7,720.7</td>
</tr>
</tbody>
</table>

*Job–Year = 1 person employed for 1 year.


Mr. CORNYN. This is a very interesting document because it breaks down on a nationwide basis where jobs would come from or be affected by a refusal to sell these F–16s. In California, for example, 11,399 job-years.

If you are wondering, like I was, what a job-year is, that is one person employed for 1 year. So that is pretty significant.

In Connecticut, 5,876 job-years; in Ohio—I know the current occupant of the chair, the distinguished Senator from Ohio, will be interested to know that Ohio would see 10,577 job-years as a result of this sale.

So as manufacturing is important in the State of Ohio, it is important in the State of Texas. Why would we not want to see these jobs created by this sale?

Mr. President, I have another document which is a letter signed by 181 Members of the House of Representatives to the President of the United States endorsing this sale. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES

DEAR MR. PRESIDENT: We are writing to express our concerns about the military imbalance in the Taiwan Strait. In order to maintain peace and stability in the Taiwan Strait, we believe it is critical for the United States to sell the government of Taiwan all the F–16 C/D it requires. We respectfully request that your administration move quickly to announce its support for such a sale and submit the required Congressional Notification for a sale as soon as possible.

Successive reports issued by U.S. and Taiwanese defense authorities outline the threat Taiwan continues to face, including the latest Taiwan military report by the People’s Republic of China. For example, Beijing has more than 1,400 missiles aimed at Taiwan and continues to add to this total. China is investing heavily in modernizing and deploying its modern defense and military technology. Military experts both in Taiwan and in the United States have raised alarms that Taiwan is losing its qualitative advantage in defensive arms that have long served as a primary military deterrent.
Due to impending changes within Taiwan’s force structure, we respectfully urge a timely resolution to the aircraft sale issue. Within the next decade Taiwan will retire 70% of its fighter force without new fighter aircraft and upgrades to its existing fleet of F-16s. Taiwan’s situation could become quite precarious.

As you know, the Taiwan Relations Act of 1979 (TRA) states that it is U.S. policy to consider any effort to determine the future of Taiwan’s peaceful reunification with the People’s Republic of China a matter of grave concern to the United States. We remain deeply concerned that delays in the sale of F-16s to Taiwan and subsequent negotiations in the Congress of their sale could very well result in closure of the F-16 assembly line. In addition to enhancing Taiwan’s capacity to defend itself, we have been told that this production line back together and all the people who were employed there back to work;

Thank you for your consideration. We look forward to your reply.

Sincerely,

Shelley Berkley, Phil Gingrey, M.D.,
Gerald E. Connolly, Mario Diaz-Balart,
Ileana Ros-Lehtinen, Howard L. Ber-
man, Donald A. Manzullo, Eni F. H. Faleomavaega, Dan Burton, Gary L. Ack-
er, Steve Chabot, Elise Chabot, Engel,
Elton Gallegly, Kay Granger,
Connie Mack, Dana Rohrabacher, Ed-
wards, R. Royce, Sandy Adams, Robert E. Andrews,
Steve Beshear, Steve Austria,
Howard P. Buck McKeon, Sam Johnson,
Eddie Bernice Johnson, Judy Chu, Fran-
k A. Wolf, Tom Reed, Michael G. Grimm,
Ander Crenshaw, Rick Berg,
Paul Tonko, Tim Griffin, Charles B. Rangel,
Robert J. Dold, Frank A. LoBi-
ondo, John Mica, Jason Lee,
Anne Marie Buerkle, Michele Bachmann,
Spencer Bachus, Joe Barton, Dan Banish.

Brian P. Bilbray, Gus M. Bilirakis, Rob Bischak, Sanford T. Bishop, Jr., Tim-
othy H. Bishop, Marsha Blackburn,
Jon Bonner, Dan Boren, Robert A. Brady,
Michael C. Burgess, M.D., Dave Camp,
John Campbell, Francisco “Quico” Canseco, Dennis A. Cardoza, André Car-
son, John R. Carter, Donna M. Christensen, Yvette D. Clarke, Eman-
uel Cleaver, Howard Coble,
Mike Coffman, K. Michael Conaway, Joe Courtney, Chip Cravaack, John Abney Culberston, Peter A. DeFazio, Rosa L. DeLauro, Thomas E. Davis, Deutsch-
off, John J. Duncan, John J. Duncan, Jr., Renee L.
Ellmers, John Fleming, J. Randy Forbes, Virginia Foxx, Trent Franks,
Mark Green, Maxine Waters, Cory Gardner, Blake
Garrett, Charles A. Gonzalez, Gene Green,
Ralph M. Hall, Colleen W. Hanabusa, Richard L. Hanna, Greg Harper, Andy
Harris, M.D., Vicky Hartzler, Aloe L.
Hastings, Nan A. S. Hayworth, M.D.,
Joseph J. Heck, Martin Heinrich, Brian Higgins, Tim Huelskamp, Carolyn
Hinchey, Tim Holden, Steve Israel,
Darrell E. Issa, Bill Johnson, Walter B.
Jones, William R. Keating, Steve King,
Jack Kingston, Adam Kinzinger, Doug
Lamborn, James Lankford, John B.
Larson, Robert E. Latta, Daniel Lipin-
ski, Zoe Lofgren, Billy Long, Blaine
Luetkemeyer, Cory Gardner, Loretta
Mary, Cynthia Ayala, Benjamin B. McLaughlin, Bill McKinney,
Kenny Marchant, Tom Marino,
Michael T. McCaul, Tom McClintock,
Tim Murphy, G. K. Butterfield, Patrick T.
McHenry, Mike McIntyre,
Michael H. Michaud, James P. Moran,
Christopher S. Murphy, Tim Murphy,
Steve Scalise, Steve F.兰克, Grace F. Napolitano,
Randy Neugebauer, Devin Nunes,
Alan Nunnelee, Pete Olson, William L.
Owens, Steven M. Palazzo, Steven R.
Rothman, Jon Runyan, Tim Ryan,
Linda T. Sánchez, Loretta Sanchez,
Adam B. Schiff, Jean Schmidt, David Schewel,
Austin Scott, David Scott, James Sen-
senbrenner, Jr., Pete Sessions, Heath
Shuler, Michael K. Simpson, Albio Sires,
Steve H. Frank Pai-
lone, Jr., Bill Pascrell, Jr., Joseph R.
Pitts, Ted Poe, Tom Price, M.D., Mike QuiZigley, Denny Rehberg, Silvestre Reyes,
Laura B. Richardson, David Ri-
vera, Bill Shuster, David P. Roe, M.D.
Mike Rogers, Peter J. Roskam, Todd Rohrabacher, Dennis A. Ross, Jackie Speier,
Cliff Stearns, Steve Stivers, Glenn
Thompson, Mac Thornberry, Edolphus Towns, Michael R. Turner, Joe Walsh,
Lynn A. Westmoreland, Ed Whitfield,
Joe Wilson, Robert J. Wittman, Don
Young, Richard B. Nugent, Benjamin
Quayle, Robert T. Schilling, Robert B.
Wicker.

Mr. CORNYN. I see the distinguished Senator from Oklahoma in the Cham-
ber, and I will defer to him moment-
arily. But I want to just say we need to understand what would happen if the sale of F-16s was shut down. The people who work on that production line would have to be let go or reassigned, actually exacerbating the high unemployment that we know is intolerable. In fact, the production line was closed, the cost. It makes it far less likely it will ever get made because of the cost. And because of the shear magnitude of the effort of trying to get this produc-
tion line back together and all the people who were employed there back to work;

So that is why, to respond to the dis-
tinguished chairman of the Finance Committee, the manager of the bill, it is so important in terms of the timel-
iness. I agree there is a time for every-
thing, but this is now. I will just say, finally, as I indicated earlier, this is a bipartisan measure, as demonstrated by the 47 Senators who signed letters to the President urging him to go forward; 13 Democrats, along with the un-
animous consent, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that the short time I am asking for as in morning business not be taken from either side in this agreement.

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

Mr. INHOFE. Mr. President, let me say, as far as the subject is concerned right now, I am very proud to have one of the first signatures on this effort. It is good for every reason the Senator from Texas mentioned. On top of that, we have allies we are dealing with. We have the employment situation. I know this going to be successful. I appreciate all the effort that has gone forth.

HONORING OUR ARMED FORCES

SPECIALIST CHRISTOPHER DAVID HORTON

Today, I wish to recognize and pay
tribute to Army SPC Christopher
David Horton from Owasso, OK. That is
home of the Rams in case people did not
know. Chris was born in Tulsa on October 1, 1984. He was deployed to Af-
ghanistan with Oklahoma National Guard soldiers from the 45th Infantry Brigade Combat Team. There were actually 3,000 initially in this de-
ployment. Some of them actually went to Kuwait at the last minute. This deployment was deployed to Afghanistan. This combat team, the 45th, has probably had more deployments than anyone else, although this was Chris’s first de-
ployment. His unit was attacked by enemy forces in Pakhtika Province on September 9, 2011. Chris and two of his fellow soldiers, SGT Edward R. Tower and PFC Tony Potter, died of injuries sustained from that firefight.

He would have turned 27 next week, on October 1. Chris attended the Mis-
souri Military Academy in Mexico, MO, and graduated in 2003. He excelled both militarily and academically during his 6 years at Missouri Military Academy. He was the 2nd platoon leader his sen-
ior year, captain of the rifle team, on football, and winning him the Aca-
demic Fourty-Gure Award. Chris lived a remarkable life, driven by service and excellence. He often spoke of his desire for America to excel. He was a business owner and a volunteer police officer. He was ex-
remely patriotic and very passionate in his love for America and for its free-
doms, knowing they have to be prote-
ected.

Chris was an accomplished re-
creational shooter and a professional
shooter through the U.S. Shooting
Academy of Owasso, OK. Some of his marksman awards include the Gus Hadwiger Award of 2009. He re-
ceived first place in novice pistol in the Oklahoma National Guard, first place in novice pistol in the Governor’s Twenty Match. This guy was very
good. He excelled and was among the very best. That was something he en-
joyed.

But in addition to shooting—this is kind of interesting because things bond
us together. I came so close to meeting him, but I never actually did. But one of the things we had in common is we
are both avid fishermen. He loved fishing. That is one of the things he enjoyed very much. Every opportunity he had, he would fish both ocean and freshwater.

His younger brother Nick said:
He was the big brother I could ever ask for. He taught me how to drive a car and how to fish.

That pretty much tells it all. Chris’s mother Cherie Horton said:
My son’s passion his whole life was to be a part of the military. He wanted to be part of the military. He loved his country, and he really wanted to serve his country. He was absolutely made to be a soldier.

This is a mother speaking. Chris enlisted in the Oklahoma National Guard in 2008, was assigned to the 1st Battalion, 297th Infantry Regiment of the 45th Brigade of the Army National Guard.

He attended basic training at Fort Benning, GA, became a sniper-qualified infantryman and no one’s surprise, graduated at the top of his class. Chris leaves behind his parents, Cherie and David Horton, his brother Nicholas, sister Tenley, and his wife Jane Horton. Chris met Jane while attending the Kings College in New York City. The two were married very fast.

She knew what she was out after. I know this is true because my staff and I got to know Chris through his wife Jane. She was an intern for me. She worked in my office, and we had these exchanges all the time. As could be expected, Jane took a personal interest in operations in Afghanistan. She worked with my legislative staff, responsible for military and veterans affairs.

During her time in Washington, she coordinated a campaign that resulted in over 20 care packages being sent to the Oklahoma National Guard Infantry Combat Brigade. I can tell everyone this, having been over there at a time when a lot of these care packages come in, we know, as we go across this country in helicopters, a lot of these packages, even though the people at home do not know it, are dropped to kids on the ground who love what we are doing there.

So I think Jane represents the best asset our military has at its disposal; that is, the military spouses. Her zeal and dedication are not uncommon attributes for military spouses who “hold down the fort” while their loved ones are deployed.

I had looked forward to meeting Chris during my upcoming trip to Afghanistan another week from now. I had a meeting during the break, the recess, in Collinsville, OK, and Jane was there. We talked about how we were going to meet up with Chris in my upcoming trip to Afghanistan. I had looked forward to meeting him during that trip.

While this personal conversation will not happen, I am committed to making Chris’s desire that our Nation be led down the right path a reality. Chris left a life of love for his family, friends, and country. He will be remembered for his commitment to and belief in the greatness of our Nation. Here are some of the comments posted online in honor of his life. I think it is kind of neat to read a lot of these. They come from around the country, some are members of the family, some are not. Here is one of them:

God’s got a good warrior up there with him now.

Another one:
I want to thank the families of this wonderful man who would do anything for anybody.

Another one:
He is a hero—each and every servicemen/women are—they protect our freedoms and without them we cannot. Thank you Specialist Christopher Horton—you may rest in peace. Prayers being said for your family.

But here is my favorite one. It is actually by his brother Nick. He said:
You will be missed more than anything brother, especially on the range, you always gave me a run for my money. Till we meet again in heaven.

That is kind of great. This tough fight took place and took the life of Chris. But make no mistake, Chris’s sacrifice made a difference and will continue to make a difference not just in Afghanistan but here in the United States.

We are safe and our country is secure because of Chris and all the service members who continue to work in our unwavering support for them. Although each servicemember we lose hurts, it is because of our connection to Jane that my staff and I are particularly affected by the loss of SPC Chris Horton.

I extend the deepest gratitude and condolences to Chris’s family. I will say something I will be criticized for— I always am. I have always been a Jesus guy. I find out, of course, that so is Chris. So when something such as this happens, even though we did not personally meet, we are brothers. So, in a case such as this, we do not say: Goodbye, Chris. We say: We will see you later.

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

The PRESIDING OFFICER (Ms. KROUCH). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Madam President, are we under a time limit to discuss the Cornyn amendment?

The PRESIDING OFFICER. Senator Cornyn has 33 minutes remaining.

Mrs. HUTCHISON. I want to speak on the Cornyn amendment. I ask unanimous consent that I be listed as a cosponsor.

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

Mrs. HUTCHISON. Madam President, the Cornyn amendment is important because the President of the United States has refused to allow the sale of F-16C/D block 60 fighters to Taiwan. Taiwan is trying to modernize its air force, and it is not an issue of our not selling to Taiwan. They have bought the A/B models, so they have 145 F-16s in the earlier model, the A/B. They are trying to get the next generation of them.

This is a foreign policy issue, but also a domestic issue, because these are very important sales—the 66—for the F-16s they are to be certainty, and the hope is that this sale will go through. It is very important so that we can continue to make them for ourselves but also sell them to our allies. Most certainly, Taiwan is an ally and has used and likes the F-16. Taiwan has also used the French Mirage, but the French Mirage has a shortage of parts for Taiwan. They are trying to consolide, with F-16s, American jobs and American fighters.

Now they are running into the roadblock of the administration. Within the next decade, Taiwan will retire 70 percent of its fighter force structure. Its F-5s have reached the end of their utility. The Mirage fighters lack parts and life cycle support, and their indigenous defense fighters are being converted to trainees. Taiwan’s existing 145 F-16A/B fighters all require a midlife upgrade. With the F-16s already in the inventory, they are seeking to combine their whole fighter fleet with the single airframe, with the cost and operational benefits and the efficiencies that one fighter frame would give them.

We are concerned that further delay of the decision to sell the F-16s to Taiwan could in fact close the production line. That is why 45 members of the Senate have signed a letter to President Barack Obama, asking him to go forward with this sale of 66 F-16C/Ds to Taiwan.

The Taiwan Relations Act of 1979 directs Congress and the President to make decisions on arms sales to Taiwan based solely on the judgment of the needs of Taiwan. We believe that the Taiwanese pilots flying Taiwanese fighter aircraft manufactured in the United States represent the first line of defense for our democratic ally, and do not pose any threat to China. There is no offense here. The Taiwan air force just patrols the Taiwan Strait to ensure its safety.

I rise in support of the amendment that has been offered. It is very important. Bipartisan support in Congress
September 22, 2011

CONGRESSIONAL RECORD — SENATE

S5863

for working with our ally, Taiwan, without any offense to China is important and we need to assure that it remains solid and firm.

I hope our colleagues will help us with the amendment that will assure this will be true. We know that unless we have the commitments we have made, and that we have the ability to sell to Taiwan, otherwise, they will surely look for other countries to buy from.

That is not in our interest. Here we are told that jobs in America are certainly in our strategic interest to have our ally buy our product, so we can do the training and work with them and have a strengthening of not only our trade but our defense alliance. It just makes sense to go forward. It is not as if we don’t sell to Taiwan. They have already bought 145 F-16s. They now want 66 more of the newer version.

It is time for us to do what is right for our country, for jobs in our country, for our national defense, and for the Haqqani network. We are committed in ties with our ally, Taiwan. I urge support for the Cornyn amendment. Since so many Democrats have signed a letter to the President, I hope that will translate into votes for the amendment so it is clear that the bill can pass in the Senate for the F-16 sale to Taiwan is accomplished.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. KIRK. Madam President, I ask unanimous consent that the order for the cornyn amendment be put in the record.

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

U.S. ASSISTANCE TO PAKISTAN

Mr. KIRK. I rise to commend the Senate Appropriations Committee, under the leadership of Chairman Lilienfeld, a new Member of this august body. It is on a decision we made yesterday as a full committee with regard to U.S. assistance to Pakistan.

In short, what the Senate did was to remove nearly all the guarantees of assistance funding to the Pakistani Government, based on new information and statements made by senior U.S. Government officials on the Pakistani Government and its intelligence service’s—called the ISG—support for an organization called the Haqqani network, one of the most dangerous terrorist organizations on earth.

We have learned from statements by our U.S. Ambassador in Kabul, U.S. Ambassador in Islamabad, Secretary of State, Secretary of Defense, and the Chairman of the Joint Chiefs of Staff that the Haqqani network has become the principle threat to the Afghan Government, to U.S. troops serving in Afghanistan, and to our NATO allies.

We were told by the U.S. Embassy in Kabul and NATO Headquarters were attacked on September 12. At least 16 people were killed, including 5 Afghan police officers and 11 civilians, in an attack organized and put together by the Haqqani network under the direct protection and support of Pakistan’s Government itself. Just a few days earlier, at Combat Post Sayed Abad in Wardak Province, on September 10, over 77 U.S.ivers and 17 Afghans were injured by a massive truck bomb likely put together by the Haqqani network, probably in Afghanistan, for an attack on Americans. This June 28, at the Hotel Intercontinental in Kabul, 12 Afghans were killed and 8 were wounded in an attack, likely sponsored by the Haqqani network. That same network attacked Kabul Bank on February 19, with over 40 people killed.

The Haqqani network is a different branch of the Taliban. The Taliban largely does not have a safe sanctuary in Afghanistan or Pakistan. They have surrendered much of their operational control and initiative in eastern Afghanistan to the Haqqani network.

The Haqqani network has become so powerful and so strong is because it is protected by the Government of Pakistan itself, a claimed ally of the United States that receives substantial assistance provided by this Congress. We have seen a very clear picture emerge from the administration directly connecting the Government of Afghanistan to the Haqqani network in support and assistance that has been involved in the death of American service men and women and our NATO and Afghan allies.

This started out on September 13, when one of our most able Foreign Service Officers, a real hero of Foreign Service, our Ambassador in Afghanistan, Ryan Crocker, highlighted Pakistani support for the Haqqani network and its role in attacks in Afghanistan.

Four days later, our U.S. Ambassador, his counterpart in Islamabad, Ambassador Crocker, gave a very important and I think brave interview on Pakistani radio, highlighting the role of the Pakistani Government support for this terrorist organization and its attacks on U.S. service men and women in Afghanistan.

The following day, Secretary of State Hillary Clinton, during a meeting with Pakistan’s Foreign Minister Khar, also highlighted the government support for this terrorist organization and its attacks on U.S. service men and women in Afghanistan.

Finally, on September 20, the Chairman of the Joint Chiefs of Staff, Admiral Mullen, in a presentation before the Carnegie Endowment for Peace, also highlighted Pakistan’s official government support for the ISI and the Haqqani network.

In testimony today in the Senate Armed Services Committee, Admiral Mullen reiterated these claims, stating the ISI, Pakistan’s Government, had provided explicit support for an attack on the U.S. Embassy in Kabul and NATO headquarters. The Haqqani network, supported by the Government of Pakistan, is also responsible for attacks on Afghan and Indian construction efforts in the Kabul-Gardez Road at Camp Chapman, an attack that killed seven CIA employees and enabled the kidnapping of American and British journalists.

Within Pakistan, the Haqqani network serves as a trusted intermediary between the Pakistani intelligence service and terrorist organizations active also against the Indian democracy in Kashmir and the subsiding of the subcontinent. These include Lashkar-e-Taiba and Tehrik-e-Taliban Pakistan, organizations responsible for the 2008 and 2011 Mumbai attacks.

Secretary Clinton, Secretary Panetta, Admiral Mullen, General Allen, Ambassador Crocker, Ambassador Hunter, and the Congress, Republicans and Democrats here in the Senate, now all agree that the Pakistani Government’s complicity and longstanding history of support and protection for the Haqqani network is an impediment of the U.S. goal of achieving safety and security in Pakistan and Afghanistan. The Pakistani Government should end its protection of the Haqqani network.

