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House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mrs. ROBY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 11, 2011.

I hereby appoint the Honorable MARTHA ROBY to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

AMERICANS' PRIORITY IS JOBS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Speaker, ask Americans their priority, and they'll tell you it's jobs. There are 14 million Americans out of work. There are 9.3 million more Americans working part-time because they can't find full-time employment. There are millions more Americans whose incomes have stagnated because of the persistent unemployment which has dragged down economic growth. In fact, median household income has fallen 9.8 percent since the recession first began in 2007. More troubling, although the overall economy has been growing again, household incomes continue to fall. Since December 2007, American households have lost more than $5,400 per average household.

There are several factors leading to this decline. One of the most significant is that in order to find work, many millions of unemployed Americans are forced to accept lower pay. With millions of Americans still desperately searching for jobs, businesses can afford to offer lower wages. With millions of American families slipping below the poverty line and wondering where the next mortgage payment or meal will come from, prospective workers can't afford not to take the pay cut.

It's clear we must pass the American Jobs Act. This is a plan that reduces business taxes to encourage private sector hiring and increases infrastructure investment to repair and rebuild America, creating jobs. And it cuts taxes for every working American. While the lingering effects of the worst recession in 80 years continue to drive down Americans' income, we can increase their take-home pay with the Americans Jobs Act, putting more money back in the pockets of average American families. Increasing American paychecks and creating jobs—that ought to be our priority.

But Republicans in Congress have a different priority: cutting. Last Congress, Republicans' big marketing blitz wasn't about creating jobs, it was about cutting. Last Congress, Democrats passed business tax cuts to spur job creation, approving infrastructure improvements to create construction jobs and backstopping faltering State and local education funding to save teaching jobs. And we saw results. The Great Recession resulted in 8 million jobs lost. But thanks to our efforts, like the Recovery Act and the HIRE Act, we created 2.6 million jobs. A good start, but not enough.

But what were the Republicans doing last year? They were trumpeting their YouCut program. Perhaps if Democrats had named our efforts YouHire program, Republicans might have taken more notice.

Unfortunately, through fighting and threatening, delaying and denigrating, Republicans have made clear that cutting remains their top priority. Their first bill introduced this year, H.R. 1, wasn't about jobs; it was all about cuts. In fact, economists predicted it would cost 200,000 jobs.

Surely their second bill was about jobs? No. H.R. 2 tried to repeal important health reforms so that people with preexisting conditions wouldn't be protected; so that parents wouldn't be able to keep their kids on insurance, especially during tough times, through the age of 26; so that the doughnut hole for our seniors could be closed and they could get a 50 percent brand name drug discount this year.

But if Republican voodoo really worked, why isn't our economy better? Why are American incomes still dropping? This entire year in place of actual job creation legislation, Republicans have focused instead on ever-increasing cuts. And since the beginning of the year, the economy has faltered. Their single-minded focus on attacking private sector employees has paid off; we've lost 535,000 public jobs all across America. It's time to invest in America again. Let's support the American jobs bill.

JUSTICE DEPARTMENT CREDIBILITY IN QUESTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Madam Speaker, the United States Government has facilitated smuggling automatic weapons

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into Mexico, weapons that were purchased by straw buyers in the United States with the oversight of the ATF. Approximately 2,000 weapons were knowingly sent to our neighbors in Mexico by our government. Most of them are still unaccounted for. But we do understand that those weapons probably have been used illegally in Mexico to kill Mexican nationals. How many, no one knows.

Two of those automatic weapons have turned up at the murder scene in Arizona of Border Patrol agent Brian Terry. And one weapon apparently was used to gun down U.S. agent Jaime Zapata in Mexico.

The Mexican government has taken to the airwaves complaining of the U.S. smuggling operation. Mexican officials want answers, and even want U.S. Government officials responsible to be extradited to Mexico for trial. No wonder.

Madam Speaker, let me be clear: These weapons are not BB guns or .22 rifles; they are semiautomatic weapons and also include sniper rifles. Sniper rifles are used to assassinate specific targets.

The ATF and the Justice Department have stonewalled the release of information regarding this operation called Fast and Furious, and the public's not getting much data on this idiotic idea. Why would the U.S. Government send automatic weapons to the drug cartels in Mexico? Mexico is at war with the drug cartels. The drug cartels are the enemy of the Mexican people, not to mention they are the enemy of the United States. This gun running issue is nonsense.

Now the Justice Department is supposed to investigate this operation, which includes investigating the ATF and the Justice Department. The Attorney General, who's head of the Justice Department, at first said he didn't know anything about this operation until recently. Now it seems evidence shows he was given a memo last year about the whole idea. Did he not read the memo? Granted, the Attorney General has experience not reading important documents, like the Arizona immigration law. You remember, Madam Speaker, the Attorney General publicly criticized the Arizona bill, and then he testified before the Judiciary Committee to a question I asked him that he hadn't even read that bill.

Anyway, if he didn't know about the smuggling operation, he should have; he's in charge. And if he did know about it and approved it, he should be held accountable for this nonsense. I'm not sure what the Attorney General's claim of defense will be this week. It reminds me of my days on the bench as a judge in Texas when a defendant in a homicide case would say first, I wasn't there. And then he would say, well, if I was there, it wasn't me. And if it was me, I acted in self-defense. In other words, don't hold me accountable.

So just what is this Justice Department's defense to all of this? We shall see. But the idea that the Justice Department should investigate the Justice Department and the ATF is absurd. The Justice Department has no credibility on this matter, and whatever their investigation shows, the American public cannot trust its trustworthiness. Having the Justice Department investigate Fast and Furious, the ATF, and the Justice Department is like having Al Capone investigate bootlegging. The President should appoint a special counsel to investigate this operation of government gun running to Mexico.

And that's just the way it is.

□ 1210

TRADE POLICY THAT CREATES JOBS IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Well, at last, it's been a long year. The House this week is finally getting around to considering legislation to create jobs. You have got to admit, their objective, and the dream of Grover Norquist, of delivering a government so small that you can drown it in a bathtub has kind of a depressive effect on investment in the economy.

Cutting investment in education has lost jobs; it hasn't created jobs. Cutting investment in infrastructure—28 percent unemployment in construction, allied trades, small businesses that provide the work and the equipment, which are all private sector jobs—is not too good. So their pursuit of these goals so far this year has had a bit of a depressive and negative effect on the economy.

But to congratulate the Republican leaders, finally they've turned to creating jobs this week. Three trade agreements. Now, these are kind of musty, dusty trade agreements. They were negotiated by the Bush administration. Unfortunately, they have been adopted by the Obama administration. Nothing ever changes down at the Trade Representative's office. It doesn't matter who's in charge—Ronald Reagan, Bill Clinton, George Bush, Barack Obama. People in the Trade Office push the same policies. So these are job-creating trade agreements. Congratulations. We're building upon the success of the past. NAFTA, great success. The WTO, great success. Job creation. Phenomenal job creation. The only problem is the jobs are being created in foreign nations because of our failed trade policies in this country. We are hemorrhaging jobs.

This is the record over a decade:

We lost 15 factories a day—15. Now, some of them were kind of small, local small businesses, but Republicans love to talk about their advocacy for small business. Fifteen a day for 10 years, that's our current trade policy. So what else? Well, that figures out to about 1,370 manufacturing jobs a day over the last decade.

So, learning from past experience, we are now going to do exactly the same thing yet again. We are going to adopt—I can predict the future. The Republicans will all vote for it and a substantial number of my colleagues, a minority of Democrats, but they'll sign on too, to this false promise of job creation under the guise of free trade.

According to the Economic Policy Institute, for starters, the Korea Free Trade Agreement will cost us 160,000 jobs. Bye-bye to the last vestiges of the auto parts industry. They have little provisions, like 35 percent Korean content requirement, which means they can source all their stuff from China, or maybe even better, North Korea, where they use slave labor. It will be really cheap. And we're going to ask our workers to compete with that. There goes another industry.

Now, Colombia and Panama. Well, EPI estimates they're kind of dinky economies. That will only lose us about 55,000 jobs to start. So, for starters, we're creating a quarter of a million jobs overseas with more failed trade policies.

There are other minor problems. Colombia: they kill labor organizers. But, hey, they promised they won't do that anymore.

Panama: a huge haven for drug smugglers, terrorist money, and others. They launder money, but they promised the Obama administration, even though Bush said they could keep doing it, they promised the Obama administration they won't do it. They will no longer allow people to secret ill-gotten gains in Panama unless it's in their national interest. That's a little bit of a loophole.

So these are a great deal for the American people. How's that? I don't know. Because the special Trade Representative's office, unfortunately, rather meekly and quietly, the President, and the Republican leadership say these are a good deal for the American people because, yes, they will benefit Wall Street and a few multinational corporations. They'll just cost another quarter of a million Americans their jobs.

It's time to put an end to this craziness. I can hope—but it won't happen—that we can stop these trade agreements here this week on the floor and look for a new trade policy, a trade policy that creates and brings jobs home to the United States of America. I thought that's who we were here to represent.

DO NOT ISSUE CONFEDERATE LICENSE PLATES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. There are many times that we come to the floor to address our current plight. I do wish to say to the American people that we're well aware of the importance of jobs and the focus of creating

those jobs, and I would offer to you that most economists will say that job creation is a public and private partnership. That is a very important issue.

I rise today, however, as, again, those who seek the Republican nomination for the Presidency of the United States will come before the American people this evening. They will present a number of issues. This time it will be jobs. I hope they will present themselves in a manner that acknowledges that anyone who has the privilege of serving serves on behalf of the American people. And the American people come from all backgrounds, and I respect that.

In particular, I'm going to ask the Governor of the State of Texas, in his good vices and his beliefs in the equality of all, to reflect upon a decision that is about to be made in the State of Texas, and that is a decision in 2011 to issue a Confederate license plate. Confederate—the same group of individuals who opted to secede from the Union.

I am here as someone who applauds and appreciates the sacrifice that any person in uniform makes. I will not step away from the idea that much blood was shed in the Civil War. But what I am offering to say is that in 2011 it would be a disgrace, it would be outrageous, to uplift the Confederacy on a license plate in the State of Texas. Let me tell you why.

First of all, one of the most heinous tragedies of this great country's history was the holding of slaves. More importantly, millions of slaves destined for the United States and the Americas died in that dark passage before they even got to this soil. The brutality of slavery is without doubt and without question. The State of Texas continued slavery for 2 years longer than any other place in the United States because we did not get notice for 2 years after President Lincoln declared the Emancipation Proclamation. Who wants to ignite and remind you of that kind of devastating history?

And so, as the Texas Motor Vehicle Department makes a decision, I beg of their members to recognize that this is not a uniting action but a dividing action, because the action will be a State-issued plate that would affirm the brutality against African Americans, against slaves, against the ancestors who paid with their life to build this country. There was no debt ever paid for the 400 years of slavery, for the dividing of families, the brutality against children, the hanging and brutality that continued even into Jim Crow.

And as we look to the honoring of the monument of Dr. Martin Luther King this coming week, I beg of my fellow Texans on this board to recognize that this is a national issue. It is a national issue of prominence because to issue a Confederate license plate is to go and do what many States have undone—the removing of the symbols of the Confederacy, the taking away of the ''Rebel'' name for the University of Texas. Why? Because they believe in moving America forward and focusing on such things as bringing our troops home and honoring them, focusing on such things as creating jobs. And how heinous would it be for the State of Texas, one of the largest States in the Nation, to have its young men who are of African American heritage on the front lines of Iraq and Afghanistan to come home and have to look at a Confederate license plate.

□ 1220

This is not free speech. This is not freedom of speech. Because anyone who desires to promote that particular life and legacy, they are so allowed to do so. They may print anything in the privacy of their home, wear anything, put anything on their front yard, their back yard, but not a State-issued plate with Texas dollars embedded inside of that particular symbol. America is greater than that.

I love this country. All of us are patriots because we love this Nation no matter what side of the aisle. And I might remind you, Madam Speaker, that a Republican state senator—I want to thank him—has indicated that we should not have this kind of symbol in Texas.

I beg you, Mr. Perry, tonight to speak to your higher angels and talk about bringing us together. Do not issue a confederate license plate in the State of Texas for God's sake. And God bless America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 21 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. ROBY) at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Eternal God, we give You thanks for giving us another day.

On this day we ask Your blessing on the men and women, citizens all, whose votes have populated this people's House. Each Member of this House has been given the sacred duty of representing them.

O Lord, we pray that those with whom our Representatives met during this past long weekend in their home districts be blessed with peace and an assurance that they have been listened to.

We ask Your blessing now on the Members of this House, whose responsibility lies also beyond the local interests of constituents while honoring them. Give each Member the wisdom to represent both local and national interests, a responsibility calling for the wisdom of Solomon. Grant them, if You will, a double portion of such wisdom.

Bless us this day and every day, and may all that is done within the people's House this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Massachusetts (Mr. MARKEY) come forward and lead the House in the Pledge of Allegiance.

Mr. MARKEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 7, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 7, 2011 at 12:10 p.m.:

That the Senate passed with an amendment H.R. 2944.

That the Senate passed S. 1639.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

JOB CREATION STARTS WITH LOW TAXES, NOT CLASS WARFARE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, President Obama and his liberal allies in the Senate are at it again. After proposing a new $447 billion stimulus bill last month, the President has seen the bill

languish in the Democrat-controlled Senate. Why? Because there are some, even in his own party, who know that more government spending and job-killing tax hikes are not going to get our economy moving again.

But the Senate majority leader has come to the rescue with another new class warfare proposal. That's right; he wants a permanent tax increase on small businesses and job creators to pay for a temporary stimulus program. Oh, goody. Long-term, job-destroying tax increases to finance another short-term government spending program.

How about we focus on creating an environment that encourages job creation by eliminating harmful government regulations that stifle hiring and by fixing our broken Tax Code without raising taxes?

URGING CUTS IN NUCLEAR WEAPONS PROGRAMS

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. The ''Occupy Wall Street'' protests have spread from New York to cities across America. As the protests expand, people are asking, Why? Why are thousands of Americans in the streets? Because Americans are fed up.

Ninety-nine percent of the people are 100 percent fed up. They are fed up with a system that puts profit over people, that rewards the rich at the expense of everyone else. Let me give you an example:

The government plans to spend $700 billion on new nuclear weapons systems over the next 10 years, even as it's proposing to cut research for Alzheimer's, for cancer research, for a diabetes cure, to take care of Medicare and Medicaid patients across our country.

The American people are not afraid that their family is going to get killed by a new nuclear weapon. They're afraid that the killing that comes into their life comes from the terrorist that is the phone call from a doctor in the middle of the night that another member of their family has cancer, has diabetes, has Alzheimer's, has Parkinson's.

That's the priority that we have to establish for our country. That's why 65 of my colleagues are going to introduce this effort to cut $200 billion out of the nuclear weapons program over the next 10 years.

HOUSE REPUBLICANS CONTINUE TO LEAD THE WAY ON CREATING JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, last week, House Education and Workforce Committee Chairman JOHN KLINE of Minnesota introduced the Workforce Democracy and Fairness Act. This act is a direct response to the National Labor Relations Board's recent reckless action to rush union elections. The NLRB is again showing favoritism toward union bosses at the expense of rights of workers and employers.

As an original cosponsor of this legislation, I am grateful to stand up against the powerful unions and their leaders. This legislation ensures employers, small businesses, are able to participate in a fair union election process. It helps workers make an informed choice. Best of all, it safeguards the privacy of workers.

In Right-to-Work States, such as South Carolina, workers are protected, new well-paying jobs are created, and votes of all citizens are respected. This legislation prevents NLRB from limiting such freedoms in the workplace.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

HONORING THE UNIVERSITY OF MIAMI'S HIGH RANKING

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I rise today to pay tribute to the University of Miami for being named as the country's 38th best university in U.S. News and World Report's recent rankings. The University of Miami is the highest ranked school in the great State of Florida, and it has moved up nine spots since last year and 29 over the last decade, making it one of the fastest rising institutions. The university's ascent in the rankings is attributed to a marked improvement in key areas such as graduation rates, freshmen retention rates, and average SAT scores of entering freshmen.

I earned a doctorate in education from the University of Miami, so I take special pride in this high ranking. I ask my colleagues to join me in congratulating the university; its president, Donna Shalala; and the incredible faculty, staff, and student body. This is an honor for the ''U'' and for the entire State of Florida.

Go Canes.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, OCTOBER 13, 2011, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCY LEE MYUNG-BAK, PRESIDENT OF THE REPUBLIC OF KOREA

Mr. MILLER of Florida. Madam Speaker, I ask unanimous consent that it may be in order at any time on Thursday, October 13, 2011, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Lee Myung-bak, President of the Republic of Korea.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

□ 1410

VETERANS OPPORTUNITY TO WORK ACT OF 2011

Mr. MILLER of Florida. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2433) to amend title 38, United States Code, to make certain improvements in the laws relating to the employment and training of veterans, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2433

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Opportunity to Work Act of 2011''.

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

Sec. 1. Short title; table of contents.

TITLE I—RETRAINING VETERANS

Sec. 101. Veterans retraining assistance program.

TITLE II—IMPROVING THE TRANSITION ASSISTANCE PROGRAM

Sec. 201. Transition Assistance Program contracting.
Sec. 202. Mandatory participation in Transition Assistance Program.
Sec. 203. Report on Transition Assistance Program.
Sec. 204. Transition Assistance Program outcomes.
Sec. 205. Comptroller General review.

TITLE III—IMPROVING THE TRANSITION OF VETERANS TO CIVILIAN EMPLOYMENT

Sec. 301. Reauthorization and improvement of demonstration project on credentialing and licensure of veterans.
Sec. 302. Inclusion of performance measures in annual report on veteran job counseling, training, and placement programs of the Department of Labor.
Sec. 303. Clarification of priority of service for veterans in Department of Labor job training programs.
Sec. 304. Evaluation of individuals receiving training at the National Veterans' Employment and Training Services Institute.
Sec. 305. Requirements for full-time disabled veterans' outreach program specialists and local veterans' employment representatives.

Sec. 306. Report on findings of the Department of Defense and Department of Labor credentialing work group.
TITLE IV—IMPROVEMENTS TO UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS
Sec. 401. Clarification of benefits of employment covered under USERRA.
TITLE V—OTHER MATTERS
Sec. 501. Extension of certain expiring provisions of law.
Sec. 502. Department of Veterans Affairs housing loan guarantees for surviving spouses of certain totally disabled veterans.
Sec. 503. Reimbursement rate for ambulance services.
Sec. 504. Annual reports on Post-9/11 Educational Assistance Program and Survivors' and Dependents' Educational Assistance Program.
Sec. 505. Limitation on amount authorized to be appropriated for employee travel, printing, and fleet vehicles.
Sec. 506. Extension of reduced pension for certain veterans covered by Medicaid plans for services furnished by nursing facilities.
Sec. 507. Statutory Pay-As-You-Go-Act of 2010.

TITLE I—RETRAINING VETERANS

SEC. 101. VETERANS RETRAINING ASSISTANCE PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—In accordance with this section, during the period beginning on June 1, 2012, and ending on March 31, 2014, the Secretary of Labor shall provide for monthly payments of retraining assistance to eligible veterans. Payments of retraining assistance under this section shall be made by the Secretary of Labor through the Secretary of Veterans Affairs.

(2) NUMBER OF ELIGIBLE VETERANS.—The number of eligible veterans who participate in the program may not exceed—

(A) 45,000 during fiscal year 2012; and

(B) 55,000 during the period beginning October 1, 2012, and ending March 31, 2014.

(b) RETRAINING ASSISTANCE.—Except as provided by subsection (i), each veteran who participates in the program established under subsection (a)(1) shall be entitled to up to 12 months of retraining assistance, as determined by the Secretary of Labor. Such retraining assistance may only be used by the veteran to pursue a program of education (as such term is defined in section 3452(b) of title 38, United States Code) or training on a full-time basis that—

(1) is approved under chapter 36 of such title;

(2) is offered by a community college or technical school;

(3) leads to an associates degree or a certificate (or other similar evidence of the completion of the program of education or training); and

(4) is designed to provide training for a high-demand occupation, as determined by the Secretary of Labor.

(c) MONTHLY CERTIFICATION.—Each veteran who participates in the program established under subsection (a)(1) shall certify to the Secretary of Veterans Affairs the enrollment of the veteran in a program of education described in subsection (b) for each month in which the veteran participates in the program.

(d) AMOUNT OF ASSISTANCE.—The monthly amount of the retraining assistance payable under this section is the amount in effect under section 3015(a)(1) of title 38, United States Code.

(e) ELIGIBILITY.—For purposes of this section, an eligible veteran is a veteran who—

(1) is at least 35 years of age but not more than 60 years of age;

(2) was last discharged from active duty service in the Armed Forces with an honorable discharge;

(3) as of the date of the submittal of the application for assistance under this section, has been unemployed for a period of time determined by the Secretary, with special consideration given to veterans who have been unemployed for at least 26 continuous weeks;

(4) is not eligible to apply for educational assistance under chapter 30, 31, 33, or 35 of title 38, United States Code; and

(5) by not later than October 1, 2013, submits to the Secretary of Labor an application containing such information and assurances as the Secretary may require.

(f) REPORT.—Not later than July 1, 2014, the Secretary of Labor and the Secretary of Veterans Affairs shall jointly submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the retraining assistance provided under this section, including—

(1) the total number of—

(A) eligible veterans who participated;

(B) credit hours completed; and

(C) associates degrees or certificates awarded (or other similar evidence of the completion of the program of education or training earned); and

(2) data related to the employment status of eligible veterans who participated.

(g) JOINT AGREEMENT.—The Secretary of Labor and the Secretary of Veterans Affairs shall enter into an agreement on carrying out this section.

(h) SOURCE OF FUNDS.—Payments under this section shall be made from amounts appropriated to the readjustment benefits account of the Department of Veterans Affairs.

(i) TERMINATION OF AUTHORITY.—The authority to make payments under this section shall terminate on March 31, 2014.

TITLE II—IMPROVING THE TRANSITION ASSISTANCE PROGRAM

SEC. 201. TRANSITION ASSISTANCE PROGRAM CONTRACTING.

(a) TRANSITION ASSISTANCE PROGRAM CONTRACTING.—

(1) IN GENERAL.—Section 4113 of title 38, United States Code, is amended to read as follows:

"§ 4113. Transition Assistance Program personnel

"(a) AUTHORITY TO CONTRACT.—In accordance with section 1144 of title 10, the Secretary shall enter into a contract with an appropriate private entity or entities to provide the functions described in subsection (b) at all locations where the program described in such section is carried out.

"(b) FUNCTIONS.—Contractors under subsection (a) shall provide to members of the Armed Forces who are being separated from active duty (and the spouses of such members) the services described in section 1144(a)(1) of title 10, including—

"(1) counseling;

"(2) assistance in identifying employment and training opportunities and help in obtaining such employment and training;

"(3) other related information and services under such section; and

"(4) any other services that the Secretary determines are appropriate.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of title 38, United States Code, is amended by striking the item relating to section 4113 and inserting the following new item:

"4113. Transition Assistance Program personnel.".

(b) DEADLINE FOR IMPLEMENTATION.—The Secretary of Labor shall enter into the contract required by section 4113 of title 38, United States Code, as added by subsection (a), by not later than 24 months after the date of the enactment of this Act.

SEC. 202. MANDATORY PARTICIPATION IN TRANSITION ASSISTANCE PROGRAM.

Section 1144(c) of title 10, United States Code, is amended by striking "shall encourage" and all that follows and inserting "shall encourage the participation of members of the armed forces in pay grades E-8 and above and O-6 and above who are eligible for assistance under the program and shall require the participation of all other members of the armed forces who are eligible for assistance under the program unless a documented urgent operational requirement prevents attendance or an individual service member, with written approval of their commander, chooses to decline participation, in writing, based on post-service employment or acceptance to an education program. Such documentation shall be included in the personnel record of the member.".