The Haqqani network is a wholly owned subsidiary of the ISI, and is responsible for the death of American service men and women and civilians in Afghanistan. Both the United States and Pakistan would benefit from a substantive and continuous reduction in Haqqani operations against U.S. and NATO forces in Afghanistan, showing that nearly all of the attacks have been eliminated within the calendar year and, on top of that, authority or action by the United States or NATO allies to hit Haqqani targets in the frontier autonomous tribal area, where they have been protected to date.

Unless we can meet these two conditions, I believe the decision we have made to remove the floors and stop the guaranteed funding for Pakistan is a wise one. This is a rare moment in which the U.S. Ambassador in Kabul, the U.S. Ambassador in Islamabad, the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, and Secretary of State have all said that the Pakistanis directly support terror through the Haqqani network and it needs to stop. In these tough economic times where nearly all of the assistance to Pakistan is borrowed money to be provided to Pakistan, is all borrowed money to be provided to Pakistan, is all borrowed money to be provided to Pakistan.
I am very glad the administration and now the Congress have spoken with a clear voice. I only hope we hold our nerve and never waver. If we let past policies of having mere Pakistani promises and official statements be the cause for releasing U.S. aid, we will repeat the failures of the current policy. We need actual action. We need to understand that senior Pakistani officials—of their intelligence service, and of their defense department—have clearly gamed the system. Only by action and cutting off the Haqqani network can we make sure that at least the U.S. taxpayer is not supporting this terrorism. I commend that it was a bipartisan action. Now I hope we stick to our guns and see that we do not provide assistance to Pakistan unless they stop supporting this most dangerous new terrorist operation operating against our men and women in uniform serving in Afghanistan.

I ask unanimous consent to speak.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

Mr. BROWN of Ohio. Madam President, I first rise to speak for 30 seconds on the trade adjustment legislation and the amendment Senators BAUCUS and CASEY and I have been working on, to make sure that trade adjustment is available to workers who have lost their jobs because of service or manufacturing and trade competition—only not real competition, because so often the deck is stacked far too much against American workers and American companies. Other amendments notwithstanding, I don’t want to see this restricted to only those workers who have lost their jobs from unfair competition from countries we do not have trade agreements with. It sounds almost silly to have to say that. We need to keep this program focused on all workers who need some assistance who need to be retrained. They lost their jobs through no doing of their own.

It suggests the next issue, and that is something a bipartisan group of Senators has raised. Republican Senators, Senator Burr, Senator Graham, Senator Sessions, Senator Snowe, and Senator Collins, and Democratic Senators, Senator Schumer, Senator Stabenow, I am one of the five, Senator Hagan, and Senator Casey—each of us has pushed for legislation dealing with the problems of currency. The Chinese have clearly gamed the system.

We spent all this time on the budget deficit. It is certainly worth addressing in a big way. But we spend so little time on the trade deficit, and the trade deficit cuts right into eliminating American jobs.

Recent studies show that literally hundreds of thousands—some 2.8 million—jobs have been lost to China since 2001, in a decade. Two-thirds of those were manufacturing jobs lost because of unfair trade practices, in part because of the way the Chinese game the system on currency. Our legislation says several things. One of the most important parts of this legislation is simply telling the U.S. Government, when it is doing an investigation on trade cases, it must consider currency manipulation by the Chinese.

This will result, we know, in significant job growth in our country. It will mean more exports of U.S. products to China because it takes off that advantage they have. It will mean American companies making products here can compete with Chinese competition trying to sell into our market—again because it takes away the unfair subsidies the Chinese have had.

You do not have to go to very many places—in West Virginia, in Connecticut, in Ohio—to see how many products made in this country used to be made here that are now being made in China. Currency is not the only reason but it is surely one of the reasons.

I will close with this, a brief story about a company in southwest Ohio which manufactures paper. Until a decade and a half ago, the Chinese, the People’s Republic of China, did not even have a coated paper industry. That is the sort of magazine paper, glossy paper we are all familiar with. The Chinese did not even have the kind of technology to make that paper for a decade and a half. Since then, they started their industry. They buy their wood pulp in Brazil, they ship it a long way to China, they ship it back to the United States and they undercut American companies by underpricing American companies—southern Ohio, in many cases, southern Ohio, American companies, and other places. They undercut them with price.

They tell me when you make paper, only 10 percent of paper costs are labor costs. What that means is the Chinese are subsidizing in water and in credit, and in labor costs. They undercut American companies by underpricing American companies—southern Ohio, in many cases, southern Ohio, American companies, and other places. They undercut them with price.

I rise today to restate at this crucial juncture my unwavering commitment, as stated so eloquently by many in this body over the years, to the United States-Israel relationship and American obligation and commitment to Israel’s security.

I thank the President of the United States for his address to the United Nations, which very powerfully and courageously stated that commitment. The President’s strong message shows again that our shared interests, as well as our friendship with Israel, are deep and enduring.

My colleagues know all too well, the Israelis and Palestinians must reach agreement through negotiations on the issues that divide them, not through the United Nations. Israel has repeatedly endorsed a two-state solution that will sustain it as a Jewish and democratic homeland. To be viable, any lasting peace and any plan for peace must acknowledge the real security concerns that Israel faces day in and day out and has faced throughout its history.

The President’s powerful remarks at the United Nations were inspiring in a forum that has been repeatedly hijacked by dictators and despots for the purpose of delegitimizing Israel and fostering anti-Semitism. The Palestinian Authority’s bid for United Nations recognition is a distraction from the hard work, the really hard work needed to achieve peace and find an equitable solution. As the President said, “The fact is peace is hard.” To succeed, “peace depends upon compromise among people who must live together long after our speeches are over.”

Tough compromises will have to be made by both the Israelis and the Palestinians. The United States is ready to assist both peoples in taking necessary risks for peace, and Israel is willing to sit down and commence those talks immediately with the Palestinians.
The bid for United Nations recognition is also a distraction from the deteriorating situation in the Middle East, where governments of the region, both old and new, seem all too willing to use Israel as a target and as a scapegoat, rather than face the legitimate needs of the Palestinian people.

In Turkey, for example, the government has stretched to seek a confrontation with Israel rather than address the humanitarian disaster on its doorstep in Syria. In Egypt, the government has closed the doors of the Israeli Embassy in Cairo, rather than release from detention their citizens arrested for advocating for democratic reforms and freedom. Most concerning to this Chamber, Iran’s Government has doggedly pursued nuclear weapons and threatens to destabilize the entire region. Nobody is fooled about the military dimensions of Iran’s nuclear program.

On this day we do not yet know how the Authority’s bid for statehood recognition at the United Nations will be resolved. I do know my colleagues on both sides of the aisle will not be sidetracked from advocating for the hard work toward peace. By contrast, the Palestinian Authority has decided to return to the negotiating table, which they have refused to do, and by continuing strong United States-Israel defense cooperation our Nation will deter those who would seek to achieve victory over Israel by either using the threats of arms or manipulating United Nations institutions such as the United Nations.

By sending the Iran, North Korea, and Syria Sanctions Consolidation Act of 2011 to the President for his signature, we can do our part to call attention to Iran’s use of denial and deceit to advance its nuclear program. By passing a foreign operations appropriations bill for fiscal year 2012 that aligns our assistance with our international community for peace, we can also continue our work to get the United States-Israel defense cooperation bill passed that will ensure a stronger defense for Israel and a more secure peace for Israel. Finally, I would be remiss if I did not call attention to the fact that while each of us was free to hear the President’s remarks, yesterday was and today remains another day that Gilad Shalit is held hostage by Hamas. As a nation founded on the unalienable right to liberty, we must repudiate those who seek to forge a nation while continuing to collaborate with its captors. I urge his release.

I look forward to working with my colleagues and the President on all of these efforts. They are truly bipartisan. They unite us as a body and they unite the American people. I thank you.

I yield to the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WARNER. Mr. President, I ask to speak as in morning business for up to 5 minutes.

I yield to the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WARNER. Mr. President. Without objection, it is so ordered.

I would like to thank my friend, the Senator from Connecticut. Let me add my voice to his. There is no better friend or stronger ally. This is the key relationship our country has. Like the Senator from Connecticut and the President and others, we have a lot of things in this body we disagree with, but our firm support for Israel, particularly at a time when there is so much turmoil, is important.

The Senator from Connecticut, Mr. Blumenthal, spoke on that issue.

RECOGNIZING FEDERAL EMPLOYEES

I am going to take a moment today to repeat something I do on a regular basis. It is something I inherited from the former Senator from Delaware, Mr. Kaufman, when he was here. He would, on a fairly regular basis, come down and recognize the great work of individual Federal employees.

So following in Mr. Kaufman’s footsteps, I come down and pick a Federal employee; he is talking in this body about what government does not do well and how we need to rein in and get our government in order. I know the Presiding Officer and I share those beliefs. There are an awful lot of good folks who work for our Federal Government, day in and day out who do not get much recognition but provide incredibly valuable service to literally 300 million Americans.

So following in Mr. Kaufman’s footsteps, I come down and pick a Federal employee, he is talking in this body about what government does not do well and how we need to rein in and get our government in order. I know the Presiding Officer and I share those beliefs. There are an awful lot of good folks who work for our Federal Government, day in and day out who do not get much recognition but provide incredibly valuable service to literally 300 million Americans.

Every time we get to that eleventh hour, we put all these Federal employees’ lives in limbo, and that is not fair. It is not right. Every time we do this, we self-inFLICT upon this economy another effort imposed by us that slows our economic recovery. I know the majority leader and others are trying to work in good faith to make sure we do not have another brinksmanship around the end of the fiscal year.

Mr. CARDIN. Will the Senator yield?

Mr. CARDIN. Let me thank the Senator from Virginia.

Mr. WARNER. I will be happy to yield.

Mr. CARDIN. Mr. President, I ask to speak as in morning business for up to 5 minutes.

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

Mr. CARDIN. I thank the Senator from Virginia. He is absolutely right. We went through a pretty tough period.

Looking back, we know the Presiding Officer and I share the same concerns. There are an awful lot of good folks who work for our Federal Government, day in and day out who do not get much recognition but provide incredibly valuable service to literally 300 million Americans.

Mr. WARNER. I yield to the distinguished Senator from Virginia.

Mr. CARDIN. Let me thank the Senator from Virginia.

Mr. WARNER. I thank the Senator from Virginia.

Mr. CARDIN. Mr. President, I ask to speak as in morning business for up to 5 minutes.

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

Mr. CARDIN. I thank the Senator from Virginia. He is absolutely right. We went through a pretty tough period.

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Mr. WARNER. I yield to the distinguished Senator from Virginia.

Mr. CARDIN. Mr. President, I ask to speak as in morning business for up to 5 minutes.

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

Mr. CARDIN. I thank the Senator from Virginia. He is absolutely right. We went through a pretty tough period.

Looking back, we know the Presiding Officer and I share the same concerns. There are an awful lot of good folks who work for our Federal Government, day in and day out who do not get much recognition but provide incredibly valuable service to literally 300 million Americans.

Mr. WARNER. I yield to the distinguished Senator from Virginia.

Mr. CARDIN. Mr. President, I ask to speak as in morning business for up to 5 minutes.

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

Mr. CARDIN. I thank the Senator from Virginia. He is absolutely right. We went through a pretty tough period.

Looking back, we know the Presiding Officer and I share the same concerns. There are an awful lot of good folks who work for our Federal Government, day in and day out who do not get much recognition but provide incredibly valuable service to literally 300 million Americans.
have someone as dedicated as Dr. Batres working on these important issues.

I hope my colleague will join me in honoring the doctor, as well as all of those at the Department of Veterans Affairs for their excellent work today. I also am proud to recognize that Dr. Batres, as a Virginian and a Vietnam veteran, has dedicated 37 years to public service.

As I was saying earlier, along with the Senator from Maryland, there will be issues on which we disagree with our friends on the other side of the aisle. We have to have a way to argue, debate, and decide on those disagreements, but let’s make sure we do not put this country and our Federal employees in more—and, equally important, the 300 million Americans who do not only depend on those services that are provided, but mostly are about trying to recover in this economy—by not having Act 3 of that kind of political brinkmanship which started in the spring and then over the debt crisis and now potentially at the end of this month, which are, in effect, self-inflicted wounds on our economy that is struggling so much to recover.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

AMENDMENT NO. 611

Mr. HATCH. Mr. President, I thank Senator RUBIO for offering his important amendment that will constrain spending on TAA by limiting TAA benefits to workers negatively impacted by free trade agreements negotiated by the United States Government.

As I explained in offering my amendment, it is the standard of eligibility for TAA, the expanded TAA Program will grow and grow and cost more and more taxpayer money. The expanded TAA Program proposed by the chairman is no longer about trade policy but, rather, about expanding a domestic spending program. The TAA Program proposed by our friends across the aisle extends TAA to services workers and to workers impacted by shifts of production or services to any country, not just an integrated and rapidly expanding global economy, conceivably all business decisions made at home and abroad could trigger TAA’s generous benefits.

As I predicted at the beginning of this hearing, many of my friends who support TAA have argued that more people used the TAA Program when it was expanded in 2009; therefore, it must be working. I strongly reject this argument. Spending more money and certifying more people does not mean a program is succeeding; it simply means the program is expanding and costing more and more taxpayer dollars.

Proponents of an expanded TAA Program tell us there is a moral obligation for the government to help mitigate the costs from job losses associated with increased imports and offshore outsourcing, which often occurs as a result of Federal policies, that is, trade agreements. But why do we choose to reward some Americans who lose their jobs due to adjusting to some Federal policies—this is, trade policy—but not others? Even if one were to concede that the Federal Government has some obligation to help those who lose their jobs due to the trade policy actions of the United States, surely workers who lose their job in any industry where they have nothing to do with Federal Government actions should not receive these favorable TAA benefits.

I have heard lots of talk about the improvements made in the 2009 TAA stimulus expansion. One word I do not hear much anymore is “globalization,” because if you go back and look at the actual bill, the 2009 stimulus TAA package was actually called TOAA, trade and globalization adjustment assistance. That is the reason we have to limit the “globalization” reference in the title of the TAA extension amendment we are considering today, but the legislation retains the untenable expansion of eligibility criteria included in the 2009 stimulus version.

The TAA Program we will vote on today, as offered by the chairman has lost any nexus to U.S. trade policy actions. Under the chairman’s expanded TAA Program, who lose their jobs, allegedly due to shifts in production to non-free-trade agreement countries, will be eligible for the generous TAA benefits.

As I highlighted in my remarks yesterday, Solyndra, in a dynamic U.S. and global economy, businesses can start up and shut down for many reasons that have absolutely nothing to do with foreign trade and certainly nothing to do with any specific U.S. trade policy. Solyndra failed due to a bad business model and an ill-conceived Federal loan of a half a billion dollars in taxpayer money—it was a little bit more than that—not because of trade policy. That Solyndra workers may receive TAA benefits highlights the problems with the program.

Globalization has changed how our businesses operate—both large and small—and all the variables that now impact business decisions through global supply chains, shifting demographics, shifting demand trends, different tax regimes, and ever-changing investment climates will necessarily create opportunities and challenges. The United States needs to ensure that we can help American businesses and farmers compete for the new customers and consumers around the world, and we do this best by plying open those markets, protecting American intellectual property rights and investments, and strengthening the rule of law.

That is why my colleagues and I continue to push the White House to send the three pending free-trade agreements to Congress for a vote, so we can help our businesses and farmers better compete in a global economy. If we want to help our economy and create jobs, passing the FTAs should be our first order of business.

The best response to globalization is to harness its dynamic growth to our benefit, not to choose winners and losers and give them unproven training and additional income support and health care entitlements. If the purpose of TAA is to help workers adjust to trade policy actions by the government, then only those workers impacted by trade with U.S. free-trade agreement countries should be eligible.

Again, I thank my colleague and friend, Senator RUBIO, for offering this important amendment and trying to look out for the taxpayer and narrowly constrain spending on TAA. I urge my colleagues to support his amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

AMENDMENT NO. 650

Mr. THUNE. Mr. President, I call up amendment No. 650 to make it pending.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk will report:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 650.

Mr. THUNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

AMENDMENT NO. 650

(Purpose: To require a report on the consequences of failing to act on trade agreements)

At the end, add the following:

TITLE
—ITC REPORT

SEC. 01. SHORT TITLE.
This title may be cited as the “Quantifying the Effects of Failure to Act on Trade Act”.

SEC. 02. ITC REPORT.
(a) IN GENERAL.—(1) FAILURE TO ACT ON AGREEMENT.—Not later than 2 years after the date that the President enters into a trade agreement, the International Trade Commission shall submit a report described in subsection (b) to Congress, if—
(A) legislation to implement the agreement has not been submitted to Congress; or
(B) the agreement has not entered into force with respect to the United States.

(2) FOLLOW UP REPORT.—The International Trade Commission shall update the report required by paragraph (1) as soon after, if legislation to implement the agreement has not been submitted to Congress, a
bill to implement the agreement has not been considered by either House of Congress, or the agreement has not entered into force. 

(b) CONTENTS OF REPORT—The report required by subsection (a) shall contain the following:

(1) A quantitative analysis of the impact on United States businesses and individuals caused by the delay in implementing of the agreement. The analysis shall examine all relevant factors impacting United States businesses and individuals, including—

(A) how the delay in implementing the agreement is affecting the protection of intellectual property rights of United States businesses operating in foreign markets.

(B) how the delay in implementing the agreement is affecting the advancement of United States trade objectives, described in the Bipartisan Trade Promotion Authority Act of 2002 (or any subsequent trade promotion authority); and

(C) how the delay in implementing the agreement is affecting the protection of intellectual property rights of United States businesses operating in foreign markets.

(2) The impact on employment in the United States resulting from the delay in implementing the agreement.

(3) An estimate of the probable impact on United States businesses, in terms of exports, profitability, and employment, if the trade agreement does not enter into force by the end of the calendar year following the date of the Commission report

(c) APPLICABILITY.—The International Trade Commission must submit the report required by this section with respect to—

(1) any trade agreement entered into or after the date of enactment of this Act; and

(2) any trade agreement entered into before the date of enactment of this Act if such agreement has not entered into force with respect to the United States by June 30, 2012.

Mr. THUNE. Mr. President, I rise in support of this amendment, which I filed yesterday afternoon, which deals with what I believe is a very important and timely topic; that is, the high cost of delay when it comes to the pending free-trade agreements. I raised this issue yesterday, and I wish to reemphasize my comments in light of the fact that we will be voting on this amendment this afternoon.

Most of the debate the last few days has been about the merits of trade adjustment assistance. But there is another aspect of trade adjustment assistance renewal we should consider. It is the fact that there has been a real cost to America’s economy and to the American businesses as a result of the President’s strategy to link passage of the three trade agreements to a renewal of an expanded Trade Adjustment Assistance Program.

This is very unfortunate, especially considering that even the White House acknowledges that passing the trade agreements is one of the best things we could do in the short term to create jobs. According to the Business Roundtable, the passage of the trade agreements will support 250,000 American jobs. The U.S. Chamber of Commerce estimates that as many as 380,000 U.S. jobs could be in jeopardy if we do not pass the free-trade agreements.

One would think passage of these trade agreements, which were signed in 2006 and 2007, would have been an early priority for the Obama administration. Yet here we are more than 2½ years into this administration, and the President still has not made a commitment to send up these agreements so we can consider them.

Perhaps some might say it takes time to get an agreement implemented after it has been signed. Let’s consider some recent trade deals the United States has signed. The U.S.-Peru Free Trade Agreement, the U.S.-Australia Free Trade Agreement. This agreement with an important ally was signed on May 18, 2004, and entered into force on June 1, 2005, a little over 1 year later.

Consider the U.S.-Chile agreement. This agreement was signed on June 6, 2003, and entered into force on January 1, 2004, only a little over half a year later. Perhaps we should look at the U.S.-Peru agreement. This agreement was signed on April 12, 2006, was passed by the Democratically controlled House in November of 2007, and the Democratically controlled Senate in December of 2007.

Let me repeat. A Democratic House and today, a Democratic Senate took up and passed an agreement, negotiated and signed by a Republican President, just over a year and a half after it was signed. So we know that even when the President and the majority in Congress work together, we have still been able to implement our trade agreements expeditiously for the good of the country.

My point is not simply that the three pending free-trade agreements are long overdue. The point is, our process for considering trade agreements did not envision such long delays between signing and implementation. Nevertheless, we need to respond to this unfortunate reality, and my amendment helps us to do so.

It is very simple. Under current trade promotion authority procedures, the International Trade Commission must prepare a report that is submitted to the Congress no later than 90 days after a trade agreement is signed. However, there is currently no requirement that the ITC conduct a study to assess the negative impact on U.S. businesses when we delay implementation of an agreement, as we have for more than 4 years with Korea, Colombia, and Panama.

My amendment would simply require the ITC to assess the negative impact to U.S. businesses if a trade agreement is signed but has not been considered by Congress within 2 years. The ITC study would focus on lost U.S. export opportunities, how the delay has impacted U.S. trade objectives as set out under trade promotion authority, as well as how the delay impacts the protection of U.S. intellectual property overseas.

The study would also estimate the impact on U.S. employment if the trade agreement in question continues to languish. Finally, the ITC would be required to update its study in every subsequent year that the trade agreement is not considered by Congress or if it is still not entered into force.

My amendment follows a very basic principle. If the President believes a trade agreement is important in America’s national and economic interests, he needs to submit it to Congress. If he does not submit it to Congress, we need to have better information as to what the costs are of that delay. If we think these trade agreements are important—and the President spent much of the month of August talking about the need to pass them, so clearly he believes they are important—then we need to be able to more effectively weigh the disadvantages imposed upon American businesses and consumers as a result of not implementing them.