SEC. 203. REPORT ON TRANSITION ASSISTANCE PROGRAM.

Section 1144 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) REPORTS AND AUDITS.—(1) Not later than January 30 of each year, the Secretary of Labor shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the program established under this section that includes the number of members of the armed forces eligible for assistance under the program who participated in the program within 30, 90, and 180 days of being separated from active duty, and the percentages of all such eligible participants who participated within each such time period.

"(2)(A) The Secretary of Labor shall enter into a contract with an appropriate entity to conduct an audit of the program established under this section not less frequently than once every three years and to submit to the Secretary of Defense, the Secretary of Labor, the Secretary of Veterans Affairs, and the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing the results of each such audit.

"(B)(i) Except as provided in clause (ii), the Secretary of Labor shall enter into the contract under subparagraph (A) with an appropriate entity that is a small business concern owned and controlled by veterans or a small business concern owned and controlled by service-disabled veterans and that is included in the database of veteran-owned businesses maintained under subsection (f) of section 8127 of title 38 and verified by the Secretary pursuant to paragraph (4) of that subsection.

"(ii) If the Secretary of Labor is unable to enter into the contract under subparagraph (A) with a qualified business concern described in clause (i), the Secretary shall enter into such contract with another qualified appropriate entity.

"(C) The Secretary of Labor shall enter into the contract under this paragraph using funds made available for the State grant program authorized under section 4102A of title 38.".

SEC. 204. TRANSITION ASSISTANCE PROGRAM OUTCOMES.

Section 1144 of title 10, United States Code, as amended by section 202 and 203, is further amended by adding at the end the following new subsection:

"(f) PROGRAM OUTCOMES.—The Secretary of Labor shall develop a method to assess the outcomes for individuals who participate in the program established under this section.

The Secretary of Defense shall provide to the Secretary of Labor any data on participation in the program that is necessary for the Secretary of Labor to develop such method. Such method shall be designed to determine the following outcomes:

''(1) The length of the period during which the individual was unemployed following the individual's separation from active duty.

''(2) The beginning salary paid to the individual for the first job the individual obtained following such separation.

''(3) The number of months of school or other training the individual attended during the first 12-month period following such separation.''.

SEC. 205. COMPTROLLER GENERAL REVIEW.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of the Transition Assistance Program under section 1144 of title 10, United States Code, and submit to Congress a report on the results of the review and any recommendations of the Comptroller General for improving the program.

TITLE III—IMPROVING THE TRANSITION OF VETERANS TO CIVILIAN EMPLOYMENT

SEC. 301. REAUTHORIZATION AND IMPROVEMENT OF DEMONSTRATION PROJECT ON CREDENTIALING AND LICENSURE OF VETERANS.

Section 4114 of title 38, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''not less than 10'' and inserting ''not less than 5 but not more than 10''; and

(B) in paragraph (2), by striking ''consult with appropriate Federal, State, and industry officials'' and inserting ''enter into a contract with an appropriate entity representing a coalition of State governors'';

(2) in subsection (g)—

(A) by striking ''Veterans Benefits, Health Care, and Information Technology Act of 2006'' and inserting the ''Veterans Opportunity to Work Act of 2011''; and

(B) by striking ''September 30, 2009'' and inserting ''September 30, 2014'';

(3) in subsection (h)—

(A) by striking ''utilizing unobligated funds'' and inserting ''using not more than $180,000 of the funds in each fiscal year''; and

(B) by inserting before the period at the end the following: '', to be derived from amounts otherwise made available to carry out sections 4103A and 4104 of this title''; and

(4) by adding at the end the following new subsection:

''(i) REPORT TO CONGRESS.—Not later than 30 days after the last day of a fiscal year during which the demonstration project under this section is carried out, the Assistant Secretary, in coordination with the entity with which the Assistant Secretary enters into a contract under subsection (b)(2), shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of the demonstration project during that fiscal year.''.

SEC. 302. INCLUSION OF PERFORMANCE MEASURES IN ANNUAL REPORT ON VETERAN JOB COUNSELING, TRAINING, AND PLACEMENT PROGRAMS OF THE DEPARTMENT OF LABOR.

Section 4107(c) of title 38, United States Code, is amended—

(1) in paragraph (2), by striking ''clause (1)'' and inserting ''paragraph (1)'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period and inserting ''; and''; and

(4) by adding at the end the following new paragraphs:

''(7) performance measures for the provision of assistance under this chapter, including—

''(A) the percentage of participants in programs under this chapter who are employed after the 180-day period following their completion of the program;

''(B) the percentage of such participants who are employed after the one-year period following their completion of the program;

''(C) the median earnings of such participants after the 180-day period following their completion of the program;

''(D) the median earnings of such participants after the one-year period following their completion of the program; and

''(E) the percentage of participants in such program who complete a certificate, degree, diploma, licensure, or industry-recognized credential while they are participating in the program or within one year of completing the program.''.

SEC. 303. CLARIFICATION OF PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR JOB TRAINING PROGRAMS.

Section 4215 of title 38, United States Code, is amended—

(1) in subsection (a)(3), by adding at the end the following: ''Such priority includes giving access to such services to a covered person before a non-covered person or, if resources are limited, giving access to such services to a covered person instead of a non-covered person.''; and

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

''(d) ADDITION TO ANNUAL REPORT.—(1) In the annual report required under section 4107(c) of this title for the program year beginning in 2003 and each subsequent program year, the Secretary of Labor shall evaluate whether covered persons are receiving priority of service and are being fully served by qualified job training programs. Such evaluation shall include—

''(A) an analysis of the implementation of providing such priority at the local level;

''(B) whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs, if any; and

''(C) performance measures, as determined by the Secretary, to determine whether veterans are receiving priority of service and are being fully served by qualified job training programs.

''(2) The Secretary may not use the proportion of representation of veterans described in subparagraph (B) of paragraph (1) as the basis for determining under such paragraph whether veterans are receiving priority of service and are being fully served by qualified job training programs.''.

SEC. 304. EVALUATION OF INDIVIDUALS RECEIVING TRAINING AT THE NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE.

(a) IN GENERAL.—Section 4109 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d) The Secretary shall require that each individual who receives training provided by the Institute, or its successor, is given a final examination to evaluate the individual's performance in receiving such training. Each such evaluation shall be designed to provide the individual with a grade, which shall be designated as either a passing grade or a failing grade. The results of such final examination shall be provided to the entity that sponsored the individual who received the training.''.

(b) EFFECTIVE DATE.—Subsection (d) of section 4109 of title 38, United States Code, shall apply with respect to training provided by the National Veterans' Employment and Training Services Institute that begins on or after the date of the enactment of this Act.

SEC. 305. REQUIREMENTS FOR FULL-TIME DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.—Section 4103A of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d) ADDITIONAL REQUIREMENT FOR FULL-TIME EMPLOYEES.—(1) A full-time disabled veterans' outreach program specialist shall perform only duties related to meeting the employment needs of eligible veterans, as described in subsection (a), and shall not perform other non-veteran-related duties.

''(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.''.

(b) LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.—Section 4104 of such title is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) ADDITIONAL REQUIREMENTS FOR FULL-TIME EMPLOYEES.—(1) A full-time local veterans' employment representative shall perform only duties related to the employment, training, and placement services under this chapter, and shall not perform other non-veteran-related duties.

''(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.''.

SEC. 306. REPORT ON FINDINGS OF THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF LABOR CREDENTIALING WORK GROUP.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Labor shall jointly enter into a contract with a qualified organization or entity jointly selected by the Secretaries to complete the study of 10 military occupational specialties already begun by the joint Department of Defense and Department of Labor Credentialing Work Group to reduce barriers to certification and licensure for transitioning members of the Armed Forces and veterans. This study shall also include an examination of current initiatives, programs, and authority already established within the Department of Defense and the military services to promote credentialing of members of the Armed Forces and identify best practices that can be leveraged by all services to increase the transferability of military education, training, experience, and skills.

(b) REPORT.—The contract described in subsection (a) shall provide that upon completion of the study described in such subsection, the organization or entity with which the Secretary of Defense and the Secretary of Labor entered into the contract shall submit to the Secretary of Defense and the Secretary of Labor a report setting forth the results of the study. The report shall include—

(1) a plan for leveraging existing successful initiatives, programs, and authority to promote the credentialing of all members of the Armed Forces; and

(2) such information as the Secretaries shall specify in the contract.

(c) SUBMITTAL TO CONGRESS.—Not later than March 31, 2012, the Secretary of Defense

and the Secretary of Labor shall jointly submit to Congress a report on the results of the study described in subsection (a), together with such comments on the report as the Secretaries jointly consider appropriate.

TITLE IV—IMPROVEMENTS TO UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS

SEC. 401. CLARIFICATION OF BENEFITS OF EMPLOYMENT COVERED UNDER USERRA.

Section 4303(2) of title 38, United States Code, is amended by inserting ''the terms, conditions, or privileges of employment, including'' after ''means''.

TITLE V—OTHER MATTERS

SEC. 501. EXTENSION OF CERTAIN EXPIRING PROVISIONS OF LAW.

(a) ADJUSTABLE RATE MORTGAGES.—Section 3707(a) of such title is amended by striking ''2012'' and inserting ''2014''.

(b) HYBRID ADJUSTABLE RATE MORTGAGES.—Section 3707A(a) of such title is amended by striking ''2012'' and inserting ''2014''.

(c) POOL OF MORTGAGE LOANS.—Section 3720(h)(2) of title 38, United States Code, is amended by striking ''December 31, 2011'' and inserting ''December 31, 2016''.

(d) LOAN FEES.—

(1) EXTENSION OF FEES.—Section 3729(b)(2) of such title is amended—

(A) in subparagraph (A)—

(i) in clause (iii), by striking ''November 18, 2011'' and inserting ''October 1, 2017''; and

(ii) in clause (iv), by striking ''November 18, 2011'' and inserting ''October 1, 2017'';

(B) in subparagraph (B)—

(i) in clause (i), by striking ''November 18, 2011'' and inserting ''October 1, 2017'';

(ii) by striking clauses (ii) and (iii) and redesignating clause (iv) as clause (ii); and

(iii) in clause (ii), as so redesignated, by striking ''October 1, 2013'' and inserting ''October 1, 2017'';

(C) in subparagraph (C)—

(i) in clause (i), by striking ''November 18, 2011'' and inserting ''October 1, 2017''; and

(ii) in clause (ii), by striking ''November 18, 2011'' and inserting ''October 1, 2017''; and

(D) in subparagraph (D)—

(i) in clause (i), by striking ''November 18, 2011'' and inserting ''October 1, 2017''; and

(ii) in clause (ii), by striking ''November 18, 2011'' and inserting ''October 1, 2017''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the later of—

(A) October 1, 2011; or

(B) the date of the enactment of this Act.

(e) TEMPORARY ADJUSTMENT OF MAXIMUM HOME LOAN GUARANTY AMOUNT.—Section 501 of the Veterans Benefits Improvement Act of 2008 (Public Law 110–389; 122 Stat. 4175; 38 U.S.C. 3703 note) is amended by striking ''December 31, 2011'' and inserting ''December 31, 2014''.

SEC. 502. DEPARTMENT OF VETERANS AFFAIRS HOUSING LOAN GUARANTEES FOR SURVIVING SPOUSES OF CERTAIN TOTALLY DISABLED VETERANS.

(a) IN GENERAL.—Section 3701(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(6) The term 'veteran' also includes, for purposes of home loans, the surviving spouse of a deceased veteran who dies and who was in receipt of or entitled to receive (or but for the receipt of retired or retirement pay was entitled to receive) compensation at the time of death for a service-connected disability rated totally disabling if—

''(A) the disability was continuously rated totally disabling for a period of 10 or more years immediately preceding death;

''(B) the disability was continuously rated totally disabling for a period of not less than five years from the date of such veteran's discharge or other release from active duty; or

''(C) the veteran was a former prisoner of war who died after September 30, 1999, and the disability was continuously rated totally disabling for a period of not less than one year immediately preceding death.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a loan guaranteed after the date of the enactment of this Act.

(c) CLARIFICATION WITH RESPECT TO CERTAIN FEES.—Fees shall be collected under section 3729 of title 38, United States Code, from a person described in paragraph (6) of subsection (b) of section 3701 of such title, as added by subsection (a), in the same manner as such fees are collected from a person described in paragraph (2) of such subsection.

SEC. 503. REIMBURSEMENT RATE FOR AMBULANCE SERVICES.

Section 111(b)(3) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

''(C) In the case of transportation of a person under subparagraph (B) by ambulance, the Secretary may pay the provider of the transportation the lesser of the actual charge for the transportation or the amount determined by the fee schedule established under section 1834(l) of the Social Security Act (42 U.S.C. 1395(l)) unless the Secretary has entered into a contract for that transportation with the provider.''.

SEC. 504. ANNUAL REPORTS ON POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM AND SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM.

(a) REPORTS REQUIRED.—

(1) IN GENERAL.—Subchapter III of chapter 33 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 3325. Reporting requirement

''(a) IN GENERAL.—For each academic year—

''(1) the Secretary of Defense shall submit to Congress a report on the operation of the program provided for in this chapter; and

''(2) the Secretary shall submit to Congress a report on the operation of the program provided for in this chapter and the program provided for under chapter 35 of this title.

''(b) CONTENTS OF SECRETARY OF DEFENSE REPORTS.—The Secretary of Defense shall include in each report submitted under this section—

''(1) information indicating—

''(A) the extent to which the benefit levels provided under this chapter are adequate to achieve the purposes of inducing individuals to enter and remain in the Armed Forces and of providing an adequate level of financial assistance to help meet the cost of pursuing a program of education;

''(B) whether it is necessary for the purposes of maintaining adequate levels of well-qualified active-duty personnel in the Armed Forces to continue to offer the opportunity for educational assistance under this chapter to individuals who have not yet entered active-duty service; and

''(C) describing the efforts under section 3323(b) of this title to inform members of the Armed Forces of the active duty service requirements for entitlement to educational assistance benefits under this chapter and the results from such efforts; and

''(2) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the Armed Forces and veterans, and their dependents, as the Secretary of Defense considers appropriate.

''(c) CONTENTS OF SECRETARY OF VETERANS AFFAIRS REPORTS.—The Secretary shall include in each report submitted under this section—

''(1) information concerning the level of utilization of educational assistance and of expenditures under this chapter and under chapter 35 of this title;

''(2) the number of credit hours, certificates, degrees, and other qualifications earned by beneficiaries under this chapter and under chapter 35 of this title during the academic year covered by the report; and

''(3) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the Armed Forces and veterans, and their dependents, as the Secretary considers appropriate.

''(d) TERMINATION.—No report shall be required under this section after January 1, 2021.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3324 the following new item:

''3325. Reporting requirement.''.

(3) DEADLINE FOR SUBMITTAL OF FIRST REPORT.—The first reports required under section 3325 of title 38, United States Code, as added by paragraph (1), shall be submitted by not later than November 1, 2012, and shall cover the 2011-2012 academic year.

(b) REPEAL OF REPORT ON ALL VOLUNTEER-FORCE EDUCATIONAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Chapter 30 of such title is amended by striking section 3036.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 3036.

SEC. 505. LIMITATION ON AMOUNT AUTHORIZED TO BE APPROPRIATED FOR EMPLOYEE TRAVEL, PRINTING, AND FLEET VEHICLES.

The amount authorized to be appropriated for the Department of Veterans Affairs for employee travel, printing, and fleet vehicles for fiscal year 2012 shall not exceed $385,000,000.

SEC. 506. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking ''May 31, 2015'' and inserting ''May 31, 2016''.

SEC. 507. STATUTORY PAY-AS-YOU-GO-ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Madam Speaker, I yield myself such time as I may consume.

Today I rise in strong support of H.R. 2433, as amended, the Veterans Opportunity to Work, or the VOW Act. The objective of H.R. 2433, as amended, is to use an approach that is comprehensive and is fiscally and programmatically sound to help a broad cross-section of

veterans obtain or retain meaningful employment.

Foremost among the provisions of the VOW Act is title I of the original legislation that I was proud to introduce to help put our unemployed veterans back to work. Title I targets retraining assistance to 100,000 unemployed veterans of past wars by temporarily extending their eligibility for the Montgomery GI bill. The advantage of this approach is that we are providing a reasonably robust yet affordable benefit without creating a new program. Other provisions in this bill continue the comprehensive approach by mandating, with a few exceptions, that separating servicemembers participate in transition assistance program classes.

Yet other provisions facilitate the alignment of State licensing and credentialing standards with the skills servicemembers learned during their military service to our country, and strengthening the Uniformed Services Employment and Reemployment Rights Act provisions. The bill also incorporates a bill authored by the vice chairman of our committee, my good friend GUS BILIRAKIS from Florida, to direct the VA to collect data to determine the number of credit hours, the degrees, and the certificates earned by those attending courses under the GI bill.

Most importantly, the data collected will help us to learn how well the GI bill benefits are positioning veterans to get jobs in today's economy and market.

Provisions from H.R. 120, authored by the gentlewoman from North Carolina (Ms. FOXX), are also a part of this legislation. These provisions would extend the VA's home loan guaranty program to certain surviving spouses of chronically and severely disabled veterans. I thank Ms. FOXX for her continued advocacy on behalf of those whose support and loyalty was so important to their veteran spouses.

And finally, I should point out that the mandatory and discretionary costs of the bill before us today are fully covered and are compliant with the budget rules of this House, according to CBO. Mandatory offsets are covered by extending at their present rate funding fees paid by veterans using their home loan guaranty benefit and by limiting pension payments to veterans receiving care in Medicaid-funded nursing homes. These are both offsets that the committee has used extensively in the past, and most importantly, in passing a fix to the post-9/11 GI bill by a vote of 424–0 in this House.

The discretionary costs of the bill are covered by two additional provisions. The first eliminates the overcharging of VA by ambulance providers for transporting certain veterans. And the second holds VA employee travel, printing, and vehicle fleet costs at 2011 levels.

To my colleagues on both sides of the aisle, I say that this is in fact a good bill that addresses a major issue confronting the Nation in a comprehensive and fiscally responsible manner with the support of the veterans service organizations.

Madam Speaker, I urge all of my colleagues to join me in supporting H.R. 2433, as amended, and I reserve the balance of my time.

Mr. FILNER. I yield myself such time as I may consume.

Madam Speaker, I think the whole committee, and certainly the chairman and I, agree that putting veterans to work, especially at a time of high unemployment in general, should be one of the chief goals not only of this committee but of the entire Congress and our Nation. And when we may have, for example, double or even triple the already tragic unemployment rate for veterans, it becomes that much more important.

Now I've heard descriptions of this bill as comprehensive and as meaningful. And I was looking forward to this VOW bill, the Veterans Opportunity to Work. I was hoping it would be a WOW bill—that is, a wonderful opportunity to work—but it seems it has become, and remains so, the HOW bill—how are we going to put anybody to work with this bill?

Let me try to make that clear, Madam Speaker. Throughout the whole committee process that this bill went through, I described it as one that did not create jobs, but actually taxed veterans. Taxed veterans. Remember that, Madam Speaker. You took a pledge not to vote for anything that taxed anybody. This bill does. It actually taxes one group of veterans to help some other group of veterans. And I still feel the same way about the bill as it came through the process. Now I support all programs that will help veterans and improve their lives, and I know this bill is called a jobs bill. But, it is merely a retraining bill. Retraining.

Now, we all want retraining, and we all know it's important. But I want to get people a job. I don't just want to retrain them and call this some great bill. My concern is that this bill will not get veterans hired at all. It may retrain them, who knows, but they'll have no place to get a job. And we'll have taxed one set of veterans to pay for their retraining—an increased tax, for all of you who took the pledge not to increase taxes.

Now I think we have to support the spirit of the bill of retraining and try to find proper funding in a bipartisan way, and I hope that working with our Senate counterparts we can do that. We need proper funding for all of these programs that are so good. But the gentleman and his party don't want to ask for more money from anybody, even our millionaires. They want to tax one group of veterans who are trying to buy homes, and so they'll train this group of veterans and claim they're creating jobs. Now, that's not what we should be doing here in this Congress.

This bill will actually diminish services to our veterans. I know that my counterparts, for example, want the so-called TAP classes, the Transition Assistance Program classes, contracted out. But I don't think the time is right to do that. So how do we pay for this bill for retraining, this VOW bill that should've been a WOW bill but is only a HOW bill? It says to those who want to buy a home through the VA housing program that your fees, which were scheduled to go down, will not now go down. They're going to be kept high. This refusal to extend a tax decrease has always been described by the party over there as a tax increase, so I will keep your language. You are increasing the taxes on one group of veterans who want to buy homes to pay for this retraining bill which may not get anybody a job.

Now, I know, Madam Speaker, you're going to tell Grover Norquist what's going on here, get hold of him right away, because this is a violation of the pledge that he is requiring of all of the Republicans: don't raise taxes. And in his definition of raising taxes, it's extending fees that were going to go down that now don't go down. So that's an increase in taxes.

So let's remember this when we think about the VOW bill. Let's vow to say we want to put people to work, we don't want to raise taxes. But this bill does neither. It not only doesn't put people to work, it raises taxes. So I cannot support the bill, Madam Speaker, and I reserve the balance of my time.

Mr. MILLER of Florida. Madam Speaker, I did not know that we were here today to hear a recitation of Dr. Seuss, but apparently we are.

What's interesting to note is that the gentleman from California has supported over and over and over again reaching into fee payments to pay for funding of other programs which he supported, like the Filipino Veterans Act, which I supported. And, in fact, I was a cosponsor of that piece of legislation. And I find that it's interesting that in 2010, Mr. FILNER proposed nearly $1 billion in cuts to old age pension and aid, and attendants payments to the elderly, the poor, and the disabled wartime American veterans in an attempt to provide generous payments to noncitizen Filipino veterans of the Second World War.

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With that, I would like to yield 2 minutes to the gentleman from Florida, the vice chair of the Veterans' Affairs Committee, Mr. BILIRAKIS.

Mr. BILIRAKIS. I rise today in support of H.R. 2433, the Veterans Opportunity to Work Act.

One of our Nation's most pressing concerns is job creation, Madam Speaker. I find it particularly disheartening when members of our armed services return home, only to find a difficult economic climate and a civilian sector workforce that cannot translate the valuable skills that they have

learned in that service. I'm so proud to have cosponsored H.R. 2433, which will provide veterans with meaningful transition assistance, retrain unemployed veterans in high-demand fields, and better link military skills to civilian jobs through licensing and credentialing.

I believe that one of the greatest benefits afforded to any individual is the opportunity to obtain a quality education, Madam Speaker. As more and more of our current servicemembers return home from active duty, many will opt to use their post-9/11 GI benefits. I'm pleased that language I introduced as H.R. 2274—and I'd like to thank the chairman for that—was also incorporated into my bill. This commonsense language will create a tracking mechanism to ensure that the Post-9/11 Educational Assistance Program is adequately providing the education benefits intended in order to ensure that money for our heroes is being spent in the most efficient and effective manner to afford our veterans an education.

Madam Speaker, as more and more men and women return home from active duty, we must ensure that we are easing their transition back into the civilian workforce as best as we can. I believe that H.R. 2433 does just that. I want to thank the chairman again for introducing it.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

I thank the gentleman for the description of Dr. Seuss. He's a great citizen of the city of San Diego, and a great hero to all of us in San Diego. So we always quote Dr. Seuss. I understand your appreciation, and I'm thrilled by it.

You are not quite as accurate, though, when you say where we got the money for the Filipino veterans bill. In fact, we got it from a completely different source. You may or may not be accurate on my previous votes, but I never took the pledge that you have taken, Mr. Chairman. I never took the pledge that all of you have taken about not allowing the lowering of fees as a new tax.