I wish to emphasize this is not a partisanship amendment. It will apply to any future President who delays implementation of a trade agreement, whether that President is Democratic or Republican. Why is this so important? Because the global economy in which American businesses compete is not static. It is dynamic, fast moving, and ever changing. As we speak, there are now more than 100 new free-trade agreements currently under negotiation around the world. Yet the United States is a party to only one of those negotiations, the Trans-Pacific Partnership.

Let’s consider the cost of delay to just one U.S. company, Caterpillar. As we all know, Caterpillar is a leading producer of large construction and mining equipment and a major U.S. exporter. Caterpillar’s large truck exports to Colombia face a 15-percent duty, which adds about $300,000 to the cost of each of those trucks exported to Colombia.

Imagine the advantage Caterpillar could have had for the last several years over its Japanese and Chinese competitors if the Democratic House in 2008 had not refused to consider the Colombia agreement when President Bush submitted it or if President Obama had submitted it promptly upon taking office.

But the Caterpillar example is just one company. We did an unbiased, objective, and expert study on the cost to all U.S. businesses of delay. My amendment would accomplish this analysis.

Consider that U.S. companies have paid more than $5 billion in tariffs to Colombia and Panama since the trade
agreements with these nations were signed more than 4 years ago. More importantly, U.S. businesses have lost countless business opportunities in Korea, Colombia, and Panama.

Consider another example, the market for agricultural products in which is the world’s 13th largest economy. Korea’s tariffs on imported agricultural goods average 54 percent, compared to an average 9-percent tariff on these imports into the United States. Passage of the Korea Free Trade Agreement will level the playing field. If this administration continues to delay sending these agreements to Congress, at a time of near-record unemployment and slow economic growth, this delay is unacceptable. This ongoing delay is having a real impact on American businesses, and it will only get worse as the EU-Korea agreement has now entered into force and European companies are getting the benefits of lower tariffs and market access.

The market for agricultural products is another good example of the high cost of delay. In 2010, for the first time in the history of U.S.-Colombia trade, the United States lost to Argentina its position as Colombia’s No. 1 agricultural supplier.

Consider the story of the three main crops we grow in South Dakota: corn, wheat, and soybeans. The combined market share in Colombia for these three U.S. agricultural exports has decreased from 28 percent in 2008 to 28 percent in 2010, a staggering decline of 50 percentage points. This situation will only get worse now that the Canada-Colombia agreement has taken effect as of August 15 of this year.

As Gordon Stoner, a wheat grower from Outlook, MT, testified before the Finance Committee earlier this year: “Our share of the Colombia wheat market has declined from 73 percent in 2008 to 43 percent in 2010, and industry representatives in Colombia indicate we could lose our entire market share following implementation of the Canada-Colombia free trade agreement.”

We are living in a global economy where America cannot afford to stand still on trade. There is another cost to the delay in submitting these free-trade agreements to Congress that we should consider. This is the cost of trust we may experience and be creating with new potential trade agreement partners. As an emerging economy today and they have the opportunity to negotiate a comprehensive trade agreement with either the European Union or the United States, what message is our delay sending to those potential trading partners?

Unfortunately, the message appears to be that if they negotiate with the EU, they will get the benefits of an agreement much sooner than if they spend the time and effort to negotiate an agreement with the United States. This is best exemplified by the negotiations with South Korea, a large economy, a major market for agricultural goods, as I mention, and manufactured goods as well as services.

The U.S.-Korea Free Trade Agreement was signed in June of 2007. Korea’s trade agreement with the EU was launched in May of 2007, just 1 month after the U.S. delegation finally finished the entire negotiation process. We wrapped up our agreement with Korea by the time the EU was just launching the beginning of their negotiations with Korea. As I mentioned earlier, the EU-Korea agreement has now taken effect, and it has not even yet submitted our agreement with Korea to Congress for consideration.

Again, we are not creating a favorable impression for any future trade agreement partners. As emerging economies mature, millions of middle-class consumers enter the global marketplace. This is an impression we simply cannot afford to let persist. American businesses and exporters need access to fast-developing markets. Imports and business opportunities accelerated the way Washington, DC operates. If U.S. companies, such as Apple or IBM, waited 4 or 5 years to develop their next product? Would they continue to outinnovate their foreign competitors?

If we continue to lose our market share, U.S. businesses cannot afford to stand still, the U.S. Government cannot afford to stand still as we have on trade for these past several years.

In 2000, exports accounted for only 3.6 percent of our GDP. Today, exports account for 12.5 percent of our GDP. Exports of U.S. goods and services support over 10 million American jobs. It is long past time that we get back in the game by passing the three pending trade agreements.

My amendment will ensure that if we delay, if we fail to act, we will have a better assessment of the cost to American businesses and consumers of that delay. It will make time on the shelf more difficult than it should be to balance the benefits of this delay on the one hand, which would be any benefits from renewal of the expanded TAA, with the cost on the other hand. This is not even the fact that the Colombia, Korea, and Panama Free Trade Agreements will pass soon and go into effect long before next June.

This amendment is forward looking, as it applies to future trade agreements, if they are not submitted to Congress or considered by Congress or not entered into force within 2 years of being signed. This will apply to a trade agreement by a future Republican President just as much as by a Democratic President. If there is a substantial delay in implementing a trade agreement the United States signed in good faith with another nation, whatever the reason for the delay, maybe we in Congress should have better information as to the specific impact on U.S. businesses of this delay. That is all this amendment would do. It doesn’t affect GSP or TAA. It would not imperil this bill in the House. There is no good reason to oppose this amendment. I hope we can adopt it today.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Utah.

Mr. HATCH. Mr. President, I rise to speak in support of the amendment filed by my colleague from South Dakota. This amendment deals with an important issue, namely, the cost of delay when it comes to free-trade agreements.

The President’s desire to increase spending on TAA—an expensive domestic spending program of debatable worth—at a time when taxpayers are struggling to make ends meet during a recession makes no sense to me. His strategy to link passage of PTAs to renewal of this expanded TAA program is equally perplexing. TAA is meant to assist workers who have allegedly lost their jobs due to trade. But the administration has repeatedly stated that the three pending trade agreements will create jobs, not cause people to lose them.

According to the Business Roundtable, passage of the three pending trade agreements will support 250,000 American jobs. Since jobs will be created rather than lost, it makes no sense to link the passage of an expanded version of trade adjustment assistance to these three FTAs. In fact, the only jobs lost have been those created by the President’s refusal to send these PTAs to Congress. His refusal to act has caused U.S. farmers, manufacturers, and service providers
to codify market share to our competitors in Panama, Colombia, and South Korea.

Given the state of the economy under this administration, one would think passage of these trade agreements—which were dead on the President’s desk when he wrapped up a bow by his predecessor—would be the first order of business. Yet, here we are, more than halfway into this administration and the President has not even made a commitment to send us the trade agreements so we can begin to consider them.

My colleague’s amendment would help us assess the impact of the President’s delay, and future Presidents as well, on the American economy.

The amendment would require the ITC to assess the negative impact to U.S. businesses if a trade agreement is signed but has not been considered by Congress within 2 years. Among other things, the ITC study would highlight lost U.S. export opportunities, the impact on U.S. employment to date, and the prospective impact on U.S. employment if agreements are not sent to Congress.

If the President believes these trade agreements create jobs, he needs to submit them to Congress. It is absurd that they are still sitting on the President’s desk, while our companies and workers lose market share to our competitors in Colombia, South Korea, and Panama.

I encourage my colleagues to support this amendment.

I ask unanimous consent that the Senator from New Hampshire be permitted to make her remarks at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. I thank my colleague. I agree with both of my colleague’s comments, that we live in a globalized economy, and it is important for us to make sure we have the benefits of that globalized economy in America. It has offered us incredible new opportunities. But there are opportunities that have not been shared equally across our economy and our workforce.

I believe that when given a level playing field, the American workforce has shown it can outcompete and outproduce any economy in the world. That is the way we will get our economy moving again, by unleashing the power of American entrepreneurship.

I have spoken before about ending the false debate between so-called free trade and fair trade. I think we need competitive trade, a policy that focuses on growing U.S. exports, opening new markets for U.S. companies, job training for our workforce, and tough enforcement of trade rules.

We can help defer foreign competition by giving them access to foreign markets. Fully 95 percent of the world’s consumers live outside of the United States, but only 1 percent of U.S. small businesses is doing business outside of the United States, or exporting their products. Increasing our exports is vital to the long-term health of our economy.

At the same time, we have to acknowledge the new challenges for many American companies and American workers. We have to understand no graph showing GDP growth is a comfort to a mother who suddenly cannot feed her family because her factory has shut down; and no statistic about market efficiency is going to pay a young man’s rent when his company moves its engineering operations overseas.

When Congress promotes international trade, it enters into a compact with all American workers that they will not be left behind. Competitive trade means making sure all of us can compete.

For nearly 50 years, the Trade Adjustment Assistance Program has been lending a hand to workers faced with the consequences of international trade. It has been supported by liberals and conservatives, Democrats and Republicans. Its premise is simple: If you lose your job to foreign trade, we will help you prepare for a new career while you train. Over the last 2 years, almost a half million Americans have begun a new chapter in their lives with the help of trade adjustment assistance.

In 2009, Congress enacted some commonsense reforms to the TAA Program. For years, Americans who lost their jobs to India or China were denied access to this program because the United States doesn’t have a specific trade agreement with either country. Given the growing economic power of those two nations, that left an unacceptable number of Americans facing trade effects on their own. In 2009, we changed the program so that TAA supports American workers whose jobs were sent overseas. But those reforms have, unfortunately, expired. This week, we have the opportunity to restore them, and we should.

The 2009 reforms also updated the TAA Program to protect workers in service industries, in addition to those in manufacturing. Fifty years ago, when the program was created, no one could have imagined the advances in technology that would allow foreign service workers and engineers to compete with our own domestic workers in those fields. This week, we have an opportunity to restore the 21st century perspective to the TAA Program.

I want to share a couple of stories of New Hampshire workers who have benefited from trade adjustment assistance. The first is a story about Joanne Sanschagrin of Gilmanton, who worked at Aavid Thermalloy for 22 years. She was a buyer for the company, but the company was threatened by competition in China, and she knew she needed to get a new job before she was laid off. Under the old TAA terms, the ones we are operating under now, she would not qualify for help under TAA. Under the 2009 reforms, Joanne sought and received training as a licensed nursing assistant. She completed training in June, and last month she began a job in her new career, and she loves it. TAA has supported her through this process and paid for her training, so instead of being unemployed, she is now a dynamic part of our economy, working in one of its fastest growing fields.

Another New Hampshire worker, Robert Arsenault, who is a veteran, had worked for 21 years making paper at the mills in Gorham and Berlin. The paper industry has been devastated by offshore competition that the Chair knows, we have lost so many of our mills throughout northern New England. When those mills in Berlin and Gorham closed, Robert used trade adjustment assistance to get a commercial driver’s license at the White Mountains Community College. He recently started a new full-time job with a paving and contracting company.

TAA doesn’t just help out individual workers; it also helps small businesses that are being hurt by our international trade. New England Forest Products is a hardwood manufacturing company that has been operating in Greenfield, NH, since 1993. But during the recent recession, they found themselves losing business to cheap Chinese lumber. In search of answers, they applied to the local trade adjustment assistance center for help. They worked with TAA to develop a marketing strategy and advertising materials that now help the small business sell their hardwood flooring and other products directly to consumers. In part because of this important program, New England Forest Products saw sales increase 28 percent in the following year.

This isn’t just one encouraging story. Of the 18 businesses in New Hampshire that have received TAA in the last 4 years, all 18 are still operating, and many are adding employees. These are the kinds of stories of trade adjustment assistance programs that should now be on the President’s desk.

I urge my colleagues to support the trade adjustment assistance amendment when it comes to the floor for a vote later today.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I want to emphasize one final time, as we get closer to votes on these amendments, the importance of getting the free trade agreements out into force, but also the importance of understanding that, as we move into the future, we not make the mistakes we have made with respect to these agreements, and that is to let them languish literally years, and at the same time be losing our market share, be losing jobs for Americans, and be losing market opportunities for American businesses.
Again, I wish to point out just a couple things I think personalize this; one, as I mentioned in my earlier remarks, we have a company such as Caterpillar, which makes large mining trucks and exports 92 percent of them. They pay a $300,000 tariff to get into the Colombian market. Think of a country such as South Korea, with the 13th largest economy in the world. They are a big importer of American agricultural goods, with 54 percent right now being the average tariff on goods that are exported from the United States. The agricultural products exported from here to Korea, but 9 percent is the average tariff on their goods coming into this country. That 54-to-9 ratio is an incredible disadvantage, putting American businesses at a tremendous disadvantage relative to the countries around the world with whom they have to compete.

At the same time these trade agreements have been languishing here for over 3 years, countries have stepped in—the European Union, Australia, and Canada—and filled the vacuum we have left. As a consequence, American businesses have been hurt and hurt profoundly. More importantly, when we sit in this economy which is in and talk about the importance of job creation, there isn’t anything we could do that would probably create jobs more quickly than to get these trade agreements enacted. It means thousands of jobs for Americans. It means business opportunities for American businesses overseas, and it means market share we should be maintaining or perhaps even acquiring and that we are losing as a result of not having these agreements entered in force after they have been negotiated these many years ago.

So my amendment looks prospectively into the future. It requires that we know specifically—quantitatively—what sorts of delays it comes to getting these free-trade agreements not only ratified by the Congress but entered into force with these other countries. I think it is critical information we need to know. We need to know what harm, what economic consequences are the result of these trade agreements being delayed.

I hope we will get bipartisan support for this amendment today. It doesn’t do anything to alter TAA. It doesn’t do anything to alter GSP. It doesn’t do anything to affect the passage of this agreement in the House. But it will, as we look into the future, make it much more clear to us what these economic impacts are with regard to these trade agreements and our delay in getting them implemented. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 634

Mr. KEITH. The tariff to get into the Colombian market. Think of a country such as South Korea, with the 13th largest economy in the world. They are a big importer of American agricultural goods, with 54 percent right now being the average tariff on goods that are exported from the United States. The agricultural products exported from here to Korea, but 9 percent is the average tariff on their goods coming into this country. That 54-to-9 ratio is an incredible disadvantage, putting American businesses at a tremendous disadvantage relative to the countries around the world with whom they have to compete.

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The PRESIDING OFFICER. The Senator from Massachusetts.
over 8 years from the Bush administration and $12 billion over 3 years from the Obama administration.

Moreover, the administration’s $5.8 billion retrofit and training proposal provides the necessary parts, equipment, training, and logistical support for a cost-effective upgrade of Taiwan’s current status; most importantly, it elevates Taiwan’s current fleet of F–16s to a level of capability consistent with the most advanced export variants of this aircraft.

Let me understand where we are—what the state of play is. Taiwan has an urgent defense need today. They have 145 aircraft we have already sold them. We are prepared to provide them an upgrade that brings those aircraft up to the total state of the art of the most advanced export variants we are allowed to export to another country, and it will prevent these 145 aircraft from becoming obsolete. This is the most sensible, cost-effective, effective way to provide an upgrade and to provide Taiwan with the capacity it needs.

To the degree people are thinking jobs in the United States of America and what about selling, a lot of us have never believed we ought to use defense sales for a lot of other things. There are a lot more effective ways of creating jobs. But to whatever degree anybody wants to measure this by that standard, the $5.8 billion sale announced yesterday will be welcome news to the workers of Lockheed Martin, Northrop Grumman, Raytheon, Pratt & Whitney, and many other defense firms.

Again, I emphasize that is not the rationale for the sale, and none of us should resort to those kinds of sales for the purpose of jobs. But if that is going to be a measurement, and a consideration in anybody’s mind, make no mistake, the $6 billion the President has proposed will have its own impact.

I point out to colleagues, and I think it is an important consideration, nothing in the proposed upgrade package will preclude the United States from providing new F–16s as we go down the road, as they may be necessary, as a judgment is made about them or any other similar platform to Taiwan in the future. The administration has taken pains to make clear to Congress and to Taiwan the approval of this sale does not and will not prejudice any future decision on new aircraft.

Yesterday, President Ma Ying-jeou of Taiwan said the upgrades to Taiwan’s existing F–16A/B jets are aimed at maintaining the country’s self-defense capabilities while pursuing peaceful developments across the Taiwan Strait. The President of Taiwan said the upgrades to Taiwan’s existing F–16A/B jets are aimed at maintaining the country’s self-defense and training, and logistical support for a cost-effective upgrade of Taiwan’s current status; most importantly, it elevates Taiwan’s current fleet of F–16s to a level of capability consistent with the most advanced export variants of this aircraft.

I don’t believe the Taiwanese believe we are letting their guard down. I don’t think they believe we are not meeting their needs. Obviously, Congress has an important role to play in determining how to meet those needs, but I don’t think we should, in the wake of the evidence here, make an independent judgment outside of what is already happening. We certainly should be providing the Executive on Taiwan arm sales. But I think to compel the Executive to make a specific arms sale to a specific country measured against the steps already taken and the steps being taken would be a judgment we can make, so it is not contrary to the increasing role we give to the Senate under circumstances where there just has not been made the kind of compelling, urgent argument that is the only way to proceed. So I urge my colleagues to oppose this amendment when the time comes for us to vote on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I yield myself 5 minutes out of my remaining time.

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

Mr. CORNYN. I thank my colleague from Indiana.

I would like to respond briefly to the Senator from Massachusetts.

This isn’t an assessment I have made that Taiwan needs these aircraft; this is one made by the Department of Defense in their 2011 report on China’s growing military power. They detailed the increasingly precarious situation in the Taiwan Strait, stating that China seeks the capability to deter Taiwan independence and influence Taiwan to settle the dispute on Beijing’s terms. So it is clear from the press reports from China’s state-run newspaper, the very bellissimo comments, that this is really an attempt by mainland China, the People’s Republic of China, to intimidate Taiwan but also the United States, and we should not give in to that intimidation.

This chart which I pointed to earlier demonstrates the growing imbalance in the Taiwan Strait. This is why these additional aircraft are needed. The red line is 2,300 operational combat aircraft for the People’s Republic of China versus 490 operational combat aircraft for the Taiwanese.

The Senator from Massachusetts is correct in observing that the upgrades are welcome on the 145 F–16s we previously sold to Taiwan. But it is not adequate because 100 of these aircraft currently operational by Taiwan are obsolete and are going to be retired. Taiwan has intended that the new F–16C/D series replace the fleet of F–5s—those were previously sold U.S. aircraft from the 1975 to 1985 range which are now old and obsolete—and then the French-made Mirage 2000–5 fighters. So 100 of these planes demonstrated here, costs of perhaps $400 million in total, and the 66 aircraft that are the subject of this amendment will replace some of those retired vehicles.

So I don’t think that thinking about the future of our relationship with Taiwan or problems we may see on the horizon is enough. We need to do something now.

I would also point out that you can’t just take the production line at Lockheed Martin and simply eliminate it because there are no further demands or contracts for F–16 sales. Basically, all the personnel—the 23,000 people directly involved in those jobs—will be reassigned or be fired, let go, because there is no contract. Late as the fourth quarter of this year for new F–16s. So I think looking at this down the road doesn’t take into account the current loss of jobs or the disruption of disbanding this production line, which cannot easily be reconstituted if there are no contracts, including the sale of these 66 F–16s.

I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. CORNYN. Mr. President, may I inquire as to the allocation of time? The Senator from Vermont has generously yielded me the opportunity to speak for a few moments, I want to make sure we don’t get the situation mixed up here so that we run out of time.

The PRESIDING OFFICER. The Senator from Florida, Mr. RUBIO, has 17 minutes. The Senator from South Dakota, Mr. THUNE, has 9 minutes.

Mr. COATS. Mr. President, I ask unanimous consent that I be allowed 7 minutes.

Mr. COATS. Mr. President I want to respond to some of the statements that have been made by my colleagues on the other side of the aisle regarding the need to add disaster relief to the Continuing Resolution we will consider this week.

There is no question that there is a need for some emergency supplemental appropriations for fiscal year 2011 disaster relief. There is agreement on both sides of the aisle that FEMA is short of money to meet its immediate needs in this fiscal year which expires at midnight on September 30. The Disaster Relief Fund is dangerously low, and on September 9 the President requested $500 million in emergency appropriations to finish out the immediate needs between now and the end of this fiscal year, which is just a little more than 1 week away, and that has been provided and taken care of.

The House is working on sending the Senate a continuing resolution that includes this emergency funding and more—more than the President’s $500 million request. The House CR is expected to include $774 million for
FEMA—the Federal Emergency Management Agency—plus an additional $226 million for the Army Corps of Engineers for emergency flood control. This emergency funding is not covered by the Budget Control Act, so in accordance with procedures that have been put in place this year and in trying to be as careful with taxpayers' money as we can, the House offered an offset. That was defeated yesterday in the House.

While this funding covers FEMA's immediate needs, as requested by the President, through the rest of the fiscal year, the House bill also includes additional funding at the current level of $2.65 billion in fiscal year 2012 for FEMA's Disaster Relief Fund, which will provide the necessary funding to deal with the requests and make sure people get the support they need from losses in the various disasters through this continuing resolution period, which will go until November.

It is important to note that, despite some of the allegations being made, Republicans support this disaster funding. It is critical to respond to the many disasters that have affected so many States and communities across the country. My own home State of Indiana has experienced floods that merited a disaster declaration from the President earlier this year. As a nation, we need to step forward and address these immediate needs, and we have a process in place in this body to address this.