Mr. MILLER of Florida. Will the gentleman yield?

Mr. FILNER. I will yield when I'm finished. You have a lot of time left.

We're coming from wholly different places. I believe in the jobs bill that is being voted on in the Senate, that we should actually in fact not only cut programs but increase our revenue from a surtax on the millionaires in our society. So I'm there when I say we need new funds. You're the ones who keep saying, Don't do anything; Don't do anything; Don't increase anything; Don't extend this, don't extend that. You're the guys who are the hypocrites here. So don't confuse my past votes with hypocrisy.

In addition, there are bills before our committee, Mr. Chairman, and you know it, that actually increase the jobs that are available for veterans. They actually take steps to increase the ability for our veterans who are defending our Nation, who we owe so much to, to get the jobs.

Besides, as you know, we have goals all over the government to hire veterans and to hire disabled veterans. Those goals are not enforced. What if we enforced those goals? We could hire thousands of veterans, because it is the intent of Congress and the intent of this Nation that they be given priority in the hiring process, especially with public jobs. Yet we do not enforce those goals.

So let's not say that this is the only way to increase jobs. There are dozens of way, and they're in front of our committee.

Let's go for a WOW bill; a wonderful opportunity to work for our veterans. Let's move off the VOW. Let's move off the taxing of one part of veterans to pay for the other. Let's really create jobs for those who have done so much for our Nation.

I reserve the balance of my time.

Mr. MILLER of Florida. Since the gentleman, my good friend, forgot to yield to me during that discussion, I just want to set the record straight that H.R. 2297, on December 16, 2003, of which Mr. FILNER was a cosponsor, increased—it didn't just extend—it increased fees on original and subsequent use loans, which was done to finance veterans benefits in the bill, including the burial of Philippine veterans. In the House he enthusiastically endorsed the bill reported out of committee and again endorsed a negotiated version with the Senate.

With that, I yield 2 minutes to my colleague from North Carolina (Ms. FOXX).

Ms. FOXX. I thank the gentleman from Florida, Chairman MILLER, for bringing this legislation to the floor.

Madam Speaker, in 30 days, our country will pause to celebrate and thank the millions of Americans who have worn the uniform of the United States. As we approach Veterans Day, we should ask ourselves if this Congress is doing all that can be done for our veterans. This bill maintains our promise not only to the men and women who have served in the Armed Forces, but to their families as well.

Out of concern that some families of veterans were being excluded from benefits that common sense would dictate that they be eligible for, I authored H.R. 120, the Disabled Veterans' Spouses Home Loans Act. It is only right that these surviving spouses be eligible to receive the VA Home Loan Guaranty, even though the veterans' deaths are not identified as service-connected, because such veterans had permanent and total service-connected disabilities for at least 10 years immediately preceding their deaths.

H.R. 120 has been endorsed by the Disabled American Veterans, who agree that this legislation is long overdue. The legislation has also been endorsed by the 2.1 million of the Veterans of Foreign Wars, who believe that ''allowing a military widow to utilize the VA home loan program is the right thing to do.'' This legislation rightfully gives disabled veterans the peace of mind that their surviving spouses will be able to benefit from the VA Home Loan Guaranty after their death. These veterans and their families have sacrificed so that others may live freely, and for that they deserve to be eligible for this benefit.

Again, I thank Chairman MILLER for including H.R. 120 as part of H.R. 2433 and for the great work that the committee is doing on behalf of America's veterans. On behalf of our veterans, I urge my colleagues to support this legislation.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume, and I would yield to the gentlelady from North Carolina (Ms. FOXX).

I appreciate the provision you put in. But do you know that the other provision increases the fees for veterans to buy their homes, that you are extending a higher fee and paying for this whole thing by taxing these veterans at a higher rate? Do you realize that that's what you're voting for, in violation of your pledge to Grover Norquist?

Ms. FOXX. I am going to yield to my colleague from Florida (Mr. MILLER).

Mr. FILNER. I asked you. I didn't yield to him. I yielded to you, Ms. FOXX. Do you know that you're voting on an extension of taxes, in violation of your pledge to Grover Norquist?

Ms. FOXX. As I said, I would yield to my colleague——

Mr. FILNER. I don't yield to the chair. I yielded only to you.

For the record, I guess you don't know what you're voting on, or you're voting against what your pledge was.

The SPEAKER pro tempore. The gentleman will address his remarks to the Chair.

Mr. FILNER. Madam Speaker, the gentlelady from North Carolina did not answer my question. I guess she either doesn't know what's in the bill, or she's violating her pledge. I'll leave it at that.

Once again, we need jobs for veterans in this country. There is no debate about that. And there's no debate that retraining is okay. What we are debating here is whether this is an effective way to use the floor of this House to bring up a bill which will be presented as something that did jobs, and does nothing, and shows the hypocrisy of these pledges that they're voting to extend the increase——

Mr. MILLER of Florida. Will the gentleman yield?

Mr. FILNER. I'm not yielding.

Mr. MILLER of Florida. Will my good friend yield?

Mr. FILNER. I will not even yield to my good friend. Even if you were my best friend, I wouldn't yield to you.

The hypocrisy of saying, we can't tax anything, we can't tax anything but when it comes to veterans who want to buy a home, their fees are going to be increased because of this bill.

□ 1430

Now, that ought to be known to the American people that we're going to vote against a 5 percent surcharge on millionaires, but we're going to go after these folks who are trying to buy their first home and have to pay higher fees.

This Republican party is going to protect the millionaires but go after the veterans who can't afford a home. That's what this argument is about right now, under the guise of helping our veterans find jobs. Let's show the American people where reality is.

I reserve the balance of my time.

Mr. MILLER of Florida. I would ask my good friend, the ranking member, if he would respond to a question.

Mr. FILNER. Tell me what the question is.

Mr. MILLER of Florida. Madam Speaker, I would ask if the gentleman from California supports Senator MURRAY's piece of legislation—which I believe there is almost an identical piece filed in the House by Mr. BISHOP—does he support, yes or no, that piece of legislation?

Mr. FILNER. Will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from California.

Mr. FILNER. No, I don't support it because it has the same funding thing. And I don't support the hypocrisy of the Republican Party, which says it's against a 5 percent surtax on millionaires but will tax veterans who are trying to buy their first home.

Mr. MILLER of Florida. Reclaiming my time, Madam Speaker, I find it quite interesting that the gentleman from California has just called the Senator, who is the chair of the Veterans' Affairs Committee, a hypocrite, which I do not believe is appropriate.

I believe that there are nuances and differences which we will be able to work out, hopefully, in conference when we bring these bills together. I hope that the minority will, in fact, engage in the conference portion of this piece of legislation because we have tried to engage them over and over outside of the committee structure to be able to give them an opportunity to give us another offset, another way to fund this particular piece of legislation, and they have not brought anything to us. So, to me, it's a problem we are trying to solve. We have different ways in which we are trying to accomplish goals.

And I want to put veterans back to work, helping to retrain those, in particular those that are unemployed in this very, very difficult economic time. The overall veterans' unemployment numbers are around 8.1 percent, and we know that the numbers with the OEF/OIF returning veterans are significantly higher.

I don't believe I have any more speakers on this particular piece of legislation, Madam Speaker, and I would reserve the balance of my time.

Mr. FILNER. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from California has 9½ minutes remaining.

Mr. FILNER. Thank you.

Let me just correct again my friend, the chairman. I didn't call Chairman MURRAY a hypocrite. I called those of the Republican Party who have taken a pledge of no taxation and voting for taxes here, hypocrites. Let's be clear about whom I'm calling hypocrite. Let's be clear about that.

Second, there are a hundred different ways to have a better bill here. I would support it with all my heart. There are bills before the committee. There are concepts that have been brought up by me and others. Let's bring a real jobs bill to the floor and I'll be happy to support it.

Mr. MILLER of Florida. Will the gentleman yield?

Mr. FILNER. I yield to the gentleman from Florida.

Mr. MILLER of Florida. If there are a hundred ways to perfect the piece of legislation, why have you and the minority party not offered one, not one time in our committee? And you and I have tried very diligently during the preceding months in this Congress to try to be able to keep as nonpartisan as we possibly can, but not one time have you offered anything other than rhetoric to attempt to perfect this bill. Why haven't you offered any amendments?

Mr. FILNER. Mr. Chairman, first of all, let me first say I do appreciate the efforts that you have made, very aggressively, to keep a bipartisan aura on this committee. And I think you and I have taken a whole new position than the past. We have met regularly for breakfast and for lunch. We have even paid for each other—without taxing others.

But you know as well as I do, there are other bills that should have been brought to this floor. You wouldn't bring them up. SANFORD BISHOP's bill, for example, which came to the committee. I endorsed it. I don't see it anywhere. You wouldn't take it up.

You know we can't get any amendments through your committee when you tell them not to vote for them. So, come on, you know the process. You decided that this is the bill that's going to happen.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members will address their remarks to the Chair.

Mr. FILNER. I will say through the Chair that the chairman knows very well how the process works. He knows that we can't get amendments passed. He knows there are other bills—mainly Democratic bills—that are before the committee; some have had a hearing, some haven't, but they haven't been brought to the floor. We get a ''vow'' act, we don't get a ''wow'' act, we get a ''how'' act. That's what has been brought by the leadership of the committee to the floor.

Mr. Chairman, you have yielded to me; I will yield back here. Why won't you support mandatory goals for veterans or disabled veterans, as they are in legislation as goals—3 percent sometimes—for hiring? Let's make them mandatory. Do you agree to that? You asked me a question. Do you agree to mandatory goals for disabled veterans for hiring in public projects?

Mr. MILLER of Florida. I do support goals.

Mr. FILNER. You don't support mandatory goals.

Mr. MILLER of Florida. I do support goals.

Mr. FILNER. Do you support mandatory?

Mr. MILLER of Florida. I support creating jobs.

Mr. FILNER. You asked me yes or no, and now you won't say ''yes'' or ''no.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members should bear in mind that the official reporters of debate cannot be expected to transcribe two Members simultaneously. Members should not participate in debate by interjection and should not expect to have the reporter transcribe remarks that are uttered when not properly under recognition.

Mr. FILNER. Madam Speaker, I wish you would remind the chair that he asked me a yes or no. I just asked him a yes or no, and he's playing games with words.

I guess it's his time, but I continue to reserve the balance of my time.

Mr. MILLER of Florida. We continue to have no more speakers and would reserve the balance of our time until such time as the minority wishes to close.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California.

Mr. FILNER. I thank the Speaker, and I thank the chairman.

We are good friends, and we have tried to maintain a bipartisan stance, but I disagree with the way this bill is brought forth. We have so many opportunities to increase the jobs for veterans and we're just not taking them. That saddens me. It's not partisan. We can do better. We can do better than this, and we're not taking the opportunity.

And we get all this rhetoric over the taxes, that if you don't extend the Bush tax cuts, that's raising taxes; if you don't extend the lowering of fees, that's a tax increase. Well, here the same thing is being done to a small group of veterans who can't afford it.

I'm sick of this rhetoric, Madam Speaker, that says we can't do any of this, we can't do any of this, we can't do this, we can't tax millionaires, we can't have a balanced approach to balancing the budget, but then we take on veterans who can't afford a home and increase their fees. That, for me, is the definition of hypocrisy, and that's why I'm against the bill.

I yield back the balance of my time.

Mr. MILLER of Florida. Madam Speaker, I thank my good friend from California for the lively debate.

I would remind my colleagues that this piece of legislation did pass out of our committee with bipartisan support, 17–5.

I would like to enter into the RECORD the following letters of support from various organizations:

MILITARY OFFICERS ASSOCIATION OF AMERICA,
Alexandria, VA, July 14, 2011.

Hon. JEFF MILLER,
Chairman, Committee on Veterans Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of the 370,000 members of the Military Officers Association of America (MOAA), I am writing to thank you for your leadership in introducing H.R. 2433, The Veterans Opportunity to Work Act.

H.R. 2433 would re-open Vietnam Era GI Bill educational benefits to certain veterans who have been chronically unemployed, mandate attendance in the Transition Assistance Program (TAP), require the Defense and Departments of Labor to track outcome measures for TAP participants, re-authorize a pilot program to link military acquired skills to civilian jobs through licensing and certification, and for other purposes.

MOAA recommends including a provision in the bill to require outreach by the VA to unemployed veterans who may be eligible for the GI Bill benefits authorized in Title I of the legislation. We would also recommend adoption of Vocational Rehabilitation and Employment (VRE) program adjustments and other employment-related features in the Hiring Heroes Act of 2011, H.R. 1941.

MOAA pledges its full support for early enactment of H.R. 1941 and respectfully requests including this letter in the record of any hearing to consider or mark-up this important legislation.

Sincerely,

NORB RYAN.

DISABLED AMERICAN VETERANS,
WASHINGTON, DC, JULY 15, 2011.

Hon. JEFF MILLER,
Chairman, House Veterans' Affairs Committee, Washington, DC.

DEAR CHAIRMAN MILLER: I am writing on behalf of the Disabled American Veterans (DAV), a congressionally chartered national veterans service organization with 1.2 million members, all of whom were disabled as a result of wartime active duty in the United States Armed Forces. The DAV works to build better lives for America's disabled veterans, their families and survivors.

Chairman Miller, we have reviewed your bill, H.R. 2433, the Veterans Opportunity to Work Act of 2011. This bill contains a number of provisions of importance to America's veterans.

Approval of this legislation would make participation in the Transition Assistance Program generally mandatory for all military service members. The bill would mandate that the Department of Labor's (DOL's) licensure and certification demonstration project, which the originating statute only recommended, be carried out in an effort to identify and to eliminate barriers between military training and civilian licensure or credentialing for military occupational specialties. Enactment of the legislation would require DOL, in concert with state workforce agencies, to implement new performances measures to evaluate the priority of services provided to eligible veterans and mandates that Disabled Veterans' Outreach Program Specialists and Local Veterans' Employment Representatives' sole duty will be to assist eligible veterans in finding suitable employment.

Another important provision in this legislation is Section 401, which clarifies the Uniformed Services Employment and Reemployment Rights Act (USERRA). While this section stipulates that such protections extend to any advantages earned as a result of employment to include rights and benefits offered by an employer, we respectfully recommend that it be amended to include allowing veterans to seek medical treatment for service-connected conditions in accordance with DAV Resolution 141.

Overall, the Veterans Opportunity to Work Act of 2011 makes important improvements to support veterans transitioning to civilian life, especially those who return with disabilities from their service. DAV supports approval of this legislation and thanks you for your support of disabled veterans.

Sincerely,

JOSEPH A. VIOLANTE,
National Legislative Director.

IRAQ AND AFGHANISTAN VETERANS OF AMERICA,
July 18, 2011.

Hon. JEFF MILLER,
House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: Iraq and Afghanistan Veterans of America (IAVA) is proud to offer our support for H.R. 2433, the Veterans Opportunity to Work Act.

The most pressing concern for new veterans in 2011 is unemployment. With 13.3% unemployment for Iraq and Afghanistan veterans in June 2011 and a rate of 12.3% for the year overall, unemployment is one of the single greatest challenges faced by veterans. Even though employment is a concern for every American in the current economic environment, the average unemployment rate for new veterans is 25 percent higher than the rate for civilians.

H.R. 2433 attacks this problem head on, by making Transition Assistance Programs mandatory, providing veterans with increased job training benefits, studying how military skills translate in to the civilian market, strengthening USERRA and collecting data on the effectiveness of government job training and placement services.

IAVA believes that no veteran should come home to an unemployment check. We are proud to offer our assistance and thank you for this meaningful legislation. If we can be of help, please contact Tom Tarantino, IAVA's Senior Legislative Associate, at (202) 544–7692 or *tom@iava.org*.

Sincerely,

PAUL RIECKHOFF,
Founder and Executive Director, Iraq and Afghanistan Veterans of America (IAVA).

PARALYZED VETERANS OF AMERICA,
July 19, 2011.

Hon. JEFF MILLER,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of Paralyzed Veterans of America (PVA), I would like to offer our support for H.R. 2433, the ''Veterans Opportunity to Work Act of 2011.'' The employment challenges facing average Americans is certainly no secret, but the challenges facing veterans, particularly disabled veterans, are even greater.

PVA appreciates the emphasis placed on improving the Transition Assistance Program (TAP) in this legislation. We also fully support the requirement that participation in the TAP be made mandatory for all service members prior to discharge. Given the difficulty that recently discharged service members have achieving meaningful employment, it only makes sense that they be required to participate in TAP or DTAP.

PVA also fully supports the provisions to require state employment offices receiving federal grants to maintain a full-time Disabled Veterans' Outreach Program (DVOP) specialist and a full-time Local Veterans' Employment Representative, (LVER) whose responsibilities are to only serve the employment needs of eligible veterans. Too often, state employment offices take advantage of DVOP and LVER staff to fulfill other requirements not related to serving veterans. This has long been a complaint of veterans' service organizations.

Again, we offer our strong support for H.R. 2433. Meaningful employment is a vital part of improving transition for service members currently serving as well as fulfilling our obligation to the men and women who served in the past.

Sincerely,

CARL BLAKE,
National Legislative Director.

NATIONAL ASSOCIATION OF REALTORS®,
Washington, DC, July 21, 2011.

Hon. JEFF MILLER,
Chairman, House Committee on Veterans Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of the more than 1.1 million members of the National Association of REALTORS®, we thank you for extending the loan limits in H.R. 2433, the ''Veterans Opportunity to Work Act of 2011''. This legislation provides extensive opportunities for veterans, and will also extend the current loan limits, allowing veterans fair and affordable access to home mortgages.

Since its establishment in 1944, the VA home loan guarantee program has helped millions of veterans purchase and maintain homes. We believe this program is a vital homeownership tool that provides veterans with a centralized, affordable, and accessible method of purchasing homes as a benefit for their service to our nation. The current loan limits, which provide loans up to 125% of local area median price, expire on December 31, 2011. H.R. 2433 would extend these limits through 2014. Veterans in high costs areas should not be penalized for geographic differences in the housing market.

We thank you for including this important provision in your legislation, and stand ready to work with you to see its enactment.

Sincerely,

RON PHIPPS,
2011 President,
National Association of REALTORS®.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
August 1, 2011.

Hon. JEFF MILLER,
Chairman, House Committee on Veterans Affairs, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of the 2.1 million members of the Veterans of Foreign Wars of the United States (VFW) and our Auxiliaries, I am pleased to offer our support for your bill, the Veterans Opportunity to Work Act, H.R. 2433, which offers substantive new programs to help veterans remain competitive in the workforce, and also codifies reporting requirements for government authorities tasked with assisting veterans in finding viable careers.

Your important legislation will extend additional assistance to an oft-overlooked demographic group of veterans who remain unemployed at a time of economic uncertainty. This temporary solution is a responsible stop-gap measure that will help ensure that our nation's heroes can receive the training and skills they need in an ever-evolving civilian job market.

The VFW also supports initiatives in the VOW Act to mandate transition assistance

programs and finally conduct reasonable follow-up with TAP participants, as well as assessment and follow-up for disabled veterans outreach program specialists (DVOPs) and local veterans employment representatives (LVERs), ensuring that each program serves its intended purpose—helping veterans find jobs.

The men and women who serve today are the future leaders of our great nation. They deserve every opportunity to succeed in the civilian workforce. However, the employment climate for veterans—particularly veterans of the current conflicts—is a national embarrassment that demands immediate attention. Thank you for your leadership on this critical issue, and for your continued support of our armed forces and veterans.

Sincerely,

RAYMOND C. KELLEY, DIRECTOR,
VFW National Legislative Service.

THE AMERICAN LEGION,
Washington, DC, August 3, 2011.

Hon. JEFF MILLER,
Chair, House Veterans' Affairs Committee, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of the 2.4 million members of The American Legion, I express our full support for H.R. 2433, the Veterans Opportunity to Work Act of 2011 or VOW Act, which makes improvements relating to veterans employment and training.

The Department of Labor reported in June that 1 million veterans were unemployed, and of that million, over 632,000 are between the ages of 35 and 64. Our membership includes working age veterans of the Vietnam and Persian Gulf War eras, as well as, of the conflicts of Iraq and Afghanistan. We are acutely concerned with the unemployment of all veterans.

Veterans separating now from the military may go to school on the Post 9/11 GI Bill; however, veterans of prior conflicts have no similar opportunity. Consequently, we applaud your efforts with this bill to provide a time-limited educational benefit to unemployed veterans aged 35 to 60 at community colleges and technical training schools These institutions should provide enrolled veterans with the training and skills necessary to compete in the today's economy. We also support the other provisions that will improve the Transition Assistance Program and will ease regulatory impediments to licensing and certification. The American Legion believes this bill will improve the employment outlook for all veterans that participate in these programs.

The American Legion welcomes your efforts to provide training assistance to veterans and reduce their unacceptably high unemployment and we stand ready to assist you in the passage of this vital legislation. Thank you for your support of America's veterans and their families.

Sincerely,

JIMMIE L. FOSTER,
National Commander.

THE MILITARY COALITION,
Alexandria, VA, August 3, 2011.

Hon. JEFF MILLER,
Chairman, Committee on Veterans Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: The Military Coalition (TMC), a consortium of uniformed services and veterans associations representing more than 5.5 million current and former servicemembers and their families and survivors, is writing to thank you for your leadership in introducing HR. 2433, the Veterans Opportunity to Work Act of 2011.

H.R. 2433 would re-open Vietnam Era GI Bill educational benefits to certain veterans who have been chronically unemployed, mandate attendance in the Transition Assistance Program (TAP), require the Department of Defense and the Department of Labor to track outcome measures for TAP participants, re-authorize a pilot program to link military acquired skills to civilian jobs through licensing and certification, and for other purposes.

TMC recommends including a provision in the bill to require outreach by the VA to unemployed veterans who may be eligible for the GI Bill benefits authorized in Title I of the legislation. We would also recommend extension and improvement of Vocational Rehabilitation and Employment (VRE) program benefits provided for in similar legislation pending before your Committee such as the Hiring Heroes Act of 2011.

Our veterans have put their lives on the line to protect the freedom we sometimes take for granted. They have the skills, discipline and talent to succeed in the marketplace but may encounter unique challenges in finding meaningful employment or starting a business. The Veterans Opportunity to Work Act will help our nation's veterans gain the skills and knowledge they need to compete for meaningful jobs.

The Military Coalition endorses H.R. 2433, the Veterans Opportunity to Work Act of 2011 and pledges our collective efforts to see it enacted this year.

Sincerely,

THE MILITARY COALITION

Air Force Sergeants Association (AFSA); Air Force Women Officers Associated; AMVETS; Army Aviation Assn. of America; Assn. of Military Surgeons of the United States; Assn. of the US Army; Association of the United States Navy; Commissioned Officers Assn. of the US Public Health Service, Inc.; CWO & WO Assn. US Coast Guard; Enlisted Association of the National Guard of the US; Fleet Reserve Assn.

Gold Star Wives of America; Inc.; Iraq & Afghanistan Veterans of America; Jewish War Veterans of the USA; Marine Corps League; Marine Corps Reserve Association; Military Officers Assn. of America; Military Order of the Purple Heart; National Association for Uniformed Services; National Guard Assn. of the US; National Military Family Assn.

Naval Enlisted Reserve Assn.; Non Commissioned Officers Assn. of the United States of America; Reserve Enlisted Assn. of the US; Reserve Officers Assn; Society of Medical Consultants to the Armed Forces; The Military Chaplains Assn. of the USA; The Retired Enlisted Assn.; USCG Chief Petty Officers Assn.; US Army Warrant Officers Assn.; Veterans of Foreign Wars of the US; Vietnam Veterans of America.

NATIONAL ASSOCIATION
FOR UNIFORMED SERVICES,
Springfield, VA, August 15, 2011.