The Budget Control Act recently passed by Congress does allow a process for providing disaster relief in fiscal year 2012 through a disaster cap adjustment. As a result from that, the Senate Appropriations Committee—which I Appropriations Committee—which I chair—is putting a disaster cap adjustment in the Budget Control Act. The key words here are "where appropriate." We need to be in a position to provide additional funding should more disasters occur. But there is no need to go forward with what Senator Reid has proposed, to dump a lot of money that has not yet been certified as needed into an expenditure, particularly at a time when every dollar of expenditur needs to be carefully weighed in terms of our current fiscal situation.

Some have noted that while the CR may adequately fund FEMA, it doesn't address the other agencies that need additional disaster funding. If that is the case, then why hasn't the President requested these additional funds immediately?

On September 9, the President sent Congress his request for additional FEMA disaster relief funding, including the $2.65 billion in emergency funding for the remainder of fiscal year 2011. However, this request did not include any funding for the other agencies in Senator Reid's proposal.

I ask unanimous consent for just 1 more minute.

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

Mr. COATS. If this is the case, why did he not ask for this? We don't need to include this additional funding to meet the needs of the people for the disasters that have already occurred. The funding necessary to do that is included in the House bill on which we will be voting.

Republicans want to ensure that the communities devastated by disasters receive the resources that will help them rebuild. We recognize that American citizens have had their lives turned upside down by Mother Nature. The CR will provide adequate disaster relief through November in accordance with memos we sent, and FEMA has met FEMA's stated needs. As a result, there is no need to have all of this additional assistance immediately as part of the CR. I urge Members to support passage of the CR; the House will be sending us.

The PRESIDING OFFICER. The Senator from Vermont.

REMEMBERING MASTER SERGEANT SHAWN STOCKER

Mr. LEAHY. Mr. President, I have spoken many times here on the floor, in both the Senate and the House, about the disaster and tragedy Vermont faced from Hurricane Irene.

We all learned with profound sadness and horror of the devastation in New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, South Carolina and North Carolina, and, indeed, in so many other States, when Vermont has a need, our National Guard is there for us. Often they are the first to arrive and the last to leave. Guard units who have come to Vermont to help include ones from New York, Ohio, Maine, New Hampshire, New Jersey, Delaware, Maryland, and Illinois. All of these Guard units have said: We are here. Call us. Tell us what you need. That is one of the things we love about the National Guard. When one State needs help, every State steps up.

One thing Vermont did need in the immediate aftermath of Irene was helicopters. The distinguished Presiding Officer and I helicoptered around the State. It was regrettable that our State needed more aircraft. Why did we? Because many of our Black Hawk helicopters were still in Iraq following the most recent deployment. They are the most modern in the fleet, but they are in Iraq. In this season of war, it takes a moment to remember the troops and equipment sent overseas are not going to be available to help out at home if we need them in an emergency.

Like that deployment of equipment, every dollar we spend on the conflict in Iraq and Afghanistan is one less dollar we have to invest in recovery and rebuilding in America.

Let me show my colleagues a photograph. This photo is of a Vermont air-dropped in supplies. Helicopters airdropped food and water, and we reached out to other State Guards.

I talked with the Senators from Maine. They told me how happy their Guards were to be able to come down here and help out. It demonstrated the versatility of the National Guard.

In addition to meeting our immediate needs, the Vermont Guard has taken on major projects such as debris removal and road construction. As in so many other States, when Vermont has a need, our National Guard is there for us. Often they are the first to arrive and the last to leave. Guard units who have come to Vermont to help include ones from New York, Ohio, Maine, New Hampshire, New Jersey, Delaware, Maryland, and Illinois. All of these Guard units have said: We are here. Call us. Tell us what you need. That is one of the things we love about the National Guard. When one State needs help, every State steps up.

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Let me show my colleagues a photograph. This photo is of a Vermont air-
Guard working to put in these roads. They are stretched thin, as are the National Guards all over this country because so many of them serve overseas in Iraq and Afghanistan. These are talented engineers, talented men and women who know what to do and have the equipment. They can do things nobody else can do, certainly not in our little State.

This is a time to choose investment at home first. I hear people tell me we can’t afford anything in America unless we take money out of education or medical research or other things Americans need, but we can sign a blank check to rebuild Iraq and Afghanistan. I am saying, let’s worry about America. Americans need help. We are asking for a tiny percentage of what we are spending on a credit card for Iraq and Afghanistan.

America needs us. The citizens in our States are suffering because of a natural disaster. There are men and women of the Guard who have come to their aid deserve nothing less.

For the last decade we have waged two wars on the Nation’s credit card. We are spending for it during that time, even though we have raised taxes to pay for every other war in this Nation’s history. We did, however, pause to throw ourselves a party in the form of tax breaks tilted toward the very wealthiest among us. The policy was wrong, and it hurt America.

Now, after all these years of funding wars and rebuilding other countries overseas, the leadership of the House of Representatives, in their continuing budget resolution that was defeated yesterday, brazenly told the American people we can no longer afford to come to the aid of Americans in need. Instead we are going to offset the costs of rebuilding America by cutting a program that Americans badly need.

This is “Alice in Wonderland.” Are they asking the wealthy to pay their fair share? No. Are they asking the oil and gas companies making record profits its quarter after quarter to sacrifice their tax giveaways? No. Are they asking a sacrifice from those companies who get tax breaks for shipping American jobs overseas? No. That is wrong. We cannot ask these suffering people to sacrifice and refuse to ask those who have the most to contribute their fair share.

We can’t cut programs that are going to create new jobs, that provide a basic safety net for struggling families and seniors, while giving every break possible to the very wealthiest among us. It is unconscionable. It is not the American way.

I have been privileged to be in the Senate representing our great State of Vermont for 37 years. We have always dealt with disaster bills together. We have worked across the aisle in the spirit of bipartisanship. Vermonters have not asked us to help them into an earthquake in California. We do it. Vermonters don’t ask why we help out in Louisiana or Texas or Virginia. We do it.

We are the United States of America. We work together. We can not afford to toss aside that tradition.

The decision of some to inject politics and political point scoring into disaster relief is a new low for Congress. It is of concern that the scoring for unfavorability. Leader Reid is right to call for a continuing resolution that includes an emergency disaster relief package that will get aid to all 50 States suffering from the effects of these unprecedented natural disasters.

We try to rebuild Iraq and Afghanistan and nobody questions that. Instead, let’s rebuild America.

I encourage my colleagues here and in the House of Representatives to do the right thing for people who need our help and move forward with Leader Reid’s bill. Our fellow Americans need our support. Let’s start spending some time worrying about America.

I yield the floor and suggest the absence of a quorum, with the time to be equally divided.

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

Mr. HATCH. Mr. President, I rise in opposition to the Casey-Reid amendment. Over the past several days we have had the opportunity to publicly discuss and debate a number of serious flaws in the Trade Adjustment Assistance Program and its proposed expansion. Perhaps the most egregious aspect is voting to spend more taxpayer dollars on an expanded domestic spending program of dubious value at the very same time our colleagues on the supercommittee are scrutinizing every penny of Federal spending in a bipartisan effort to get our Federal deficit under control.

It makes me wonder whether this body understands the gravity of the deficit we are facing. As a country, we are simply spending more money than we have. If it continues we are going to be bankrupt. We will bankrupt our country and leave behind a grim future for our children and grandchildren.

We will hear from my colleagues talk about how important it is to spend this money, and I am sure a lot of them will feel good about their votes. But we all know the good feeling that comes from buying things we cannot afford is fleeting while the debt accrued hangs like a cloud over our daily lives. We simply cannot afford to continue to spend money our country does not have. This is why I, for one, am voting no.

Despite my concerns, I am convinced that this amendment and bill will pass. This spring, the President made it clear that if this domestic spending program was not expanded and approved he would abandon our allies in Colombia, Panama, and South Korea, and cede these growing markets to our foreign competitors. How shortsighted.

While the President may have been willing to accept that outcome, many other Congressmen are not. They stepped up to the plate and vowed to support efforts to move the process forward. As a result, the deck in favor of this bill was stacked long ago.

Still, I am glad we have had an open debate on the merits of this program. Earlier this year, the President attempted to shield TAA from strict scrutiny and debate by jamming it into the South Korea implementing bill. Doing so would have been a clear abuse of U.S. trade laws and would have denied the Senate an opportunity to fairly debate and amend TAA. The American people deserve better than this.

The legislative clerk proceeded to call the roll.

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

Mr. HATCH. Mr. President, I rise in opposition to the Casey-Reid amendment. Over the past several days we have had the opportunity to publicly discuss and debate a number of serious flaws in the Trade Adjustment Assistance Program and its proposed expansion. Perhaps the most egregious aspect is voting to spend more taxpayer dollars on an expanded domestic spending program of dubious value at the very same time our colleagues on the supercommittee are scrutinizing every penny of Federal spending in a bipartisan effort to get our Federal deficit under control.

It makes me wonder whether this body understands the gravity of the deficit we are facing. As a country, we are simply spending more money than we have. If it continues we are going to be bankrupt. We will bankrupt our country and leave behind a grim future for our children and grandchildren.

We will hear from my colleagues talk about how important it is to spend this money, and I am sure a lot of them will feel good about their votes. But we all know the good feeling that comes from buying things we cannot afford is fleeting while the debt accrued hangs like a cloud over our daily lives. We simply cannot afford to continue to spend money our country does not have. This is why I, for one, am voting no.

Despite my concerns, I am convinced that this amendment and bill will pass. This spring, the President made it clear that if this domestic spending program was not expanded and approved he would abandon our allies in Colombia, Panama, and South Korea, and cede these growing markets to our foreign competitors. How shortsighted.

While the President may have been willing to accept that outcome, many other Congressmen are not. They stepped up to the plate and vowed to support efforts to move the process forward. As a result, the deck in favor of this bill was stacked long ago.

Still, I am glad we have had an open debate on the merits of this program. Earlier this year, the President attempted to shield TAA from strict scrutiny and debate by jamming it into the South Korea implementing bill. Doing so would have been a clear abuse of U.S. trade laws and would have denied the Senate an opportunity to fairly debate and amend TAA. The American people deserve better than this.

Even though the deck was stacked against our amendments long ago, this discussion has been a useful exercise. It has been over 9 years since the Senate engaged in a real trade debate on the Senate floor. Senate has an opportunity to have their voices heard on issues related to international trade, and by engaging in debate we are honoring our republican constitutional traditions. We are doing what the American people expect us to do: openly discussing problems and, in doing so helping to resolve them.

During this debate, a number of amendments were offered that enabled Senators to go on record regarding their trade priorities and core beliefs. For the first time in years, we were able to draw clear distinctions between rhetoric and action. Of course, there has been debate about the merits of the free-trade agreements themselves.

I noted earlier, the program and many of my colleagues who purport to support these agreements made it clear that in reality they only support the FTAs in exchange for something else. That something else turned out to be a demand for more spending. I am worried that going forward this pattern will continue. I certainly hope not. As a nation we cannot afford to hold our international economic competitiveness hostage to unrelated demands for more spending or for a more liberal social agenda.

During the course of this debate, I have expressed concerns that the real cost of the TAA expansion bill is unknown. Recall that benefits under TAA are paid out on top of unemployment insurance, which is supposed to take care of those who are out of work. As more and more people take advantage of the program, and as the number of weeks of regular unemployment insurance, which is supposed to take care of those who are out of work. As more and more people take advantage of the program, and as the number of weeks of regular unemployment insurance, which is supposed to take care of those who are out of work. As more and more people take advantage of the program, and as the number of weeks of regular unemployment insurance, which is supposed to take care of those who are out of work. As more and more people take advantage of the program, and as the number of weeks of regular unemployment insurance, which is supposed to take care of those who are out of work. As more and more people take advantage of the program, and as the number of weeks of regular unemployment insurance, which is supposed to take care of those who are out of work. As more and more people take advantage of the program, and as the number of weeks of regular unemployment insurance, which is supposed to take care of those who are out of work. As more and more people take advantage of the program, and as the number of weeks of regular unemployment insurance, which is supposed to take care of those who are out of work. As more and more people take advantage of the program, and as the number of weeks of regular unemployment insurance, which is supposed to take care of those who are out of work. As more and more people take advantage of the program, and as the number of weeks of regular unemployment insurance, which is supposed to take care of those who are out of work. As more and more people take advantage of the program, and as the number of weeks of regular unemployment insurance, which is supposed to take care of those who are out of work.
sticking the American taxpayer with another out-of-control spending program.

Every single one of these amendments was rejected by my colleagues across the aisle. Their passion for spending was so great that all 100 members of the Senate voted to reject an amendment by my friend and colleague, Senator Kyl, which implemented one of President Obama’s recommendations to cut TAA funding for firms, was rejected. At a time when the supercommittee is struggling to cut spending in areas such as defense and health care, I find it astonishing that my colleagues cannot support eliminating a program that even President Obama agrees should be cut. That is a true rarity—that is, that President Obama agrees to any kind of a cut, not that my colleagues will not support eliminating a program. That, we know, has happened around here for all of the 35 years I have been in the Senate. But even when President Obama, one of the biggest recipients in the history of this world, agrees that a program should be cut, they will not even do that.

My colleagues across the aisle also chose to reject an amendment to provide their own President with the authority to negotiate new trade agreements. Can you believe that? We all know the authority to negotiate trade agreements expired years ago. Since then the United States has been sitting on the sidelines while other countries negotiate deals all around the world. Everyone knows if we are not in the game we do not even have a small chance to win. Right now, the United States is not in the game.

While it is true that the President is in the process of negotiating an agreement to create a transpacific partnership, we all know that the chances of it actually succeeding are actually almost nonexistent without trade promotion authority. While trade rhetoric sounds good from the other side, when it comes down to concrete action, President Obama and his Democratic colleagues are absent once again. I am perhaps most disturbed by their rejection of my amendment which would have made the expansion of this domestic spending program contingent upon submission, approval, and signature of our pending free-trade agreements with Colombia, Panama, and South Korea. This amendment simply held President Obama accountable.

The President said there would be no FTAs unless Congress passed TAA. The insinuation is that if Congress does not pass TAA, the President will submit, support, and sign all three FTAs. That is simply not true. Today we do not know if that is the case. My understanding is the White House has given no indication they will actually submit these agreements for a vote. That is truly pathetic. They are willing to spend millions. They are willing to pass TAA. But they can spend more regardless of whether they are sincere about doing these free-trade agreements that will provide almost 250,000 new jobs in this country, or at least jobs.

My amendment simply called for Presidential accountability. But even Presidential accountability was rejected by the other side. Once again, the protrade rhetoric of the past several days is to be nothing but a facade. I will be voting against the amendment to expand TAA, and if it is approved, I will vote against final passage of the bill. I simply cannot condone more spending on a program with dubious value at a time when our Nation is clearly in a hopelessly deep hole. A responsible President Obama will submit our pending free-trade agreements to Congress. If he does, and they are approved, I am confident President Obama and his team will drape themselves in the protrade flag and claim responsibility for moving these agreements forward. The fact of the matter is the authority to negotiate these agreements and the actual negotiation of these agreements themselves is due to the hard work of late nights of President Bush and his team. This is one instance where President Obama can rightly place responsibility at the feet of his predecessor.

My Republican colleagues and I put forward a number of amendments during the week to constrain government spending, open foreign markets for our products, and hold the President accountable for his rhetoric. Unfortunately, every single one was defeated, mostly along party lines. But we will not be deterred. We will continue to fight against out-of-control government spending. We will continue to fight for Presidential authority to open foreign markets to U.S. exports. We will continue to fight for transparency and accountability in our international trade policy. We may not win the battle today, I am confident we will win in the end.

Over the next year I plan to conduct rigorous oversight of President Obama’s trade policy. If these agreements are eventually submitted and approved, I will make sure they enter into force quickly. I also plan to conduct extensive and continued oversight of the operation of the Trade Adjustment Assistance Program. I am convinced it is a flawed program and that strong congressional oversight will help expose those flaws. I will also work hard to make sure our next President, whoever that may be, has the authority to negotiate strong trade agreements that tear down barriers to American exports. Over the past several days many of my colleagues expressed interest in updating this authority. I welcome that interest and want to express my sincere desire to work with them to immediately see that trade promotion authority is renewed. Our Department of Labor and our workers cannot afford to wait.

I ask unanimous consent that we divide the quorum call and I am about to suggest equally between both sides.
are going to be deemed as failing schools soon.

The President and the Secretary and we Republicans would like to take the responsibility for determining which schools are succeeding or failing and put the back in the hands of the States. We would like to take the responsibility for determining which teachers are highly qualified and put that back in the hands of the States. That is a part of the legislation we introduced last week.

Substantially, those ideas are ideas the President and the Secretary either have advanced or agree with. So we have a lot of agreement about this. But the Secretary has the States over a barrel. Almost every State, from Missouri to Tennessee to Georgia, will be asking for a waiver.

What I hope the Secretary will do is look at the applications, and if those applications submitted by the States for exemptions from the requirements of No Child Left Behind, if they would enhance student achievement, then approve them. If they would not advance student achievement, then deny them.

But the restraint I am asking for is that they not use this provision, when the States are over a barrel, to become a national school board and begin to impose on the States those requirements that Congress would not do through legislation and that States ought to be deciding for themselves. This is the request of the States themselves.

The States have been working over the last 10 years in very good ways to take steps forward together. They have created common standards. They have created tests to measure performance against those standards. The chief State school officers are in the middle of creating an accountability system. A lot of progress has been made in what the holy grail of school reform, is to identify good teaching, rewarding teacher-principal evaluation systems in the country to do when I was Governor in Tennessee and principal evaluation systems that are succeeding or failing. This is something Tennessee became the first State in the country to do when I was Governor in 1983 and 1984 and which many school districts in many States are trying to do now.

So the difference of opinion I have, potentially, with this Secretary and this President on what to do about No Child Left Behind may seem very small. Let me compliment the President and let me compliment the Secretary in this way. They stuck their necks out and have taken some positions to help make better schools that are not popular with their natural constituencies.

I admire that. I respect that. They have advocated a number of changes in the schools; for example, getting rid of the adequate yearly progress provision, moving out of Washington the responsibility for deciding whether schools are succeeding or failing; changing the highly qualified teacher provision so States can figure that out through their own systems.

All those are things we agree on, Republicans and Democrats. Where we may disagree, and the reason we have not advanced ahead with bipartisan legislation, is what I would call the difference between Washington mandates and approving State requests or one might even say, the difference between a national school board and giving States the responsibility for making their own decisions.

Here is an example of what I mean. There is agreement, as I said, that this process called adequate yearly progress for a lot of schools should not be decided here. We will read in the paper that such and such school is not succeeding or it is failing. It is a good idea for Tennessee or for Missouri or for California to set performance targets to replace adequate yearly progress. But those performance targets ought to be required and defined by the U.S. Department of Education in Washington, which could turn it into a national school board.

A growth model, the idea of giving States and school districts credit for making progress, sort of an A for effort, to go along with an A for achievement, that is a good idea. President Bush, in his administration, began to permit that exemption from No Child Left Behind.

But superintendents ought not to be flying to Washington from Nashville and Denver and different parts of America and asking anybody in Washington to approve their growth model or even be required to have one if they have some other way to decide whether schools are succeeding or failing.

Let me take another example that I have a very deep interest in. Teacher and principal evaluation systems related to student achievement. Tennessee became the first State in 1984 to pay teachers more for teaching well. Up until then, not one State paid teachers one penny more for teaching well. In my office this morning were the two Principals of the Year from Tennessee and three representatives of the Tennessee Education Association.

Four out of the five were voluntary participants in our Master Teacher Program or Career Ladder Program and were telling me how grateful they were for that.

But let me tell you this, it was a controversial and difficult effort. It was opposed massively by the National Education Association, whose members this morning were thanking me for the program, because it is not easy to determine, in a fair way, how to reward outstanding teaching, particularly if we are going to relate it to student achievement and particularly if we are going to relate it to performance pay.

The best way to do that is to encourage States and encourage school districts to try different ways of doing it and hope they succeed and borrow ideas from one another. This is what the Teacher Incentive Fund has done for the last few years as a part of No Child Left Behind. I fully support that program and hope we will continue giving money to help school districts who want to try different forms of performance-based pay.

But to require a student-teacher evaluation in order to get a waiver from No Child Left Behind runs the risk of school districts all over the country—100,000 superintendents supervised by a national school board.

I have had very good conversations with well-meaning superintendents and others in school districts who say: But the President has to make it happen or we will not do it. I do not buy that. I do not think you can make schools better from Washington, DC. We can create an environment in which they might succeed. Schools are similar to jobs. We standards or teacher-performance evaluation program for them, but we cannot create them here. We can create an environment to make it easier and cheaper to create jobs, private sector jobs. We can create an environment to make it easier to create better schools.

Then, the next thing someone would say is: There is no harm in just saying in a Federal law or in a requirement for a waiver that we must have a growth model or we must have a performance standard or we must have a teacher-principal evaluation program. What is wrong with that?

Here is what is wrong with that. That is not the end of it. Because there is the habit then, every time we go to Washington to pass legislation, every time we pass a law saying the Secretary of Education could not do it, of creating regulations to interpret what the Federal Government means by growth models, performance standards or teacher-performance evaluation systems, a lot of well-meaning staff members and other people and peer review groups then decided what a teacher-principal evaluation system related to student achievement looks like. That is going to happen every time we pass a law telling the Secretary of Education to create a program—because nobody knows what it looks like. That would be akin to telling people—requiring them to drive cars before the car was invented.