Hon. JEFF MILLER,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of the members and supporters of the National Association for Uniformed Services (NAUS), I am honored to pledge our full support for your bill, the Veterans Opportunity to Work Act, H.R. 2433.

The numbers of unemployed veterans reported by the Department of Labor in June, was not only shocking but also very disappointing. Over a million veterans looking for work with the newest veterans, those from the Iraq and Afghanistan conflicts, with a higher unemployment rate than the general populace.

We are heartened to see your commitment to extending every possible form of help to veterans in finding gainful employment. We depended on them to defend and protect our way of life and now it is time for the country to honor and assist those same brave men and women.

We stand by to assist you in any way possible to ensure that this bill quickly moves forward to alleviate the suffering that goes with not having a job.

Thank you for your continued support of our active duty troops, our veterans and their families and survivors.

Sincerely,

RICHARD A. JONES,
Legislative Director.

OCTOBER 11, 2011.

Hon. JEFF MILLER,
Chairman, House of Representatives Committee on Veterans Affairs, Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of AMVETS (American Veterans), I am writing to you to urge the swift, bi-partisan passage today of the following bills:

H.R. 2433—Veterans Opportunity to Work Act of 2011, as amended (Sponsored by Rep. Jeff Miller/Veterans' Affairs Committee)

H.R. 2074—Veterans Sexual Assault Prevention Act, as amended (Sponsored by Rep. Ann Marie Buerkle/Veterans' Affairs Committee)

H.R. 2349—Veterans' Benefits Training Improvement Act of 2011 (Sponsored by Rep. Jon Runyan/Veterans' Affairs Committee)

H.R. 1263—To amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures (Sponsored by Rep. Bob Filner/Veterans' Affairs Committee)

H.R. 1025—To amend title 38, United States Code, to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law (Sponsored by Rep. Timothy Walz/Veterans' Affairs Committee)

These bills are all critically important in ensuring veterans have timely, high-quality, equal access to VA care and benefits, as well as gainful, living-wage employment and/or re-employment.

Through our close work with both the VA and Congress over the past several years, AMVETS has done everything in its power to assist in removing these injustices which adversely impact our men and women in uniform, especially the members of the National Guard.

Now is the time for the action that only you, the members of the 112th Congress, can provide our veterans. The long-awaited and much needed passage of the aforesaid legislation will remove all of the obstacles and injustices veterans are continuing to experience under the status quo. AMVETS, the VSO and veteran's communities look to your leadership to finally close these loopholes to care and earned benefits.

Please be assured of our ongoing support of all veteran issues and feel free to call on us if you could benefit from our military expertise.

Sincerely,

DIANE M. ZUMATTO,
National Legislative Director, AMVETS.

GENERAL LEAVE

Mr. MILLER of Florida. I also ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 2433, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. I once again encourage all Members to support this

legislation, and I yield back the balance of my time.

□ 1440

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 2433, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

VETERANS SEXUAL ASSAULT PREVENTION AND HEALTH CARE ENHANCEMENT ACT

Mr. MILLER of Florida. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2074) to amend title 38, United States Code, to require a comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents that occur at medical facilities of the Department of Veterans Affairs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2074

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Sexual Assault Prevention and Health Care Enhancement Act''.

SEC. 2. COMPREHENSIVE POLICY ON REPORTING AND TRACKING SEXUAL ASSAULT INCIDENTS AND OTHER SAFETY INCIDENTS.

(a) POLICY.—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following:

''§ 1709. Comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents

''(a) POLICY REQUIRED.—Not later than March 1, 2012, the Secretary of Veterans Affairs shall develop and implement a centralized and comprehensive policy on the reporting and tracking of sexual assault incidents and other safety incidents that occur at each medical facility of the Department, including—

''(1) suspected, alleged, attempted, or confirmed cases of sexual assault, regardless of whether such assaults lead to prosecution or conviction;

''(2) criminal and purposefully unsafe acts;

''(3) alcohol or substance abuse related acts (including by employees of the Department); and

''(4) any kind of event involving alleged or suspected abuse of a patient.

''(b) SCOPE.—The policy required by subsection (a) shall cover each of the following:

''(1) For purposes of reporting and tracking sexual assault incidents and other safety incidents, definitions of the terms—

''(A) 'safety incident';

''(B) 'sexual assault'; and

''(C) 'sexual assault incident'.

''(2) The development and use of specific risk-assessment tools to examine any risks related to sexual assault that a veteran may pose while being treated at a medical facility of the Department, including clear and consistent guidance on the collection of information related to—

''(A) the legal history of the veteran; and

''(B) the medical record of the veteran.

''(3) The mandatory training of employees of the Department on security issues, including awareness, preparedness, precautions, and police assistance.

''(4) The mandatory implementation, use, and regular testing of appropriate physical security precautions and equipment, including surveillance camera systems, computer-based panic alarm systems, stationary panic alarms, and electronic portable personal panic alarms.

''(5) Clear, consistent, and comprehensive criteria and guidance with respect to an employee of the Department communicating and reporting sexual assault incidents and other safety incidents to—

''(A) supervisory personnel of the employee at—

''(i) a medical facility of the Department;

''(ii) an office of a Veterans Integrated Service Network; and

''(iii) the central office of the Veterans Health Administration; and

''(B) a law enforcement official of the Department.

''(6) Clear and consistent criteria and guidelines with respect to an employee of the Department referring and reporting to the Office of Inspector General of the Department sexual assault incidents and other safety incidents that meet the regulatory criminal threshold in accordance with section 1.201 and 1.204 of title 38, Code of Federal Regulations.

''(7) An accountable oversight system within the Veterans Health Administration that includes—

''(A) systematic information sharing of reported sexual assault incidents and other safety incidents among officials of the Administration who have programmatic responsibility; and

''(B) a centralized reporting, tracking, and monitoring system for such incidents.

''(8) Consistent procedures and systems for law enforcement officials of the Department with respect to investigating, tracking, and closing reported sexual assault incidents and other safety incidents.

''(9) Clear and consistent guidance for the clinical management of the treatment of sexual assaults that are reported more than 72 hours after the assault.

''(c) UPDATES TO POLICY.—The Secretary shall review and revise the policy required by subsection (a) on a periodic basis as the Secretary considers appropriate and in accordance with best practices.

''(d) ANNUAL REPORT.—(1) Not later than 60 days after the date on which the Secretary develops the policy required by subsection (a), and by not later than October 1 of each year thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the House of Representatives and the Committee on Veterans' Affairs of the Senate a report on the implementation of the policy.

''(2) The report under paragraph (1) shall include—

''(A) the number and type of sexual assault incidents and other safety incidents reported by each medical facility of the Department;

''(B) a detailed description of the implementation of the policy required by subsection (a), including any revisions made to such policy from the previous year; and

''(C) the effectiveness of such policy on improving the safety and security of the medical facilities of the Department, including the performance measures used to evaluate such effectiveness.

''(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1708 the following:

''1709. Comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents.''.

(c) INTERIM REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the House of Representatives and the Committee on Veterans' Affairs of the Senate a report on the development of the performance measures described in section 1709(d)(2)(C) of title 38, United States Code, as added by subsection (a).

SEC. 3. INCREASED FLEXIBILITY IN ESTABLISHING PAYMENT RATES FOR NURSING HOME CARE PROVIDED BY STATE HOMES.

(a) IN GENERAL.—

(1) CONTRACTS AND AGREEMENTS FOR NURSING HOME CARE.—Section 1745(a) of title 38, United States Code, is amended—

(A) in paragraph (1), by striking ''The Secretary shall pay each State home for nursing home care at the rate determined under paragraph (2)'' and inserting ''The Secretary shall enter into a contract (or agreement under section 1720(c)(1) of this title) with each State home for payment by the Secretary for nursing home care provided in the home''; and

(B) by striking paragraph (2) and inserting the following new paragraph (2):

''(2) Payment under each contract (or agreement) between the Secretary and a State home under paragraph (1) shall be based on a methodology, developed by the Secretary in consultation with the State home, to adequately reimburse the State home for the care provided by the State home under the contract (or agreement).''.

(2) STATE NURSING HOMES.—Section 1720(c)(1)(A) of such title is amended—

(A) in clause (i), by striking ''; and'' and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iii) a provider of services eligible to enter into a contract pursuant to section 1745(a) of this title who is not otherwise described in clause (i) or (ii).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to care provided on or after January 1, 2012.

SEC. 4. REHABILITATIVE SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.

(a) REHABILITATION PLANS AND SERVICES.—Section 1710C of title 38, United States Code, is amended—

(1) in subsection (a)(1), by inserting before the semicolon the following: ''with the goal of maximizing the individual's independence'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''(and sustaining improvement in)'' after ''improving'';

(ii) by inserting ''behavioral,'' after ''cognitive'';

(B) in paragraph (2), by inserting ''rehabilitative services and'' before ''rehabilitative components''; and

(C) in paragraph (3)—

(i) by striking ''treatments'' the first place it appears and inserting ''services''; and

(ii) by striking ''treatments and'' the second place it appears; and

(3) by adding at the end the following new subsection:

''(h) REHABILITATIVE SERVICES DEFINED.—For purposes of this section, and sections 1710D and 1710E of this title, the term 'rehabilitative services' includes—

''(1) rehabilitative services, as defined in section 1701 of this title;

''(2) treatment and services (which may be of ongoing duration) to sustain, and prevent loss of, functional gains that have been achieved; and

''(3) any other rehabilitative services or supports that may contribute to maximizing an individual's independence.''

(b) REHABILITATION SERVICES IN COMPREHENSIVE PROGRAM FOR LONG-TERM REHABILITATION.—Section 1710D(a) of title 38, United States Code, is amended—

(1) by inserting ''and rehabilitative services (as defined in section 1710C of this title)'' after ''long-term care''; and

(2) by striking ''treatment''.

(c) REHABILITATION SERVICES IN AUTHORITY FOR COOPERATIVE AGREEMENTS FOR USE OF NON-DEPARTMENT FACILITIES FOR REHABILITATION.—Section 1710E(a) of title 38, United States Code, is amended by inserting '', including rehabilitative services (as defined in section 1710C of this title),'' after ''medical services''.

(d) TECHNICAL AMENDMENT.—Section 1710C(c)(2)(S) of title 38, United States Code, is amended by striking ''opthamologist'' and inserting ''ophthalmologist''.

SEC. 5. USE OF SERVICE DOGS ON PROPERTY OF THE DEPARTMENT OF VETERANS AFFAIRS.

Section 901 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(f) The Secretary may not prohibit the use of service dogs in any facility or on any property of the Department or in any facility or on any property that receives funding from the Secretary.''.

SEC. 6. DEPARTMENT OF VETERANS AFFAIRS PILOT PROGRAM ON DOG TRAINING THERAPY.

(a) IN GENERAL.—Commencing not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall implement a three-year pilot program for the purpose of assessing the effectiveness of using dog training activities as a component of integrated post-deployment mental health and post-traumatic stress disorder rehabilitation programs at Department of Veterans Affairs medical centers to positively affect veterans with post-deployment mental health conditions and post-traumatic stress disorder symptoms and, through such activities, to produce specially trained dogs that meet criteria for becoming service dogs for veterans with disabilities.

(b) LOCATION OF PILOT PROGRAM.—The pilot program shall be carried out at one Department of Veterans Affairs medical center selected by the Secretary for such purpose at a location other than in the Department of Veterans Affairs Palo Alto health care system in Palo Alto, California. In selecting a medical center for the pilot program, the Secretary shall—

(1) ensure that the medical center selected—

(A) has an established mental health rehabilitation program that includes a clinical focus on rehabilitation treatment of post-deployment mental health conditions and post-traumatic stress disorder; and

(B) has a demonstrated capability and capacity to incorporate service dog training activities into the rehabilitation program; and

(2) shall review and consider using recommendations published by Assistance Dogs International, International Guide Dog Federation, or comparably recognized experts in the art and science of basic dog training with regard to space, equipments, and methodologies.