We have had several good experiments around the country that are identifying good teaching, rewarding performance, relating it to student achievement and relating it to better pay. But it has been very hard to do. None of our legislation has ever done it. None of our legislation has ever done it.

The worst thing that could do at this time with teacher and principal evaluations related to student achievement, even though I believe it is the holy grail of school reform, is to implement any version of it from Washington.

I am simply asking the President and the Secretary to show restraint tomorrow. I have a lot of admiration for this Secretary and respect for the President’s positions on kindergarten through the 12th grade education. Many of the ideas in the legislation advanced by Republican Senators last
week to fix No Child Left Behind were suggested by Secretary Duncan. He has gone out of his way to work with Republicans, as well as Democrats. He has been an energetic, able Secretary, and I support most of his ideas.

Potentially, he supported the idea—that we agreed to. Democrats and Republicans, Senate and House—that instead of reauthorizing this big law, we would fix it. Then we identified nine areas we tried to fix. The Secretary was comfortable with that, and so were Democratic colleagues and Republican Senators. We set a new, realistic, challenging goal to help all students succeed. We agree on that: Instead of a goal that would require 80 percent of schools to be labeled as failing, we will have a new goal that says students will be college and career ready when they graduate from high school.

We agreed we should free 95 percent of schools from the Federal requirement of conformance to a federally defined or determined, or newly defined, already expired, or marketable mandate. That simply means is, instead of Washington deciding whether a school in Nashville is succeeding or failing, that decision will be made by the State of Tennessee. The State of Tennessee will be able to do it a lot better today than it could in 2001, because since then we have had common standards adopted by 44 States—tests of those standards adopted by about the same number. We have chief state school officers agreeing on the principles of accountability systems—these are the performance targets, growth models, and other such things. In the case of Tennessee, they won the Race to the Top competition, which we also support.

The third thing is that the Federal Government will help States fix the bottom 5 percent of their schools—that is, 4,500 schools picked by the States. The Secretary agrees with that, and we Republicans agree, and I believe our Democratic colleagues agree.

We agree on requiring States to have high standards that promote college and career readiness for all students. We agree on encouraging the creation of State and school district teacher and principal evaluation systems to replace Federal highly qualified teacher requirements. But for us that means allowing States—if they choose to do it—to use title II money to pay for it. We are not going to require it or define it. We are not going to flourish.

We believe in continuing the necessary reporting requirements. This may be the greatest contribution of No Child Left Behind since 2002. It requires reports on how schools are doing by subgroup, not just in the average. As we can find out if African-American children or Hispanic children are doing as well as other children. We have this great volume of information now from school districts all over the State, so that we have, in effect, better report cards.

We believe on the Republican side—and I think there is agreement, in principle, at least, on the Democratic side—that we should allow school districts to transfer Federal funds more easily to meet their needs and to consolidate Federal programs.

We believe in empowering parents. In my view, one of the State Principals of the Year from Tennessee was from Powell Middle School in Knoxville. Their enrollment is up this year, from 920 to 1,060, because parents were choosing to take their children out of schools that weren’t succeeding. They were permitted to transfer them to another school—in this case, the Powell Middle School, where they could succeed.

That is my request of a Secretary I admire and a President whose K-12 education policies I respect: Please show restraint. Just because you have every State over a barrel, doesn’t mean you should be tempted to use this opportunity to become a national school board. Step back, look at the application waivers. If they enhance student achievement, say yes; if they don’t, say no.

Then one last point. Someone might say, and they’d be exactly right, that the real reason the Secretary is granting waivers is because Obama hasn’t done his job. We’re in our ninth year of No Child Left Behind and we should have fixed it 4 years ago when the law expired. It has just continued, according to the provisions of the original law. The Secretary has not enhanced adequate yearly progress mandated in the Senate, except for these accountability provisions. These differences over whether we are creating a national school board. We should come to a conclusion about this. We should get a result. We shouldn’t create a situation where every Governor has to come to Washington to get a waiver from standards that don’t work anymore. That is our job. The Secretary has the power to grant waivers, but he should do it in a limited way and Congress should fix No Child Left Behind so there is no need for waivers. I call on our Democratic colleagues, with whom we have met dozens of times, to redouble our joint effort to get a result.

This is not a case where we don’t want President Obama to succeed, as some have suggested. We want him to succeed, because if the President succeeds on K-12 education, the country succeeds. We substantially agree on how we need to fix No Child Left Behind. We still have a few differences of opinion. The Secretary’s regulatory action should not do what the Congress ought to be doing. I respectfully suggest that he should show restraint and we should get to work.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. 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. LAUTENBERG. Madam President, I ask unanimous consent to speak and make remarks for 10 minutes. Without objection, it is so ordered.

CONGRESSIONAL RECORD — SENATE September 22, 2011

Mr. LAUTENBERG. Madam President, we find ourselves in a peculiar conundrum. We must have the people across this country scratching their heads and wondering: What are those guys doing? We know the American people do not think much of us as it is, but they are surely going to think less of us when they see what is happening.

We have a tradition in our country that when disaster strikes, we respond. Americans pull together and help each other. We saw that happening in the aftermath of Hurricane Irene, which hit New York, New Jersey, and other States along the east coast, and other natural disasters hitting our country across its breadth—forest fires in one State, water shortages in another, and other problems in others. There isn’t a State in this country that hasn’t felt the wrath of a storm or the difficulty that nature presents. But the one thing we don’t see is the spirit of cooperation. It certainly doesn’t extend to some of our colleagues.

I look at the House disaster relief proposal, and one thing is for sure: It is totally inadequate. Madam President, this is an emergency, and it is just plain heartless for our colleagues to turn their backs on those who are struggling to rebuild their shattered lives. I don’t know what they are thinking because we know difficulties have struck all 50 of our States at one time or another, a lot fairly recently. Yet these people are saying: No, we are not going to give you enough money to deal with the emergencies that we have.

I hope the people who are in their districts or in their States look at this representatively. They can’t turn their backs on families who are suffering. They can’t turn their backs on those who have struck all 50 of our States at one time or another. I see some of our colleagues.

I see that some of these people who are so negatively disposed are raising havoc within the families of their own States or their own districts. They are just turning their backs on the people who are suffering.

The early estimates suggest that Hurricane Irene could become 1 of the 10 costliest storms in American history, with damages that could exceed $10 billion. This violent storm produced some of the worst flooding in a century, destroying homes and displacing countless families.

In my State of New Jersey alone, 11 lives were lost, people were turned out of their homes, and the property damage was catastrophic. People were told not only that their furniture was unusable even if they can get in their houses. So life has a grim picture for these people.
The President came to New Jersey to see for himself the destruction that Hurricane Irene caused. I joined him on a tour of the city of Paterson, NJ. It is my hometown. I was born there. It was one of the cities hardest hit by flooding. It is a wonderful place. It has all the things your kids love—pretty colors, but it is a disastrous portrayal—water all over the place, a bridge just about underwater. We witnessed unforgettable images—streets and sidewalks covered in mud, and in some places second floors were covered in mud as well.

But Paterson is not alone. This picture shows the damage in Bound Brook, NJ. Here we see, again, flooded roadways. By the way, people here in New Jersey happens to be the most densely populated State in the country. We have 9 million people living in a very small area. So when something like this hits, it hits a lot of people in a hurry. In Cranford, NJ, this material we see here you might call trash, but the people who lived here didn’t call it trash. These were their possessions. These were the things their kids slept on every night, for tables and chairs, they ate from every day. Trash. These people across the Capitol—people on the other side in the House of Representatives—they say: Oh, too bad. First of all, we will have to go find the money if we are going to do anything. And, secondly, we are just not going to give enough money to deal with the problem.

We have a city called Boonton, NJ. People are unable to get what they need. They hope the people in control of our country, and not argue about who are they going to hurt? Are they going to hurt President Obama? Are they going to hurt Democrats who are in office? No. The pain goes to the ordinary people who work for a living and take care of their families and those proud Americans serving in our military. Those are the people to whom they are saying: It is too bad. It is too bad. A lot of these people are veterans and have come back from dangerous duty. They go home, their unemployment rate is high, and very often they are rebuilding their lives. If they have a home, a domicile, in these areas, they say we can’t help them.

The House Republicans’ halfhearted approach offers little more than $35 billion in disaster relief. That sounds like a lot of money, but it is not even close to being enough. It is going to leave our residents, our States, our cities and towns out in the cold at a time when they desperately need help. In addition to shortchanging FEMA, the House provides zero funding for many of the programs that are needed to help us recover. Our Senate bill includes funding for the community development block grants—a very important way to help communities that are on the verge of disaster.

We have to remember something. I was once the senior Democratic member on the Budget Committee, so I know about balancing budgets. But when these reckless tax cuts came up when these reckless tax cuts came up for the wealthy and cost $700 billion when these reckless tax cuts came up, for the wealthy and cost $700 billion, we had to find the money to pay for them. We had to find the money to pay for them, and we didn’t have enough money to do that. The fund was depleted by retribution. It is the kind of help we offered in 2008 and 2010 when hurricanes and heavy rains caused destruction in States such as Texas and Kentucky, Tennessee and Indiana, and it is what we have to do again.

The House Republicans failed to provide funding for farmers, economic development, or long-term support for local communities to rebuild. That is what you do when you have a crisis or a natural disaster, and there can’t be any debate about the help that is required. And, you need bipartisan support because we can’t get it done with only one party.

Every State has experienced a disaster in recent years. This year alone, Federal disasters have been declared in 48 States. FEMA is working in every one of those States to help communities rebuild and recover—if they have the resources. If they don’t, they will not be on the job and people will continue to suffer. So if the House Republicans get their way, every State is on the verge of disaster.

Incredibly, the House proposal pays for disaster relief by taking money from advanced technological development that will help our automobile industry, for instance. In the Senate, we have to reject this misguided approach. We have to say no way. We are not going to rob Peter to pay Paul. They simply want to rob Peter and Paul—that is what they want to do—of assistance and help.

We should ask why it was acceptable to provide more than $800 million to invade and then rebuild Iraq without paying for it. No questions asked. Ask the families who made sacrifices in this war how they feel about that. We turn our back on it. That is what we have done. But when the time comes to rebuild America, some Republicans want to hold the money hostage until painful spending cuts are inflicted elsewhere.

They are running for the President of the United States. They think they are going to be able to smash President Obama’s accomplishments: getting a couple million people to work, the pork that got them voted in. We need to stand up for our country, and not argue about who are they going to hurt Democrats who are going to hurt President Obama? Are they going to hurt President Obama? Are they going to hurt Democrats who are going to hurt President Obama? What are they going to do—of assistance and help.

I got the G.I. bill. I got the education I got the education I got the education. I was once the senior Democratic member on the Budget Committee, so I know about balancing budgets. But when these reckless tax cuts came up for the wealthy and cost $700 billion when these reckless tax cuts came up, for the wealthy and cost $700 billion, we had to find the money to pay for them. We had to find the money to pay for them, and we didn’t have enough money to do that. The fund was depleted by retribution. It is the kind of help we offered in 2008 and 2010 when hurricanes and heavy rains caused destruction in States such as Texas and Kentucky, Tennessee and Indiana, and it is what we have to do again.

A lot of our colleagues stood up to the assignment and said: OK. I don’t necessarily agree, but I agree conceptually. Therefore, I will agree to make $7 billion in funding available to help victims of Hurricane Irene as well as victims of the recent tornadoes and wildfires. Our bill provides funding to get us through the end of the month because the fiscal year ends at the end of September—just a few days away—and to support emergency needs when the fiscal year ends in October.

Last week, 10 Republicans had the guts to stand up and say: I don’t care that it is the Democrats who are proposing this; I care about the people it is going to serve. They stood up and voted with us. It took courage. They stood up for their constituents and people across the country who are trying to rebuild their lives. This was a courageous vote for them, and it shows there is bipartisan support for the Senate disaster relief bill.

In contrast, the House Republicans couldn’t even get enough support from their own party to pass their measly proposal last night. It is time for them to embrace the Senate plan on disaster relief and stop using disaster victims as political pawns.

Who are they going to hurt? Are they going to hurt President Obama? Are they going to hurt Democrats who are in office? No. The pain goes to the ordinary people who work for a living and take care of their families and those proud Americans serving in our military. Those are the people to whom they are saying: It is too bad. It is too bad. A lot of these people are veterans and have come back from dangerous duty. They go home, their unemployment rate is high, and very often they are rebuilding their lives. If they have a home, a domicile, in these areas, they say we can’t help them.

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We have to remember something. I was once the senior Democratic member on the Budget Committee, so I know about balancing budgets. But when these reckless tax cuts came up for the wealthy and cost $700 billion over 10 years, they were approved without being paid for. It is pretty clear, when it comes to giving big tax breaks to millionaires and billionaires, the wealthy among us—and I say this without meaning to boast. I ran a very good company, a company I helped start with two other fellows that now employs 45,000 people, where there were three of us, and I, with my education being paid for by the government, built it because I served in the Army for 3 years and I got the G.I. bill.

So I will tell you this—and I will tell this to all my colleagues and I hope they hear me. I think it is time for people like me who have made money to pay something back, to give strength to our country, and not argue about whether they pay enough tax. They
don’t pay enough tax. Warren Buffet says they don’t pay enough. They listen to him, that they don’t pay enough tax. It doesn’t hurt those of us who have been successful the least bit to pay a few more percent in taxes. We can feel good about it. Look in the mirror after some time, it is of value that our country needs, that strengthens the working class of people that tells them: Listen, we have gotten our share, and now it is our responsibility to give back some part of that share.

It is pretty clear; when it comes to giving big tax breaks to millionaires and billionaires, the Republicans don’t give a second thought as to how much they cost. But to our country’s disaster victims, they have to go to the back of the line and wait their turn.

When disaster strikes, victims don’t want us to reach for the budget ax. They want us to extend that helping hand that gets their lives back started again. Our disaster victims have enough to worry about. In many years, people’s lives have seen moments of jeopardy and difficulty, and they fully gave what they had to help their country, feeling all the time that the government is going to stand behind them.

That is what this country of ours is about, this democracy. The Constitution demands that we improve the lives of our citizens; that we give them rights, we give them support, we give them a view of life.

House Republicans want to turn their backs on storm victims. A lot of them are new here. They ought to enjoy these terms because they may not have another one when the public finds out what they are doing, turning their backs on storm victims, local communities, regional economies, and farmers. Their proposal will cost us jobs, and I hope their jobs will be included in it when it comes time next year to vote.

I appeal to my Republican colleagues, stand—stand for those who live in your States, including our neighbors, including the States’ children, including the States’ families. Remember this, Republican Senators, Republican House Members. We represent people across political lines, across religious lines, across all different lines, and our obligation is to take care of those people when they need help, to give them some support, to give them some hope, to give them some vision.

That is what we are supposed to be doing. We are supposed to be encouraging our citizens, our constituents, and not simply turning our back. What we ought to have is a camera in here that shows every time people vote no on issues and make sure it is clearly understood when people turn their backs on their fellow citizens.

We face fiscal challenges in our country, but we cannot put a price on human life. Nothing—not anything is more important than keeping our communities, our families, and our economy safe.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RUBIO. Madam President, I ask unanimous consent that the order for the quorum be suspended.

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

AMENDMENT NO. 651

Under the previous order, the question occurs on amendment No. 651, offered by the Senator from Florida, Mr. RUBIO. There will be 2 minutes of debate equally divided prior to the vote.

Mr. RUBIO. Madam President, I will be brief.

The amendment is simple and straightforward. It just returns the TAA Program back to its original intent. It was designed to help workers who were displaced from their jobs or lost their jobs as a result of trade practices, primarily as a result of free-trade agreements between the United States and other countries. It is one of the reasons why, I believe, the majority has brought this issue before us before proceeding to the free-trade agreements with South Korea, with Panama, and with Colombia. What this does is it returns it back to that. It clearly recognizes there are workers who have been hurt by unfair trade practices unrelated to trade agreements, whether it is what China does or other nations do, and those things need to be dealt with, but they need to be dealt with separately.

This program was originally designed to help workers who were harmed in the short term. That is why it is called adjustment. These are workers who are trying to adjust as a result of some disruptions that may have occurred as a result of a trade agreement.

I think what we can take solace in knowing is that the best thing you can do for a worker who has lost his job is to get him a job. Ultimately, that is what free-trade agreements do. They create jobs in America, as the White House has recognized.

My hope is that we will proceed quickly to the passage of the three free-trade agreements, and again I urge the White House to submit those and that body take them up as soon as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, the conflict here with regard to the amendment that has been proposed is that on one hand, we believe that this should be a broad array of help for workers. If a worker loses his or her job and we can provide eligibility for trade adjustment assistance, we shouldn’t limit that just to the 17 countries with which we have a trade agreement.

Say if we have a problem with mass job loss as a result of what China is doing, either because they are cheating on currency or not playing by the rules—as we know they have not in many instances. I have a table here that indicates that in fiscal year 2012, when you look at the estimated number of workers certified under trade adjustment, whether they are import-related certifications or whether they are all other certifications, you add it up and there are more than 287,000 people who are impacted. A lot of those are impacted by way of unfair trade from China.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CASEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER), the Senator from Kentucky (Mr. PAUL), the Senator from Wyoming (Mr. BARRASSO), and the Senator from Wyoming (Mr. ENZI).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted “yea.”

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

The result was announced—yeas 34, nays 62, as follows:

[Roll Call Vote No. 146 Leg.]

YEAS—34

Alexander
Ayotte
Barrasso
Baucus
Begich
Bennet
Bingaman
Binder
Burr
Chambliss
Coons
Cornyn
Corker
Crapo
DeMint
Graham
Gillibrand
Graham
Grassley
Heller
Hirono
Hutchison
Inhofe
Isakson
Johnson (WI)
Kirk
Kyl
Lee
Lugar

NAYS—62

Akaka
Baucus
Begich
Ben net
Bingaman
Blumenthal
Boxer
Brown (MA)
Brown (OH)
Cantwell
Cardin
Carper
Casey
Collins
Conrad
Coons
Darwin
Feinstein
Feulner
Gillibrand
Graham
Grassley
Harkin
Hoeven
Hutchison
Inhofe
Isakson
Johnson (SD)
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Manchin
McCollum
Menendez
Menendez
Merkley
Mikulski
Murphy
Nelson (FL)
Nelson (NE)
Paul
Portman
Pyor
Reed
Reid
Rockefeller
Sanders
Schumer
Sessions
Shaheen
Shelby
Specter
Stabenow
Tester
 Udall (CO)
 Udall (NM)
 Warner
Webb
Whitehouse
Wicker
Wyden

NOT VOTING—4

Barrasso
Carper
Grassley
Risch

The PRESIDING OFFICER. On this vote, the yeas are 34, the nays 62. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.
The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 650, offered by the Senator from South Dakota, Mr. THUNE. There will be 2 minutes of debate prior to a vote on amendment No. 650.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, my amendment simply requires a study by the International Trade Commission when an agreement has been signed but the implementing legislation has not been taken up by Congress within 2 years. The study will examine the impact of lost export opportunities, the impact on U.S. jobs, and the impact on and the protection of U.S. intellectual property resulting from the delay.

Today we have anecdotal evidence, but there isn’t a comprehensive government report on what delay means for U.S. jobs and our economy. Our exports are faced with surging imports from China. China has a regime in place that is cheating American innovators and forcing them to share their intellectual property.

For example, we know that in the United States, many of the same capabilities as the existing fleet of F–16 A/Bs will provide.

I hope my colleagues will support it.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 52. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The PRESIDING OFFICER. The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the amendment. The clerk will call the roll.

The PRESIDING OFFICER. The amendment is rejected.

The upgrades include state-of-the-art avionics and weaponry such as targeting systems, AIM-9X air-to-air missiles and precision guided munitions.

The deal also includes the active electronically scanned array radars that will allow Taiwan’s Defense Ministry, will allow its planes to detect China’s new J–20 stealth aircraft.

The package also includes pilot training and spare parts for Taiwan’s F–5 jets and C–130 transport planes.

It will significantly improve Taiwan’s self-defense capabilities without increasing cross-strait tensions. As we all know, Taiwan has asked the administration to accept a letter of request to sell 66 of the newer F–16 C/Ds.

Those who support the sale of new F–16s to Taiwan were clearly disappointed by the decision to move forward with only upgrades to Taiwan’s existing fleet.

Senator CORKER described the decision as a ‘‘capitulation to Communist China’’ and a ‘‘slap in the face to strong ally and longtime friend.’’ Nothing could be further from the truth.

First, let’s be clear: The administration has deferred the decision on the sale of new F–16s to Taiwan, it has not rejected it outright. It has acted in a manner consistent with the previous administration that also refused to accept Taiwan’s request for new F–16s.

Let me remind my colleagues that under the Obama administration, total arms sales to Taiwan have totaled $12.25 billion, more than double the amount sold during President George W. Bush’s first term.

It is clear these attacks are more about politics than the security and self-defense capability of Taiwan.

Next, let’s look at the arms sales package itself.

The decision to upgrade Taiwan’s existing fleet of F–16 A/Bs will provide many of the same capabilities as the new F–16 C/Ds.

According to the Pentagon, with a robust retrofit the F–16 A/B and F–16 C/D are comparable aircrafts. The upgraded F–16 A/Bs will have active electronically scanned array, AESA, radars, equal to the new F–16s; embedded global positioning system inertial navigation systems, equal to the new F–16s; ALQ–213 warfare management systems, equal to the new F–16s; night vision goggles, equal to the new F–16s; AIM–9X Sidewinder missiles, equal to the new F–16s; sensor fused weapons and laser guided bombs, equal to the new F–16s.

And the list goes on. According to Mark Stokes of the Project 2049 Institute and a former Pentagon consultant on China, argued that the A/B upgrades could be perceived as
providing Taiwan with more capabilities than the C/Ds.

Supporters of this amendment will argue in favor of both upgrades and new planes, as requested by Taiwan.

I allow me to repeat: The administration explicitly formally rejected the sale of new F-16s to Taiwan. It is still under active consideration.

Clearly, the decision to upgrade the F-16 A/Bs does not prevent the administration from later selling Taiwan the newer F-16s.

Regardless of timing, we have to consider carefully what impact the sale of new F-16s to Taiwan would have on cross-strait relations.

In May 2010, I had the pleasure of visiting China and Taiwan for a series of meetings with Senators Mark Udall and Kay Hagan.

We had full and rewarding discussions on a range of issues, including cybersecurity, energy, trade, and cross-strait relations.

One major story in the region, I believe, is that of Taiwan and its relationship with the mainland.

The reports we received on our visit were encouraging.

The three direct lines—air service, sea service and postal service—are all in place.

The number of flights between Beijing and Taiwan has reached 270 per week, and I understand they are packed to the brim.

There is also a substantial Taiwanese presence in China today.

Taiwan President Ma Ying-jeou told us he was thrilled that negotiations were successful on an Economic Framework Agreement, known as ECFA, which he subsequently signed and was ratified by Taiwan's legislature.

On the 1-year anniversary of its passage, Taiwanese officials announced that agricultural exports to China covered 70% of Taiwan's agricultural exports and were valued at $99.31 million—the first 7 months of 2011 compared to the same period in 2010.

Overall, Taiwanese exports to the mainland in the first half of 2011 totaled $61.56 billion, up 10.53 percent from the year before.

Follow-on talks have recently begun between both sides which will focus on the trade in goods and services and dispute resolution.

With the momentum generated by the agreement, I believe China and Taiwan should begin to address the security situation across the strait.

It is my strong belief that China should begin to reduce its more than 1,000 ballistic missiles deployed along its coast.

In my view, the arms sales package for Taiwan announced by the administration will improve Taiwan's self-defense capabilities and still enhance this ongoing cooperation and dialogue.

Our administration in Beijing will only serve to undermine the progress we have made with China this year.

But what I cannot support is the amendment or being proposed. Simply put, a trade bill to renew the Generalized System of Preferences and the Trade Adjustment Assistance Program is not the proper vehicle for a sensitive foreign policy debate.

The administration and most of my colleagues on this side of the aisle have made it clear that we must renew trade adjustment assistance before we consider the trade agreements.

If this amendment passes, it will threaten the chances of passing trade adjustments and simultaneously consider the House and, ultimately, consideration of the three outstanding free trade agreements with South Korea, Panama and Colombia.

If we are to have this debate, it should be during consideration of the Defense authorization bill.

I urge my colleagues to oppose the Cornyn amendment.

Mrs. BOXER. Mr. President, I rise today to speak on the amendment offered by Senator Cornyn regarding the sale of F-16C/D fighter aircraft to Taiwan.

Let me begin by reiterating that I am a strong supporter of Taiwan's right to self-defense. That is why I am proud to support the proposed arms sale package to Taiwan that the Obama administration transmitted to Congress just yesterday.

This package would provide an estimated $5.85 billion in arms sales to Taiwan, including significant advanced technology upgrade to 145 F-16A/B aircraft that are currently part of Taiwan's air defense fleet.

But what I cannot support is the process by which Senator Cornyn proposed arms sale package to Taiwan that the Obama administration transmitted to Congress just yesterday.

This amendment would compel that sale of additional F-16C/D aircraft to Taiwan.

Instead of mandating this sale on a trade adjustment bill, I would like Congress to continue to work with the Obama administration to determine how to best meet our obligations under the Taiwan Relations Act to “make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain sufficient self-defense capability.”

A defeat of the Cornyn amendment does not take the potential sale of F-16C/D aircraft to Taiwan off the table. In fact, the administration has stated that it is still considering the possibility of F-16C/D sales to Taiwan.

I consider that the United States will continue to work with China to ensure Taiwan's security and stability long into the 21st century.

Mr. CORNYN. I would like to offer a bipartisan proposition to my colleagues here in the nature of this amendment. The reason I say this idea enjoys bipartisan support is 47 Senators, Democrats and Republicans, have already passed a bipartisan resolution asking that the administration grant a sale of F-16C/D models to our ally Taiwan.

This amendment would compel that sale because unfortunately the administration declined to make that sale yesterday, notwithstanding the fact that the Taiwan Relations Act signed by Jimmy Carter and passed by a bipartisan Congress requires the United States to provide Taiwan with defense articles and services to maintain sufficient self-defense capabilities.

What this amendment would do would be to compel the sale of 16 F-16C/D models to our friends in Taiwan. Why is this important? Well, the Department of Defense reports that China’s military power is in an increasingly precarious situation for the region and that China seeks the capability both to deter Taiwan independence and influence Taiwan to settle the dispute between them on China's terms.

This amendment would compel that sale. My colleague from Massachusetts argued earlier that the retrofit of 145 of the F-16A/B models, which Taiwan has, which the United States sold, is an adequate substitute. It is not. All that will do is help upgrade 145 of these aircraft that I identified earlier. It will not meet the need created by the retirement of the obsolete French Mirages and the F-5.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I think all of us agree with the intent and the direction the Senator from Texas wants to go here with respect to our friendship and our support of Taiwan. In the 36 years I have been here I have never not supported doing what is necessary to live up to the Taiwan Relations Act. But the Senator is reaching way beyond what we have ever done in the Senate, which is to compel a single arms sales treaty by the President with respect to a complex relationship such as China-Taiwan and the entire presence of the United States in the areas of the straits and in that region.

We have never done that.

Moreover, the President of Taiwan has said it is entirely adequate. He feels they will have the defensive capacity necessary under the TRA in...
order to be able to defend themselves at the current level with the upgrade we are providing.

Let me point out that under President Bush, over 8 years, we provided $12 billion to Taiwan—over 8 years. In 3 years of the Obama administration, he has provided about $12 billion—3 years. So there was $15 billion by Bush over 8 years, $12 billion by Obama over 3 years.

The upgrade that is being provided—$6 billion upgrade—of weapons includes state-of-the-art avionics and weaponry, including the Active Electronically Scanned Array Radars, targeting systems, Aim-9X air-to-air missiles, and precision-guided munitions. Those airplanes, those 145 F-16s, will have state-of-the-art capacity at the highest level of any F-16 that we are allowed to sell to any country in the world.

Moreover, the administration has made it absolutely clear that this does not preclude the sale of F-16s maybe in the next months, maybe in the next year, but that ought to be done by any administration, Republican or Democratic, in an orderly way as a matter of good arms policy and as a matter of good policy. In addition to that, the administration unalterably opposed to this.

So here we are working hard under a fairly careful script to get TAA out of here so we can move to three trade agreements that a lot of us want to move and pass, which means jobs for America. They have been long overdue. We pass this amendment, we lose that opportunity. It is that simple.

So these are all tradeoffs, but this is a tradeoff measured against the lack of any need for urgency as a matter of defense policy and foreign policy to do this. So I say to my colleagues, why, for the first time, without that showing of urgency and need, particularly given the statements of Taiwan's own statements, are we going to for the first time compel a President to do something he does not think he wants to do in the context of the relationship with both China and Taiwan?

I reserve the remainder of my time.

Mr. CORNYN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes 30 seconds.

Mr. CORNYN. Mr. President, as my colleagues know under article I, section 8 of the U.S. Constitution, Congress is given the power to regulate commerce with foreign nations. That is why this amendment is relevant to this trade bill we are getting ready to pass, because it is important that products manufactured in the United States, and produced grown here, that we sell it to markets abroad because it creates jobs here at home, in addition to fulfilling our legal obligation under the Taiwan Relations Act.

I must say I disagree with my colleagues from Massachusetts. The upgrade on the 145 aircraft does nothing to substitute for the retiring of the French Mirage aircraft and the F-5s, given the disparity of air power between China and Taiwan.

Because we are all concerned about jobs, let me remind my colleagues that 32 different States will receive benefits by way of these trades, these sales. This isn't the primary reason why this is important. This is about American prestige, keeping our promises, and not letting the bullies of the world, including China, intimidate the United States; and it is about keeping solemn commitments to our allies. I ask my colleagues to vote yes, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KERRY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 1 minute 24 seconds.

Mr. KERRY. Let me say very quickly, that the sale of weapons measured against the policy decisions in a set of relationships that are critical to the balance of power and the threat and danger and so forth has never been translated into a jobs program. If you want to want to get $6 billion spent on these upgrades—Northrop Grumman, Lockheed Martin, and a host of companies will benefit from that $6 billion and may benefit from the sale of weapons down the road.

This isn't a policy issue. The policy question is whether the President of Taiwan can speak for Taiwan as the Senator from Texas speaks for Taiwan. It is whether we are going to be adequately meeting the needs of the TRA and the foreign policy priorities of an administration that, it seems to me, given the statements of the President of Taiwan, not only don't violate it but sustain the relationship of the TRA.

I have proudly voted in support of Taiwan's upgrades of the F-16, I have been here, 26 years. I believe I am voting for them today, even as I oppose this amendment but support the administration's $6 billion program for upgrade and those 145 F-16s—and maybe we will sell them some others.

The PRESIDING OFFICER. The Senator's time has elapsed.

Mr. KERRY. Mr. President, briefly, once this production line is shut down because it manufactures 2,000 people currently working on the F-16 production line will be reassigned or fired and so this is important.

This isn't something we can take up willy-nilly later on because we finally have gotten around to it. It is timely, and it needs to be done now to keep our commitment to our ally and show the Chinese what they need to see from America; that is, strength, not weakness.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll. Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER), the Senator from Wyoming (Mr. BARRASSO), the Senator from Wyoming (Mr. ENZI), and the Senator from Kentucky (Mr. PAUL).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted “yea.”

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

The result was announced—yeas 48, nays 48, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—48

Alexander  Grassley  McConnell
Ayotte  Hatch  Warner
Blumenthal  Holler  Moran
Bennet  Hoeven  Murkowski
Bosman  Hutto  Nelson (FL)
Brown (MA)  Inhofe  Portman
Burr  Isakson  Roberts
Chambliss  Johanns  Rubio
Coates  Johnson (WI)  Salazar
Cochran  King  Shelby
Collins  Kyl  Snowe
Cochran  Lieberman  Thune
Crape  Lugar  Toomey
DeMint  Manchin  Vitter
Graham  McCain  Wicker

NAYS—48

Akaka  Grassley  Nelson (NE)
Baucus  Hagan  Pryor
Begich  Harkin  Reid
Ben Nelson  Johnson (SD)  Rockefeller
Bentsen  Kerry  Sanders
Brown (OH)  Kobuchar  Schumer
Cantwell  Kohl  Shaheen
Cardin  Landrieu  Stabenow
Carper  Lautenberg  Tester
Casey  Leahy  Udall (CO)
Conrad  Levin  Udall (NM)
Coons  McCaskill  Warner
Collins  Menendez  Whitehouse
Franken  Mikulski  Wyden

NOT VOTING—4

Barrasso  Risi
Corkery  Paul

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 48. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 633

Under the previous order, there is now 2 minutes of debate, equally divided, in relation to amendment No. 633 offered by the Senator from Nevada (Mr. RISCH) on behalf of Mr. CASEY.

The Senator from Pennsylvania. Mr. CASEY. Mr. President, I ask an affirmative vote on this amendment.

Trade adjustment assistance is very simple. We have a job crisis in the country. This program for decades now has helped people get through crises and, very importantly, has allowed them to be trained and retrained for the jobs of the future. We need this program, our workers need it, and our economy needs it.

I commend the work of Chairman BAUCUS and my colleague from Ohio, Senator BROWN. I ask for an affirmative vote on this amendment.

My colleague from Ohio, Mr. BROWN of Ohio. Mr. President, I thank Senator BAUCUS and Senator CASEY for their leadership.
This is about helping people who have lost their jobs, not only through no fault of their own but because of actions taken in this body and the House of Representatives on trade agreements and on trade policy.

I met a woman in Youngstown the other day who works in manufacturing and she went back to school. She and her daughter are both now in nursing school training to be nurses. That is what TAA is about.

Vote for the Casey-Baucus-Brown amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, this is a caustic program of dubious value. In our hearings, the representatives of the administration couldn’t come up with one job that would be lost as a result of these free-trade agreements.

There is no evidence that TAA works and, in all honesty, there is no commitment from the President we are going to have the free-trade agreements come up anyway. I have to say that even though we haven’t done a trade agreement in years, TAA continues to grow and TAA is on top of unemployment insurance that we are paying anyway, and it isn’t justified.

All I can say is, literally, this program should not be adopted at this particular point. And if it is adopted, it ought to be adopted based upon reason and so forth.

Mr. MENENDEZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to amendment No. 633. The clerk will call the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Pennsylvania.

The legislative clerk called the roll.

The amendment was ordered to be placed on the table. The question was on agreeing to the order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

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

The bill was read the third time. The PRESIDING OFFICER. The Senator from Montana is recognized.

There is now 10 minutes of debate equally divided prior to a vote on the passage of the measure.

Mr. BAUCUS. Madam President, this bill addresses one of the country’s most urgent priorities—jobs. It helps American workers acquire the skills they need to compete and win in the global economy. It gives American businesses better access to the materials they need to make world-class products, and that is just the beginning. It also opens the door to an ambitious trade agenda, an agenda that will increase U.S. exports, grow our economy, and create jobs.

That agenda includes our pending free-trade agreements with Colombia, Panama, and South Korea.

The first step is to renew the trade adjustment assistance. Trade adjustment assistance has been an essential part of U.S. trade policy for nearly 50 years. When trade agreements, we create new economic opportunity and spur growth but also increase competition. TAA helps American workers and businesses meet that competition with job training, income support, health coverage, and technical assistance.

Over the years we have reformed TAA to keep pace with the changing global economy. In 2009 we extended TAA to cover service industry workers and workers whose jobs shifted overseas to any country, and we increased funding for job training and health care. But the 2009 reforms expired. They expired last February.

Congress has never approved one free-trade agreement, much less three, with TAA expired. This year must be no exception. This legislation will restore the 2009 TAA reforms and responsible program cuts. This legislation will clear the path to consider and approve our free-trade agreements with Colombia, Panama, and South Korea.

If we do not approve this legislation we will impose a roadblock that could derail our three free-trade agreements.

The PRESIDING OFFICER (Mrs. SHAHANN). On this vote, the yeas are 69, the nays are 28. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

The result was announced—yeas 69, nays 28, as follows:

Rollecall Vote No. 149 Leg.
under the expanded provisions and coming from every state in the union. As a leading manufacturing state and a significant contributor to global trade, Michigan has relied on the TAA Program to retrain workers for new careers and certified nearly 50,000 workers since the program began.

Michigan also houses the Great Lakes Trade Adjustment Assistance Center. The Great Lakes TAA Center helps hundreds of firms in Michigan, Indiana, and Ohio compete in the global economy. The TAA program assists mostly small and medium-sized companies that experience loss of jobs and sales because of foreign imports. TAA for firms has helped to retain or create tens of thousands of jobs by saving companies and jobs imperiled by import competition. This TAA extension includes $16 million for this important program—TAA for firms.

Ms. SNOWE. Madam President, I rise today to express my strong support for the renewal of Trade Adjustment Assistance programs which for decades have served as a critical lifeline for thousands of Mainers whose jobs have been adversely affected by increases in foreign imports and shifts in production and employment.

During my entire tenure in Congress, I have worked tirelessly with my colleagues to reform and expand TAA programs to assist workers, businesses, and communities harmed by trade liberalization in competing in an increasingly global marketplace.

And frankly if there were ever a moment to rebuild and equip our workforce to make greater strides when it comes to competing in the global economy, is there any doubt, that time is now?

Consider that China will surpass the U.S. economically in 2016—a mere five years from now—according to the International Monetary Fund. Consider that the International Monetary Fund projects China as the world’s largest economy by 2018. Consider the International Monetary Fund projects China as the world’s largest economy by 2018.

Consider that the International Monetary Fund projects China as the world’s largest economy by 2018.

Moreover, the Great Lakes Trade Adjustment Assistance Center recently reported that 15 Maine companies have taken part in the TAA for Firms Program to reconfigure their business models, develop new strategies, and make other adjustments necessary to remain competitive in the international economy—benefiting a combined 1,210 Mainers employed by these firms.

Under the TAA for Farmers Program, hundreds of blueberry producers and lobstermen in my state, facing increased pressure from foreign products, have found the program’s technical assistance and training extremely useful in retooling their businesses to ensure Maine’s agriculture industry and fisherman remain among the best in the world.

Likewise, the New England Trade Adjustment Assistance Center recently reported that 15 Maine companies have taken part in the TAA for Firms Program over the last several years. These companies have taken advantage of the program to reconfigure their business models, develop new strategies, and make other adjustments necessary to remain competitive in the international economy—benefiting a combined 1,210 Mainers employed by these firms.

However, despite these irrefutable successes, I have no doubt that some of my colleagues will argue in favor of allowing TAA to expire. And they might argue that we should not be giving “special treatment” to individuals whose jobs have been affected by trade. Allowing this vital program to lapse would be tantamount to a missing opportunity not only for American workers but for our economy as well. When a Maine saw or paper mill closes and the orders it used to handle are filled by a Canadian or Chinese plant, that has a cascading affect across not just Maine’s forestry industry but shipping businesses, our service sector, and the thousands of additional workers and rural communities that rely on this industry for their very survival.

The fact is, losing one’s job to trade is not equivalent to losing one’s job because of technological advancements or economic adversity and downturn.

The difference is that trade liberalization actions—such as implementing NAFTA or accepting China into the World Trade Organization—cost our workers and their families their very livelihoods. Make no mistake, the Chinese and Indian governments—our trading partners—are exploiting the weaknesses in our labor laws and our government’s failure to provide adequate safety and health standards. Make no mistake, the Chinese and Indian governments—our trading partners—are exploiting the weaknesses in our labor laws and our government’s failure to provide adequate safety and health standards.

To those who point out that there are inefficiencies associated with TAA, I agree that efforts at reform must reduce costs and eliminate waste. That is precisely why the House passed TAA reform legislation in the 111th Congress.

Under the legislation, for example, states would be given discretion to reallocate funds to states that can better meet their needs. In addition, the bill requires states to have a plan in place to reallocate funds to other states that are better positioned to benefit from the program. States would also be required to report on the number of job losses that result from foreign trade and the number of job losses that result from other factors, such as the loss of a customer or the loss of a competitor.

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Finally, I am pleased that the legislation requires new performance measures, metrics, and accountability as a precondition for receiving training and benefits.

To those who argue that the bill is not necessary because the economy is improving, I point out that our unemployment rate is still over 9 percent. And while some sectors of the economy are improving, sectors such as manufacturing and agriculture continue to struggle.

I have worked tirelessly with my colleagues to reform and expand TAA programs to assist workers, businesses, and communities harmed by trade liberalization in competing in an increasingly global marketplace.

And frankly if there were ever a moment to rebuild and equip our workforce to make greater strides when it comes to competing in the global economy, is there any doubt, that time is now?

Consider that China will surpass the U.S. economically in 2016—a mere five years from now—according to the International Monetary Fund. Consider that the International Monetary Fund projects China as the world’s largest economy by 2018. Consider the International Monetary Fund projects China as the world’s largest economy by 2018.

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case in the Senate, action on this job creation package has been delayed for far too long—over 7 months since I sent my letter.

Congress still has an opportunity to overcome this legislative inertia in order to benefit U.S. industries that have been devastated by foreign imports. American businesses and their employees are doing their part—Congress must do likewise.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I rise in opposition to this bill before us. It extends the generalized system of preferences program for 2 years, as amended and, as amended, expands the trade adjustment assistance program.

I want to be clear. I support the underlying bill passed by the House that extends the GSP Program. GSP helps American companies compete in the global marketplace while helping developing countries grow their economies and achieve sustainable economic growth to lift their people out of poverty.

As I have made clear over the past few days, I have serious concerns with expanding the Trade Adjustment Assistance program as it has been amended by this bill. We can no longer afford to increase domestic spending on programs that have dubious value and unproven results. That is what this bill will do.

I cannot condone this spending, so I will vote no. I offered an amendment that would have ended the mystery surrounding the sequencing of TAA and the three pending free-trade agreements that have been the subject of much intrigue and speculation.

My amendment would have called off the expansion of TAA until our free-trade agreements with Colombia, Panama, and South Korea were enacted. Everything would move together. Isn’t that what this whole bargain is supposed to be about?

Well, that amendment did not pass and the White House still refuses to say when they will send up the FTAs for a vote. That does not seem right or fair to me. TAA is an unproven and unproven results. That is what this bill will do.

I hope I am wrong, but it seems that we are waiting to see what they do. Some of the House Republicans are troubling, to say the least. One of the latest proposals we have heard—remember, one reason this went so bad is that 53 House Republicans wrote a letter to the Republican leadership in the House and said, unless you cut back the CR—remember, that is an agreement we worked on for 3 months to get agreements so we took care of the 301(a)s and 301(b)s for the rest of the year. They said until you cut that by $28 billion, we are not going to vote for it—$28 billion.

The latest we have heard from the House in an effort to satisfy the $28 billion that the 53 Republicans want is they said they are going to cut renewable energy projects by another $10 million. So if that goes through, then the 53 Republicans, instead of settling for $28 billion, are going to settle for $110 million. From Las Vegas, those are not very good odds in a card game. I hope we do something that is fair and realistic. I hope they send us a CR. I hope they send a reasonably important number on FEMA. We know what is needed. The Secretary of Homeland Security was in Joplin, MO, today, looking at the devastation there and the work that has stopped in that town that was struck by winds of 300 miles an hour.

We are here. We are going to have a caucus in 20 minutes, but I cannot see us doing anything tonight.

Mr. MCCONNELL. If my friend would yield on that point.

Mr. REID. Sure.

Mr. MCCONNELL. I think I can probably speak for everybody on this side that if we had a choice between wrapping all of this up sometime tonight, as opposed to coming back tomorrow, I think I am pretty safe in saying we prefer, if it is possible, to complete the job tonight knowing full well we are shooting down not to have a break. Presumably if we finish the job in a way that is satisfactory to both the House and the Senate, I think our preference would be to grind through and to try to get to the end tonight.

Mr. REID. I understand what my friend is saying. I am sure if we took a vote, everyone would agree on that. If we don’t get that bill until after midnight tonight, there is a limit as to what we can do. It may be necessary to come back sometime tomorrow morning. I have a number of us over here who have important things to do, not only legislatively but some with their own personal business. So I understand very much the support of the Republicans in getting the votes necessary to pass this bill. It was a nice vote and I appreciate it very much.

As far as the rest of the evening, I just talked with the House Democratic leader many times—some of the reports out of the House are troubling, to say the least. One of the latest proposals we have heard—remember, one reason this went so bad is that 53 House Republicans wrote a letter to the Republican leadership in the House and said, unless you cut back the CR—remember, that is an agreement we worked on for 3 months to get agreements so we took care of the 301(a)s and 301(b)s for the rest of the year. They said until you cut that by $28 billion, we are not going to vote for it—$28 billion.

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if we have to come back tomorrow, we will try to do it as early as possible. We have some very serious things to do here. We have millions of people who are struggling because of this disaster relief. We talk about disaster relief as if it is some number up in the air, but these are jobs. People are waiting to do that work and, of course, the CR is very important.

I would hope the House would send us something that is fair and reasonable, because if it is more of the same as yesterday, I do not think they are going to get the Democratic votes in the House. I do not think they will get any over here. This is not a high school game of “I’ve gotcha.” We are willing to be reasonable, but we are not willing to vote unreasonably.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill (H.R. 2832), as amended, pass?

Mr. FRANKEN. 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 legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER), the Senator from Wyoming (Mr. BARRASSO), and the Senator from Tennessee (Mr. Enzi).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted “nay.”

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

The result was announced—yeas 70, nays 27, as follows:

[Rollcall Vote No. 150 Leg.]

YEARS—70


YEARS—27

Alexander  Ayotte  Burr  Chambliss  Coburn  Cornyn  Crapo  Durbin  Coons  Cortez  Cooney  Collins  Cotton  Durbin  Feinstein  Franken  Gillibrand

NAYs—27

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NAYs—27

Rubio Sessions Shelby Thune Vitter

Barrasso Corker Enzi

The PRESIDING OFFICER. On this vote, the yeas are 70, the nays are 27. Under the previous order requiring 60 votes for passage of the bill, the bill, as amended, is passed.

The bill (H.R. 2832), as amended, was passed, as follows:

H.R. 2832

Resolved, That the bill from the House of Representatives entitled “An Act to extend the Generalized System of Preferences, and for other purposes.”, do pass with the following amendment:

At the end, add the following:

TITLE II—TRADE ADJUSTMENT ASSISTANCE

SEC. 200. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the “Trade Adjustment Assistance Extension Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE II—TRADE ADJUSTMENT ASSISTANCE

SEC. 200. Short title; table of contents.

Subtitle A—Extension of Trade Adjustment Assistance

PART I—APPLICATION OF PROVISIONS RELATING TO TRADE ADJUSTMENT ASSISTANCE

SEC. 201. Application of provisions relating to trade adjustment assistance.

PART II—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

SEC. 211. Group eligibility requirements.

SEC. 212. Reductions in waivers from training.

SEC. 213. Limitations on trade readjustment allowances.

SEC. 214. Funded services for training, employment and case management services, and job search and relocation allowances.

SEC. 215. Reemployment trade adjustment assistance.

SEC. 216. Program accountability.

SEC. 217. Extension.

PART III—OTHER ADJUSTMENT ASSISTANCE

SEC. 218. Trade adjustment assistance for firms.

SEC. 219. Trade adjustment assistance for communities.

SEC. 220. Trade adjustment assistance for farm-related communities.

PART IV—GENERAL PROVISIONS

SEC. 221. Applicability of trade adjustment assistance provisions.

SEC. 222. Termination provisions.

Subtitle B—Health Care Coverage Improvement

SEC. 241. Health care tax credit.

SEC. 242. TAA pre-certification period rule for purposes of determining whether there is a 63-day lapse in credible coverage.

SEC. 243. Extension of COBRA benefits for certain TAA-eligible individuals and PBGC recipients.

Subtitle C—Offsets

PART I—UNEMPLOYMENT COMPENSATION PROGRAM INTEGRITY

SEC. 251. Mandatory penalty assessment on employers of nonemployers.

SEC. 252. Prohibition on noncharging due to employer欺诈.

SEC. 253. Reporting of rehired employees to the directory of new hires.

PART II—ADDITIONAL OFFSETS

SEC. 261. Improvements to contracts with Medicare quality improvement organizations (QIOs) in order to improve the quality of care furnished to Medicare beneficiaries.

Sec. 262. Rates for merchandise processing fees.

Sec. 263. Time for remitting certain merchandise processing fees.

Subtitle A—Extension of Trade Adjustment Assistance

PART I—APPLICATION OF PROVISIONS RELATING TO TRADE ADJUSTMENT ASSISTANCE

SEC. 201. Application of provisions relating to trade adjustment assistance.

(a) REPEAL OF SNAPBACK.—Section 1893 of the Trade and Globalization Adjustment Assistance Act of 2009 (Public Law 111–5; 123 Stat. 422) is repealed.

(b) APPLICABILITY OF CERTAIN PROVISIONS.—Except as otherwise provided in this subtitle, the provisions of chapters 2 through 6 of title II of the Trade Act of 1974, as in effect on February 12, 2011, and as amended by this subtitle, shall—

(1) in paragraph (2) of the date of the enactment of this Act; and

(2) apply to petitions for certification filed under chapters 2, 3, or 6 of title II of the Trade Act of 1974 on or after such date of enactment.

(c) REFERENCES.—Except as otherwise provided in this subtitle, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision of chapters 2 through 6 of title II of the Trade Act of 1974, the reference shall be considered to be made to a provision of any such chapter, as in effect on February 12, 2011.

PART II—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

SEC. 202. GROUP ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—Section 225 of the Trade Act of 1974 (19 U.S.C. 2292) is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively;

(3) in paragraph (2) of subsection (b), as redesignated by striking “(d)”; and

(4) in subsection (c), as redesignated by striking paragraph (5); and

(5) in paragraph (2) of subsection (d), as redesignated by striking “(c)”, (b), or (c)” and inserting “(b)”.

(b) CONFIRMING AMENDMENTS.—Section 227 of the Trade Act of 1974 (19 U.S.C. 2293) is amended—

(1) in paragraph (3)—

(A) by striking subparagraphs (A), (B), and (C); and

(B) by redesigning subparagraphs (D), (E), and (F) as subparagraphs (A), (B), and (C), respectively; and

(2) by striking paragraph (7); and

(3) by redesigning paragraphs (8) through (19) as paragraphs (7) through (18), respectively.

SEC. 212. REDUCTIONS IN WAIVERS FROM TRAINING.

(a) IN GENERAL.—Section 231(c) of the Trade Act of 1974 (19 U.S.C. 2291(c)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A), (B), and (C); and

(B) by redesigning subparagraphs (D), (E), and (F) as subparagraphs (A), (B), and (C), respectively; and

(2) in paragraph (3)(B), by striking “(D), (E), or (F)” and inserting “or (C)”.

(b) GOOD CAUSE EXCEPTION.—Section 224(b) of the Trade Act of 1974 (19 U.S.C. 2294(b)) is amended to read as follows:

“(b) SPECIAL RULE ON GOOD CAUSE FOR WAIVER OF TIME LIMITS OR LATE FILING OF CLAIMS.—The Secretary shall establish procedures and criteria that allow for a waiver for good cause of the time limitations with respect to an application for a trade readjustment allowance or enrollment in training under this chapter.”.

Sec. 213. LIMITATIONS ON TRADE ADJUSTMENT ALLOWANCES. Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended—
(1) in subsection (a)—
(A) in paragraph (2), in the matter preceding subparagraph (A), by striking "(or" and all that follows through "period)"; and
(B) in paragraph (3)—
(i) in the matter preceding subparagraph (A), by striking "78" and inserting "65"; and
(ii) in the next to last paragraph, by striking "in the 78-week period" each place it appears and inserting "78-week period"; and

(2) by amending subsection (f) to read as follows:

"(f) Payment of Trade Adjustment Allowances to Complete Training.—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 236 that leads to the completion of a degree or other recognized credential, payments may be made as trade adjustment allowances for not more than 13 weeks within such period of eligibility as the Secretary may prescribe to account for a break in training or for justifiable cause that follows the last week for which the worker is otherwise entitled to a trade readjustment allowance under this chapter.

"(1) Payment of the trade readjustment allowance for not more than 13 weeks is necessary for the worker to complete the training;

"(2) the worker participates in training in each such week; and

"(3) the worker—

(A) has substantially met the performance benchmarks established as part of the training approved for the worker;

(B) is expected to continue to make progress toward the completion of the training; and

(C) will complete the training during that period of eligibility.

SEC. 214. Funding of Training, Employment and Case Management Services, and Job Search and Relocation Allowances.

(a) In General.—Section 236(a)(2) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)) is amended—

(1) by inserting "and sections 235, 237, and 238" after "to carry out this section" each place it appears;

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "of payments that may be made under paragraph (1)" and inserting "of funds available to carry out this section and sections 235, 237, and 238"; and

(B) by striking clauses (i) and (ii) and inserting the following:

"(i) $75,000,000 for each of fiscal years 2012 and 2013; and

(ii) $175,000,000 for the 3-month period beginning on October 1, 2013, and ending on December 31, 2013.

(b) Limitations on Administrative Expenses and Employment and Case Management Services.

(1) In General.—Section 235A of the Trade Act of 1974 (19 U.S.C. 2295a) is amended—

(A) in the section heading, by striking "FUNDING FOR" and inserting "LIMITATIONS ON"; and

(B) by striking subsections (a) and (b) and inserting the following:

"Of the funds made available to a State to carry out sections 235 through 238 for a fiscal year, none shall—

(1) not more than 10 percent for the administration of the trade adjustment assistance for workers program under this chapter, including for—

(A) processing waivers of training requirements under section 231;

(B) conducting, evaluating, and reporting data required under this chapter; and

"(C) providing reemployment trade adjustment assistance under section 246; and

(2) not less than 5 percent for employment and case management services under section 225.

 SEC. 215. Reemployment Trade Adjustment Assistance.

(a) In General.—Section 236(a)(2) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)) is amended to read as follows:

"(a) FUNDING FOR.—The Trade Readjustment Allowance established by this chapter shall include:

"(1) payment of the trade readjustment allowance to an adversely affected worker specified in section 236; and

"(2) not less than 5 percent for employment and case management services.

SEC. 216. Program Accountability.

(a) Core Indicators of Performance.—In general.—Section 236(b)(3)(A) of the Trade Act of 1974 (19 U.S.C. 2296(b)(3)(A)) is amended to read as follows:

"(A) In general.—The core indicators of performance described in this paragraph are—

"(i) the percentage of workers receiving benefits under this chapter who are employed during the first or second calendar quarter following the calendar quarter in which the worker ceases receiving such benefits;

"(ii) the percentage of such workers who are employed during the 2 calendar quarters following the earliest calendar quarter during which the worker was employed as described in clause (i);

"(iii) the average earnings of such workers who are employed during the 2 calendar quarters described in clause (i); and

"(iv) the percentage of such workers who obtain a recognized postsecondary credential, including an industry-recognized credential, or a secondary school diploma or its recognized equivalent if combined with employment under clause (i), while receiving benefits under this chapter or during the 1-year period after such workers cease receiving such benefits.

(b) Effective Date.—The amendment made by paragraph (1) shall—

(A) take effect on October 1, 2011; and

(B) apply with respect to agreements under section 236 of the Trade Act of 1974 (19 U.S.C. 2296) entered into before, on, or after October 1, 2011.

(c) Collection and Publication of Data.—

(1) In General.—Section 239(b)(2) of the Trade Act of 1974 (19 U.S.C. 2303(b)(2)) is amended—

(A) in paragraph (2)—

(i) by striking "(or" and all that follows through "period)"; and

(ii) by adding at the end the following:

"(D) The average number of weeks trade readjustment allowances were paid to workers.

(B) The number of workers who report that they have received benefits under a prior certification issued under this chapter in any of the 10 fiscal years preceding the fiscal year for which the data is collected under this section;

(c) in subparagraph (C), by striking "determination of training that does not include remedial or prerequisite education" after "determined"; and

by adding at the end the following:

"(D) The average number of weeks trade readjustment allowances were paid to workers.

(E) The number of workers who report that they have completed training as described under this subsection in any of the 10 fiscal years preceding the fiscal year for which the data is collected under this section.

(F) The number of workers who complete training as described under this subsection in any of the 10 fiscal years preceding the fiscal year for which the data is collected under this section.

(G) The average duration of training that was completed by such workers after "training"; and
(C) in paragraph (4)—
(i) by redesignating subparagraph (B) as subparagraph (D); and
(ii) by inserting after subparagraph (A) the following:
“(B) A summary of the data on workers in the quarterly reports required under section 239(i) classified by the age, pre-program educational level, and post-program credential attainment of the workers.
“(C) The average earnings of workers described in section 239(i)(2)(A)(i) in the second, third, and fourth quarters following the calendar quarter in which such workers cease receiving benefits under this chapter, expressed as a percentage of the average earnings of such workers in the 1 calendar quarters before the calendar quarter in which such workers began receiving benefits under this chapter.”;

(D) by adding at the end following:
“(6) DATA ON SPENDING.—
“(A) The total amount of funds used to pay for trade readjustment allowances, in the aggregate and by each State.
“(B) The total amount of payments to the States to carry out sections 235 through 238 used for training, in the aggregate and for each State.
“(C) The total amount of payments to the States to carry out sections 235 through 238 used for job search and relocation allowances, in the aggregate and for each State.”.

(2) EFFECTIVE DATE.—Not later than October 1, 2012, the Secretary of Labor shall update the system required by section 240(b)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2232(a)) to include the collection of and reporting on the data required by the amendments made by paragraph (1).

(3) ANNUAL REPORT.—Section 240(b)(1) of the Trade Act of 1974 (19 U.S.C. 2232(d)) is amended by striking “December 15” and inserting “February 15”.

SECTION 217. EXTENSION.


PART III—OTHER ADJUSTMENT ASSISTANCE

SECTION 221. TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.

(A) ANNUAL REPORT.—
(1) IN GENERAL.—Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended by inserting after section 255 the following:

“SEC. 255A. ANNUAL REPORT ON TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.

“(a) IN GENERAL.—Not later than December 15, 2012, and annually thereafter, the Secretary shall prepare a report containing data regarding the trade adjustment assistance for firms program under this chapter for the preceding fiscal year. The data shall include the following:

“(1) the number of firms that inquired about the program;

“(2) the number of petitions filed under section 253;

“(3) the number of petitions certified and denied by the Secretary;

“(4) the average time for processing petitions after the petitions are filed;

“(5) the number of petitions filed and firms certified for each congressional district of the United States;

“(6) the number of petitions filed, the number of firms that received the program and re-ceived benefits.

“(7) the number of firms that received assistance, in total, for each region served by an intermediary organization referred to in section 253(b)(1).

“(8) the number of firms that received assistance developing business recovery plans.

“(9) the number of business recovery plans approved and denied by the Secretary.

“(10) the average duration of benefits received under the program nationally and in each region served by an intermediary organization.

“(11) sales, employment, and productivity at each firm participating in the program at the time of certification.

“(12) sales, employment, and productivity at each firm upon completion of the program and each year for the 2-year period following completion of the program.

“(13) the number of firms in operation as of the date of the report and the number of firms that ceased operations after completing the program and intervening the 2-year period following completion of the program.

“(14) the financial assistance received by each firm participating in the program.

“(15) the financial contribution made by each firm participating in the program.

“(16) the types of technical assistance included in the business recovery plans of firms participating in the program.

“(17) the number of firms leaving the program before completing the project or projects in their business recovery plans and the reason the project or projects were not completed.

“(18) the total amount expended by all intermediary organizations referred to in section 253(b)(1) and by each such organization to administer the program.

“(19) the total amount expended by intermediary organizations to provide technical assistance to firms under the program nationally and in each region served by such an organization.

“(b) CLASSIFICATION OF DATA.—To the extent possible, in collecting and reporting the data described in subsection (a), the Secretary shall classify the data by intermediary organization, State, and national totals.

“(c) REPORT TO CONGRESS; PUBLICATION.—

“(1) the submit the report described in subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives; and

“(2) publish the report in the Federal Register and on the website of the Department of Commerce.

“(d) PROTECTION OF CONFIDENTIAL INFORMATION.—

“(1) IN GENERAL.—The Secretary may not release information described in subsection (a) that the Secretary considers to be confidential business information unless the person submitting the confidential business information had notice, at the time of submission, that such information would be released by the Secretary, or such person subsequently consents to the release of the information.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit the Secretary from providing information the Secretary considers to be confidential business information under paragraph (1) to a court in camera or to another party under a protective order issued by a court.”.

(2) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 255 the following:

“Sec. 255A. Annual report on trade adjustment assistance for firms.”.

SECTION 222. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.

(A) IN GENERAL.—Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is amended by—

(1) by striking subsections A, C, and D;

(2) in subsection B, by striking the subchapter heading; and

(3) by redesignating sections 278 and 279 as sections 271 and 272, respectively.

(B) ANNUAL REPORT.—

(1) IN GENERAL.—Section (e) of section 271 of the Trade Act of 1974, as redesignated by subsection (a)(3), is amended—

(A) in the matter preceding paragraph (1), by striking “December 15 in each of the calendar years 2009 through” and inserting “December 15 in each of the calendar years 2009 through”;

(B) in paragraph (1), by striking “and” at the end;

(C) in paragraph (2), by striking the period at the end and inserting “; and”; and

(D) by adding at the end following:

“(3) providing the following data relating to program performance and outcomes:

“(A) Of the grants awarded under this section, the amount of funds spent by grantees.

“(B) The average dollar amount of grants awarded under this section.

“(C) The average duration of grants awarded under this section.

“(D) The percentage of workers receiving benefits under chapter 2 that are served by programs developed, offered, or improved using grants awarded under this section.

“(E) The percentage of workers receiving benefits under chapter 2 who obtained a degree through such programs and the average duration of the participation of such workers in training under section 236.

“(F) The number of workers receiving benefits under chapter 2 who completed a degree and the average duration of the participation of such workers in training under section 236.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2011; and

(b) with respect to reports submitted under subsection (e) of section 271 of the Trade Act of 1974, as redesignated by subsection (a)(3), on or after October 1, 2011.

(3) CONFORMING AMENDMENTS.—

(A) Section 271 of the Trade Act of 1974, as redesignated by subsection (a)(3), is amended—

(A) in subparagraph (A), by striking paragraph (5)(A) and inserting paragraph (5)(B); and

(B) in paragraph (5)(B), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(2) Subsection (b) of section 272 of the Trade Act of 1974, as redesignated by subsection (a)(3), is amended—

(1) by striking “$50,000,000” and all that follows through “February 12, 2011.” and inserting “$16,000,000 for each of the fiscal years 2012 and 2013, and $4,000,000 for the 3-month period beginning on October 1, 2013, and ending on December 31, 2013.”;

(2) by striking “shall:” and all that follows through “otherwise remain” and inserting “shall remain”.

(C) SEC. 223. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.

(A) IN GENERAL.—Section 271 of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is amended—

(B) in paragraph (1), by striking “and” at the end;
"Sec. 271. Community College and Career Training Grant Program.

"Sec. 272. Authorization of appropriations."

SEC. 223. TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Section 209(d) of the Trade Act of 1974 (19 U.S.C. 2410b(d)) is amended to read as follows:

(2) by striking "not to exceed" and all that follows through "February 12, 2011" and inserting "not to exceed $90,000,000 for each of the fiscal years 2012 and 2013, and $22,500,000 for the fiscal year period ending on October 1, 2013, and ending on December 31, 2013.

(b) PETITIONS FILED BEFORE FEBRUARY 11, 2011.—A worker certified as eligible for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974—

(A) on or after May 18, 2009, and on or before February 12, 2011, shall continue to be eligible to apply for and receive benefits under the provisions of chapter 2 of title II of such Act, as in effect on February 12, 2011; and

(B) before May 18, 2009, shall continue to be eligible to apply for and receive benefits under the provisions of chapter 2 of title II of such Act, as in effect on May 17, 2009.

(c) QUALIFYING SEPARATIONS WITH RESPECT TO PETITIONS FILED WITHIN 90 DAYS OF DATE OF ENACTMENT.—Section 223(b) of the Trade Act of 1974, as in effect on the date of the enactment of this Act, shall be applied and administered by substituting "before February 13, 2010" for "more than one year before the date of the petition" for purposes of determining whether a worker is eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974 on or after the date of the enactment of this Act, as in effect on or before the date that is 90 days after such date of enactment.

(b) TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.

(1) CERTIFICATION OF FIRMS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—

(A) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—If, as of the date of the enactment of this Act, the Secretary of Commerce has not made a determination with respect to whether to certify a firm as eligible to apply for adjustment assistance under section 221 of the Trade Act of 1974 pursuant to a petition described in clause (ii), the Secretary shall make that determination based on the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment.

(1) by striking "not to exceed" and all that follows through "February 12, 2011" and inserting "not to exceed $90,000,000 for each of the fiscal years 2012 and 2013, and $22,500,000 for the fiscal year period ending on October 1, 2013, and ending on December 31, 2013.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall—

(A) take effect on October 1, 2011; and

(B) with respect to reports submitted under section 293(d) of the Trade Act of 1974 (19 U.S.C. 2410d(d)) on or after October 1, 2012.

(c) PETITION DESCRIBED.—A petition described in this subparagraph is a petition for a certification of eligibility for a group of workers filed under section 221 of the Trade Act of 1974 on or after February 13, 2011, and before the date of the enactment of this Act.

(d) ELIGIBILITY FOR BENEFITS.—

(i) IN GENERAL.—Except as provided in clause (ii), a worker certified as eligible to apply for adjustment assistance under section 221 of the Trade Act of 1974 pursuant to a petition described in subparagraph (A)(ii) shall be eligible for adjustment assistance on or after the date that is 90 days after the date of the enactment of this Act.

(ii) PETITION DESCRIBED.—A petition described in this subparagraph (A)(ii) is a petition for certification of eligibility for a group of workers filed under section 221 of the Trade Act of 1974 on or after February 13, 2011, and before the date of the enactment of this Act.

(ii) PETITION DESCRIBED.—A petition described in this subparagraph is a petition for a certification of eligibility for a group of workers filed under section 221 of the Trade Act of 1974 on or after February 13, 2011, and before the date of the enactment of this Act.

(iii) COMPUTATION OF MAXIMUM BENEFITS.—Benefits received by a worker described in subparagraph (A)(ii) who does not apply for adjustment assistance within 90 days after the date of the enactment of this Act shall be included in the computation of the maximum benefits for which the worker is eligible under the provisions of chapter 2 of title II of the Trade Act of 1974 as in effect on the date of the enactment of this Act, or as in effect on February 13, 2011, whichever is applicable after the election of the worker under subclause (I).

(B) APPLICABILITY OF TRADE ADJUSTMENT ASSISTANCE PROVISIONS.

(c) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.

(1) PETITIONS FILED ON OR AFTER FEBRUARY 13, 2011, AND BEFORE DATE OF ENACTMENT.—

(A) CERTIFICATION OF FIRMS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—

(i) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—If, as of the date of the enactment of this Act, the Secretary has not made a determination with respect to whether to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in clause (ii), the Secretary shall make that determination based on the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment.

(ii) RECONSIDERATION OF DENIALS OF CERTIFICATIONS.—If, before the date of the enactment of this Act, the Secretary made a determination with respect to whether to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in clause (iii), the Secretary shall—

(I) reconsider that determination; and

(II) if the group of workers meets the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment, certify the group of workers as eligible to apply for adjustment assistance.

(iii) PETITION DESCRIBED.—A petition described in this subparagraph (A)(iii) is a petition for a certification of eligibility for a group of workers filed under section 221 of the Trade Act of 1974 on or after February 13, 2011, and before the date of the enactment of this Act.

(b) TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.

(1) CERTIFICATION OF FIRMS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—

(A) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—If, as of the date of the enactment of this Act, the Secretary of Commerce has not made a determination with respect to whether to certify a firm as eligible to apply for adjustment assistance under section 221 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall make that determination based on the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment.

(B) RECONSIDERATION OF DENIAL OF CERTAIN PETITIONS.—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall—

(i) reconsider that determination; and

(ii) if the firm meets the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment, certify the firm as eligible to apply for adjustment assistance.

(C) PETITION DESCRIBED.—A petition described in this subparagraph is a petition for a certification of eligibility for a group of workers filed under section 251 of the Trade Act of 1974 on or after February 13, 2011, and before the date of the enactment of this Act.

(2) CERTIFICATION OF FIRMS THAT DID NOT SUBMIT PETITIONS BETWEEN FEBRUARY 13, 2011, AND DATE OF ENACTMENT.—

(A) IN GENERAL.—The Secretary of Commerce shall certify a firm described in subparagraph (B) as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974, as in effect on the date of the enactment of this Act, if the firm or its representative files a petition for a certification of eligibility under section 251 of the Trade Act of 1974 not later than 90 days after such date of enactment.

(B) FIRM DESCRIBED.—A firm described in this subparagraph is a firm whose representative determinations would have been certified as eligible to apply for adjustment assistance if—
(i) the firm or its representative had filed a petition for a certification of eligibility under section 251 of the Trade Act of 1974 on a date during the period beginning on February 13, 2011, and ending the period described in clause (i) of section 251 of the Trade Act of 1974, as in effect on such date of eligibility; and

(ii) the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of eligibility, apply to such failure to modify benefit determinations.

SEC. 230. SUNSET PROVISIONS.

Section 285 of the Trade Act of 1974 (19 U.S.C. 2271) is amended—

(1) by striking “February 12, 2011” each place it appears and inserting “December 31, 2013”;

(2) in subsection (a)(2), by striking “that chapter” and all that follows through “the worker is”— and inserting “that chapter” and all that follows through “the week it began”;

(3) in subsection (b), by striking “in paragraph (3)(A) the Secretary of Health and Human Services” and all that follows through “in the matter preceding clause (i)” and inserting “in paragraph (3)(A) the Secretary of Labor” and all that follows through “in the matter preceding clause (i)”;

(4) in section 286(a)(6)(B) of the Trade Act of 1974, as in effect on such date of eligibility, by striking “the 1-year period beginning on January 1, 2014” and inserting “the 1-year period beginning on January 1, 2015”;

(5) in section 286(b)(3) of that Act, by striking “12” each place it appears and inserting “6” each place it appears; and

(6) in section 286(c)(2)(B) of that Act, by striking “65 percent (80 percent in the case of eligible coverage months beginning before February 13, 2011)” and inserting “78 percent (90 percent in the case of eligible coverage months beginning before February 13, 2011)”.

SEC. 231. PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITS.

(a) IN GENERAL.—The following provisions are each amended by striking “February 13, 2011” and inserting “January 1, 2014”:

(1) Section 251(b)(2)(B) of the Internal Revenue Code of 1986.

(2) Section 701(c)(2)(C) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)(C)).

(3) Section 2701(c)(2)(C) of the Public Health Service Act (as in effect for plan years beginning before January 1, 2014).

(b) EFFECTIVE DATES.—The amendments made by this section shall apply to plan years beginning after January 1, 2014.

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to plan years beginning after January 1, 2014.

SEC. 241. HEALTH CARE TAXBENEFITS.

(a) TERMINATION OF CREDIT.—Subparagraph (B) of section 35(b)(1) of the Internal Revenue Code of 1986 is amended by inserting “, and before February 13, 2011”.

(b) EXTENSION THROUGH CREDIT TERMINATION DATE OF CERTAIN EXPIRED CREDIT PROVISIONS.—(1) PARTIAL EXTENSION OF INCREASED CREDIT RATE.—Section 35(a) of such Code is amended by striking “63 percent (80 percent in the case of eligible coverage months beginning before February 13, 2011)” and inserting “78 percent (90 percent in the case of eligible coverage months beginning before February 13, 2011)”.

(2) EXTENSION OF ADVANCE PAYMENT PROVISIONS.—(A) Section 5725(b) of such Code is amended by striking “63 percent (80 percent in the case of eligible coverage months beginning before February 13, 2011)” and inserting “78 percent (90 percent in the case of eligible coverage months beginning before February 13, 2011)”.

(B) Section 5725(e) of such Code is amended by striking “which is issued before February 13, 2011” and inserting “which is issued before February 13, 2012”.

C. SPECIAL RULE RELATING TO CERTAIN LOSS OF COVERAGE.—In the case of a TAA-related loss of coverage under section 4980B(f)(5)(C)(iv) of the Internal Revenue Code of 1986 that occurs during the period beginning
on February 13, 2011, and ending 30 days after the date of the enactment of this Act, the 7-day period described in section 9801(c)(2)(D) of the Internal Revenue Code of 1986, section 701(c)(1)(B) of the Employee Retirement Income Security Act of 1974, and section 2701(c)(2)(C) of the Public Health Service Act shall be extended until 30 days after such date of enactment.

SEC. 243. EXPANSION OF COBRA BENEFITS FOR CERTAIN TAA-ELIGIBLE INDIVIDUALS AND PBGC RECIPIENTS.

(a) IN GENERAL.—The following provisions are added to section 4202 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(a)(v)).


(2) Section 602(2)(A)(ii) of such Act (29 U.S.C. 1162(a)(vi)).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to periods of coverage which begin on or after the date which is 30 days after the date of the enactment of this Act.

Subtitle C—Offsets

PART I—UNEMPLOYMENT COMPENSATION PROGRAM INTEGRITY

SEC. 251. MANDATORY PENALTY ASSESSMENT ON FRAUD CLAIMS.

(a) IN GENERAL.—Section 301(a) of the Social Security Act (42 U.S.C. 503(a)) is amended—

(1) in paragraph (9), by striking the period at the end of subparagraph (B) and inserting "; and";

and

(2) by adding at the end the following new paragraph:

"(11)(A) At the time the State agency determines the amount of an unemployment benefit from its unemployment fund was made to an individual due to fraud committed by such individual, the assessment of a penalty on the individual in an amount of not less than 15 percent of the amount of the erroneous payment; and

"(B) The immediate deposit of all assessments paid pursuant to subparagraph (A) into the unemployment fund of the State;"

(b) APPLICATION TO FEDERAL PAYMENTS.—

(1) IN GENERAL.—As a condition for administering any unemployment compensation program of the United States (as defined in paragraph (2)) as an agent of the United States, if the State determines that an erroneous payment was made to an individual under any such program due to fraud committed by such individual, the State shall assess a penalty on such individual and deposit any such penalty received in the same manner as the State assesses and deposits such penalties under provisions of State law implementing section 301(a)(11) of the Social Security Act, as added by subsection (a).

(c) DEFINITION.—For purposes of this subsection, the term "unemployment compensation program of the United States" means—

(A) the unemployment compensation for Federal civilian employees under subchapter I of chapter 85 of title 5, United States Code;

(B) unemployment compensation for civilian service members under subchapter II of chapter 85 of title 5, United States Code;

(C) trade readjustment allowances under sections 223 through 225 of chapter 125 of the Trade Act of 1974 (19 U.S.C. 2291–2294);

(D) disaster unemployment assistance under section 410(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5171(a));

(E) any Federal temporary extension of unemployment compensation;

(F) any extension of a program which increases the weekly amount of unemployment compensation payable to individuals; and

(G) any other Federal program providing for the payment of unemployment compensation.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) shall apply to erroneous payments established after the end of the 2-year period beginning on the date of the enactment of this Act.

(2) AUTHORITY.—The Secretary may amend its State law to apply such amendments to erroneous payments established prior to the end of the period described in paragraph (1).

SEC. 252. PROHIBITION ON NONCHARGING DUE TO EMPLOYER FAULT.

(a) IN GENERAL.—Section 3030 of the Internal Revenue Code of 1986 is amended—

(1) by striking subsection (q); and

(2) by inserting after subsection (e) the following new subsection:

"(f) PROHIBITION ON NONCHARGING DUE TO EMPLOYER FAULT.

"(1) IN GENERAL.—Subject to paragraph (2), the allowance of a deduction under subsection (e)(1) only if such law provides that an employer's account shall not be relieved of charges relating to a payment from the State unemployment fund if the State agency determines that—

"(A) the payment was made because the employer, an agent of the employer, was at fault for failing to respond timely or adequately to the request of the agency for information relating to the claim for compensation; and

"(B) the employer has established a pattern of failing to respond timely or adequately to such requests.

"(2) STATE AUTHORITY TO IMPOSE STRICTER STANDARDS.—Nothing in paragraph (1) shall limit the authority of a State to provide that an employer's account shall not be relieved of charges relating to a payment from the State unemployment fund if—

"(A) the law applicable to the State does not provide for such a pattern; or

"(B) the employer has established a pattern of failing to respond timely or adequately to such requests.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to periods of coverage which begin on or after the date which is 30 days after the date of the enactment of this Act.

Subtitle D—Adjustments

PART II—ADDITIONAL OFFSETS

SEC. 261. IMPROVEMENTS TO CONTRACTS WITH MEDICARE QUALITY IMPROVEMENT ORGANIZATIONS (QIOS) IN ORDER TO IMPROVE THE QUALITY OF CARE FURNISHED TO MEDICARE BENEFICIARIES.

(a) AUTHORITY TO CONTRACT WITH A BROAD RANGE OF ENTITIES.—

(1) DEFINITION.—Section 1125 of the Social Security Act (42 U.S.C. 1320c-1) is amended by striking paragraphs (1) and (2) and inserting the following new paragraph:

"(1) is able, as determined by the Secretary, to perform its functions under this part in a manner consistent with the efficient and effective administration of this part and section XVIII;"

(b) ANY OTHER FEDERAL PROGRAM PROVIDING FOR THE PAYMENT OF UNEMPLOYMENT COMPENSATION.
(D) in subsection (b)(3)—
   (i) in subparagraph (A), by striking ‘‘, or association of such facilities,’’ and
   (ii) in subparagraph (B),—
      (I) by striking ‘‘association of such facilities’’; and
      (II) by striking ‘‘or associations’’; and
   (E) by redesignating subsection (j). (2) EXTENSION OF LENGTH OF CONTRACTS.—Section 1153(c)(3) of the Social Security Act (42 U.S.C. 1320c–2(c)(3)) is amended—
   (A) by striking ‘‘three years’’ and inserting ‘‘five years’’; and
   (B) by striking ‘‘on a triennial basis’’ and inserting ‘‘on a five-year basis’’.

(3) AUTHORITY TO TERMINATE IN A MANNER CONSISTENT WITH THE FEDERAL ACQUISITION REGULATION.—Section 1153 of the Social Security Act (42 U.S.C. 1320c–2) is amended—
   (A) in subsection (b), by striking ‘‘three years’’ and inserting ‘‘five years’’; and
   (B) by striking ‘‘on a triennial basis’’ and inserting ‘‘on a five-year basis’’.

(4) ADMINISTRATIVE IMPROVEMENT.—Section 1153(c)(5) of the Social Security Act (42 U.S.C. 1320c–2(c)(5)), as redesignated by this subsection, is amended to read as follows—

   ‘‘(5) reimbursement shall be made to the organization on a monthly basis, with payments for any month being made consistent with the Federal Acquisition Regulation.’’.

(5) AUTHORITY FOR QUALITY IMPROVEMENT ORGANIZATIONS TO PERFORM SPECIFIED FUNCTIONS AND TO ELIMINATE CONFLICTS OF INTEREST.—Part B of title XI of the Social Security Act (42 U.S.C. 1320c et seq.) is amended—
   (A) in subsection (b)(1), as amended by subsection (b)(1)(B), by inserting after the first sentence the following new sentence: ‘‘In entering into contracts with such qualified organizations, the Secretary shall, to the extent appropriate, seek to ensure that each of the functions described in section 1154(a) are carried out within an area established under subsection (a).’’; and
   (B) in subsection (c)(1), by striking ‘‘the functions set forth in section 1154(a), or may sub-contract for the performance of all or some of such functions’’ and inserting ‘‘a function or functions under section 1154 directly or may subcontract for the performance of all or some of such functions’’; and
   (2) in section 1154—
   (A) in subsection (a)—
      (i) in the matter preceding paragraph (1)—
         (I) by striking ‘‘Any’’ and inserting ‘‘Subject to subsection (b), any’’; and
         (II) by inserting ‘‘one or more of’’ before ‘‘the following functions’’;
      (ii) in paragraph (4), by striking subparagraph (C); and
      (iii) by inserting after paragraph (11) the following new paragraph—
         ‘‘(12) As part of the organization’s review responsibility under paragraph (1), the organization shall review all ambulatory surgical procedures specified pursuant to section 1833(i)(1)(A) which are performed in the area, or, at the discretion of the Secretary, a sample of such procedures.’’
   (B) in subsection (d) and redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and
   (C) by inserting after subsection (a) the following new subsection—
      ‘‘(6) A quality improvement organization entering into a contract with the Secretary to perform a function described in a paragraph under subsection (a) shall perform all of the activities described in such paragraph, except to the extent otherwise negotiated with the Secretary pursuant to the contract or except for a function for which it is determined that it is not appropriate for the organization to perform, such as a function that could cause a conflict of interest with another function.’’.

(6) QUALITY IMPROVEMENT AS SPECIFIED FUNCTION.—Section 1154(a) of the Social Security Act (42 U.S.C. 1320c–3(a)) is amended by adding at the end the following new paragraph—

   ‘‘The organization shall perform, subject to the terms of the contract, such other activities as the Secretary determines may be necessary for the purposes of improving the quality of care furnished to individuals with respect to items and services for which payment may be made under title XVIII.’’.

(7) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into or renewed on or after January 1, 2012.

SEC. 262. RATES FOR MERCHANDISE PROCESsing FEES.

(1) FEES FOR PERIOD FROM JULY 1, 2014, TO NOVEMBER 30, 2015.—For the period beginning on July 1, 2014, and ending on November 30, 2015, section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied and administered—
   (1) in subparagraph (A), by substituting ‘‘6.3464’’ for ‘‘0.21’’; and
   (2) in subparagraph (B)(i), by substituting ‘‘6.3464’’ for ‘‘0.21’’.

(2) FEES FOR PERIOD FROM OCTOBER 1, 2016, TO SEPTEMBER 30, 2019.—For the period beginning on October 1, 2016, and ending on September 30, 2019, section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied and administered—
   (1) in subparagraph (A), by substituting ‘‘6.1740’’ for ‘‘0.93’’; and
   (2) in subparagraph (B)(ii), by substituting ‘‘6.1740’’ for ‘‘0.93’’.

SEC. 263. TIME FOR REMITTING CERTAIN MERCHANDISE PROCESsing FEES.

(1) IN GENERAL.—Notwithstanding any other provision of law, any fees authorized under paragraphs (9) and (10) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9) and (10)) with respect to processing merchandise entered on or after October 1, 2012, and before November 12, 2012, shall be remitted to the Secretary not later than September 25, 2012, in an amount equivalent to the amount of such fees paid by the person responsible for such fees with respect to merchandise entered on or after October 1, 2012, and before November 12, 2012, as determined by the Secretary of the Treasury.

(2) RECONCILIATION OF MERCHANDISE PROCESsing FEES.—
   (1) IN GENERAL.—Not later than December 12, 2012, the Secretary of the Treasury shall reconcile the fees paid pursuant to subsection (a) with the fees for services actually provided on or after October 1, 2012, and before November 12, 2012.
   (2) REFUNDS OF OVERPAYMENTS.—
      (A) After making the reconciliation required under paragraph (1), the Secretary of the Treasury shall refund with interest any overpayment of fees resulting from such reconciliation (a) and make proper adjustments with respect to any underpayment of such fees.

No interest may be assessed with respect to any such underpayment that was based on the amount of fees paid for merchandise entered on or after October 1, 2012, and before November 12, 2012.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senator Moran to be recognized for up to 10 minutes; that following his remarks that the Senate recess subject to the call of the Chair.

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

The Senator from Kansas.

MIDDLE EAST PEACE

Mr. MORAN. Madam President, this is a historically significant week for the United States and for all those who care about peace and stability in the Middle East. As we know, it is a region that is already roiled by protests and war and faces the prospect now of even more tension, more uncertainty, and potentially more violence.

We know this to be the case if the Palestinian Authority’s President Abbas goes forward to seek recognition of Palestinian statehood at the United Nations in New York. We have known for some time that this was coming and, thankfully, the U.S. Government has expressed opposition to this ill-conceived idea, and the administration plans to direct a veto of the measure.

Our government has also worked to persuade other nations to join us in opposing the Palestinian statehood bid. But I am afraid we have not done enough to convince the Palestinians that there will be consequences for their actions.

By pursuing recognition of a state at the U.N., President Abbas is choosing confrontation rather than negotiations with Israel. In doing so, he is violating the Oslo peace agreements signed 18 years ago which state that the conflict between Israel and the Palestinians must be solved through direct negotiations between the two parties. Direct negotiations are not just the best way to achieve peace, they are the only way to achieve lasting peace.

Direct negotiations are meant to bring the two sides to the finish line, where all the final status issues, including borders, can be resolved. By rejecting negotiations with Israel and appealing to the U.N., the Palestinians are trying to make the previous agreement for peace the new start line. If President Abbas pursues statehood this week at the U.N., the Palestinians will find it more difficult to

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