(c) DESIGN OF PILOT PROGRAM.—In carrying out the pilot program, the Secretary shall—

(1) administer the program through the Department of Veterans Affairs Patient Care Services Office as a collaborative effort between the Rehabilitation Office and the Office of Mental Health Services;

(2) ensure that the national pilot program lead of the Patient Care Services Office has sufficient administrative experience to oversee the pilot program;

(3) establish partnerships through memorandums of understanding with Assistance Dogs International organizations, International Guide Dog Federation organizations, academic affiliates, or organizations with equivalent credentials with experience in teaching others to train service dogs for the purpose of advising the Department of Veterans Affairs regarding the design, development, and implementation of pilot program;

(4) ensure that the pilot program site has a service dog training instructor;

(5) ensure that dogs selected for use in the program meet all health clearance, age, and temperament criteria as outlined by Assistance Dogs International, International Guide Dog Federation, or an organization with equivalent credentials and the Centers for Disease Control and Prevention;

(6) consider dogs residing in animal shelters or foster homes for participation in the program if such dogs meet the selection criteria under this subsection; and

(7) ensure that each dog selected for the program is taught all basic commands and behaviors essential to being accepted by an accredited service dog training organization to be partnered with a disabled veteran for final individualized service dog training tailored to meet the needs of the veteran.

(d) VETERAN PARTICIPATION.—A veteran who is enrolled in the health care system established under section 1705(a) of title 38, United States Code, and is diagnosed with post-traumatic stress disorder or another post-deployment mental health condition may volunteer to participate in the pilot program required by subsection (a) of this section and may participate in the program if the Secretary determines that adequate program resources are available for such veteran to participate at the pilot program site.

(e) HIRING PREFERENCE.—In hiring service dog training instructors for the pilot program required by subsection (a), the Secretary shall give a preference to veterans in accordance with section 2108 and 3309 of title 5, United States Code.

(f) COLLECTION OF DATA.—The Secretary shall collect data on the pilot program required by subsection (a) to determine the effectiveness of the program in positively affecting veterans with post-traumatic stress disorder or other post-deployment mental health condition symptoms and the potential for expanding the program to additional Department of Veterans Affairs medical centers. Such data shall be collected and analyzed using valid and reliable methodologies and instruments.

(g) REPORTS TO CONGRESS.—

(1) ANNUAL REPORTS.—Not later than one year after the date of the commencement of the pilot program, and annually thereafter for the duration of the pilot program, the Secretary shall submit to Congress a report on the pilot program. Each such report shall include—

(A) the number of veterans participating in the pilot program;

(B) a description of the services carried out by the Secretary under the pilot program; and

(C) the effects that participating in the pilot program has on veterans with post-traumatic stress disorder and post-deployment mental health conditions.

(2) FINAL REPORT.—At the conclusion of pilot program, the Secretary shall submit to Congress a final report that includes recommendations with respect to the extension or expansion of the pilot program.

(h) DEFINITION.—For the purposes of this section, the term ''service dog training instructor'' means an instructor recognized by an accredited dog organization training program who provides hands-on training in the art and science of service dog training and handling.

SEC. 7. ELIMINATION OF ANNUAL REPORT ON STAFFING FOR NURSE POSITIONS.

Section 7451(e) of title 38, United States Code, is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraph (6) as paragraph (5).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 2074, as amended, the Veterans Sexual Assault Prevention and Health Care Enhancement Act. The bill before us is, in fact, a bipartisan product of many months worth of oversight on behalf of our Health Subcommittee. It's derived from numerous proposals championed by Members from both sides of the aisle to improve the care and the services provided to our veterans by the Department of Veterans Affairs.

Of special note is a provision introduced by our Health Subcommittee chairwoman, Ms. ANN MARIE BUERKLE, and myself. This provision would address the findings of a Government Accountability Office report detailing the high prevalence of sexual assault incidents at VA medical facilities and the very serious failures in accountability on the part of VA leadership.

As I've said before, just one assault, just one assault of this nature, one sexual predator or one veteran's rights being violated within the VA is one too many.

I am grateful to my good friend, the ranking member, Mr. FILNER, and the Health Subcommittee Chairwoman, ANN MARIE BUERKLE and Ranking Member MIKE MICHAUD for the leadership that they have shown in bringing this legislation forward to strengthen the VA health care system for our veteran heroes.

I now yield such time as she may consume to my good friend and colleague from New York, Chairwoman BUERKLE, to further discuss the provisions of H.R. 2074, as amended.

Ms. BUERKLE. I thank the chairman.

Madam Speaker, I rise in strong support of H.R. 2074, as amended, the Veterans Sexual Assault Prevention and Health Care Enhancement Act. H.R.

2074, as amended, includes several worthy legislative proposals brought forth by the Members from both sides reflecting the subcommittee's oversight and activities to date.

This bill would create a safer Department of Veterans Affairs health care system, allow for greater flexibility in VA payments to State Veterans homes, break down barriers to care for veterans with traumatic brain injury, clarify access rights of service dogs on VA property, and expand an innovative therapeutic option for veterans struggling with post-traumatic stress.

Section 2 of the bill would require the VA to develop a comprehensive policy on the prevention, monitoring, reporting, and tracking of sexual assaults and other safety instances at VA facilities. I, along with the chairman, introduced this measure in response to a disturbing report issued by the Government Accountability Office in early June of this year regarding the prevalence of sexual assaults and other safety instances on VA property and the very serious safety vulnerabilities, security problems, and oversight failures by VA leadership.

Abusive behavior like the kind documented by GAO is unacceptable in any form, but for it to be found in what should be an environment of caring for our honored veterans is simply intolerable.

As a registered nurse and domestic violence counselor, I am all too familiar with the corrosive and harmful effects sexual and physical violence can have on the lives of its victims. It is an experience I wish on no one, much less one of our Nation's heroes or hardworking medical professionals.

Madam Speaker, it is critically important that we take every available step to protect the personal safety and well-being of our veterans who seek care through the VA and all of the hardworking employees who strive to provide that care on a daily basis.

The provisions included in this bill would require VA to develop clear and comprehensive criteria with respect to the reporting of instances for both clinical and law enforcement personnel, a comprehensive policy on reporting and tracking, risk assessment tools, a mandatory safety awareness and preparedness training program for employees, appropriate physical security precautions, and a centralized and accountable oversight system.

Madam Speaker, I'm confident that these requirements will resolve the many wrongs uncovered by the GAO and ensure that the VA health care system remains a safe haven of healing for our honored veterans.

Madam Speaker, section 3 of the bill would allow for increased flexibility in establishing rates for reimbursement to State homes for nursing home care provided to veterans with a service-connected disability rated at 70 percent or greater, or in need of such care due to a service-connected condition.

State veterans homes have a long history of providing high quality care to some of our Nation's most vulnerable veterans. By requiring the VA to enter into a contract or agreement separately with each State home based on the particular needs of that veteran, this bill would correct an unintended consequence in law that has negatively impacted certain State homes and, consequently, the veterans under their care.

This proposal was spearheaded by my friend and colleague, the ranking member from Maine, Mr. MIKE MICHAUD. I would like to thank him for his advocacy and his hard work in advancing this proposal and recognizing the great service that our State homes provide.

Madam Speaker, section 4 of the bill would improve the provision of rehabilitative care to veterans with traumatic brain injury by including the goal of maximizing independence and improving behavioral and mental health functioning within individual rehabilitation and reintegration programs.

It would also require that rehabilitative services be included within any comprehensive long-term care services for veterans with traumatic brain injury. Many concerns have been raised by veterans and veterans service organizations that current law is being inappropriately interpreted to limit rehabilitative care for veterans with TBI to only those services that restore function.

Madam Speaker, it is vital that we ensure that the recovery process for our veterans, especially those facing a lifetime of cognitive and neurological impairment, is ongoing, unburdened by institutional barriers, and extends beyond a strictly medical model to include services that allow those struggling to advance functional gains and reintegrate successfully into their home communities.

Madam Speaker, this provision was introduced by Mr. TIM WALZ of Minnesota, a veteran and valuable member of our Subcommittee on Health, and I would like to extend my personal gratitude to him for his service and for this proposal.

Section 5 of the bill would clarify the access rights of service dogs on VA property and in VA facilities. This provision, introduced by Mr. JOHN CARTER of Texas, would amend an outdated VA policy that has left some disabled veterans and service dogs they need to function out in the cold.

Unlike guide dogs for visually impaired veterans, service dogs are not guaranteed entry at VA facilities under Federal law. Recognizing the immense therapeutic value service dogs can have in promoting functionality and independence for our veterans, this provision would require that service dogs do have access to VA facilities consistent with the same terms and conditions and subject to the same regulations as generally govern the admittance of guide dogs on VA property.

Madam Speaker, section 6 of this bill would direct VA to carry out a 3-year pilot program to assess the effectiveness of addressing post-deployment mental health and post-traumatic stress disorder, PTSD symptoms, through service dog training therapy.

This legislation would allow for the expansion of promising and successful service dog training therapy programs currently in use at the VA Medical Center in Palo Alto, California, and the National Intrepid Center of Excellence in Bethesda, Maryland. Veterans participating in these programs have demonstrated improved emotional regulation, social integration, sleep patterns, and a sense of purpose and personal safety.

The prevalence, Madam Speaker, of post-deployment mental health issues and post-traumatic stress disorder is rising among our veteran population, with over 190,000 veterans of Iraq and Afghanistan having sought treatment in VA for post-traumatic stress disorder.

□ 1450

Veterans who struggle with mental health issues need and deserve the very best we can provide in care and treatment. Providing them with every tool necessary to reintegrate healthfully back into their families and home communities and achieve maximum health and wellness is one of my and my subcommittee's top priorities.

We must continue to explore new and innovative therapeutic options to alleviate the symptoms of post-traumatic stress; and I thank my friend and fellow New Yorker, Mr. MICHAEL GRIMM, for his previous service to our country in the Marine Corps and for his very strong commitment to moving this initiative forward to assist his fellow veterans.

Finally, Madam Speaker, section 7 of the bill would eliminate the requirement for the VA to provide Congress with an annual report on staffing for nurses and nurse anesthetists. This cumbersome and costly report was enacted almost 11 years ago. It is estimated to cost approximately $113,000 per year to produce. The report's intended purpose was to keep Congress apprised of recruitment and retention issues facing certain nursing positions within the VA. However, following that, Congress enacted Public Law 107–135, the Veterans Affairs Health Care Programs Enhancement Act, which fundamentally strengthened VA's ability to recruit and retain qualified nursing professionals through additional employee benefits and incentives.

Reporting requirements included in this law, as well as a variety of other ways and means in which Congress can obtain such data, render this report unnecessary. Further, for the last several years, the report has concluded that nurse staffing remain stable within the Veterans Affairs Department. Additionally, eliminating the burdensome reporting requirement does not in any way reduce other existing requirements for VA to gather information on

nurse staffing facility leadership, ensuring that such data continues to be readily available to Congress and other stakeholders.

Madam Speaker, it has been an honor for me to work with my colleagues in a truly bipartisan manner to move H.R. 2074, as amended, forward; and I would like to thank each of them, particularly Chairman JEFF MILLER and Ranking Member BOB FILNER, and Health Subcommittee ranking member, MIKE MICHAUD, for their tireless support on behalf of our honored veterans.

Madam Speaker, I urge all of my colleagues to join me in supporting this important legislation.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

Obviously, nothing is more important than the safety of our veterans; and this bill, H.R. 2074, contains many provisions to help improve the safety and health care of our veterans.

Because of a report I requested as chair, the GAO presenter ''VA Health Care: Actions Needed to Prevent Sexual Assaults and Other Safety Incidents.'' That report found that veterans and employees were exposed to personal dangers, including sexual assaults, in the very facilities that should be protecting them.

And, Madam Speaker, I think we ought to be more outraged given the findings of that report. That report found that there were not just dozens of alleged sexual assaults that went unreported, not even scores of such assaults, but hundreds of them—hundreds of sexual assaults alleged but not reported by those who had the obligation and responsibility to report them.

How are our veterans protected when they can't even have a report of an alleged assault? What message does that give to people that the military & the VA care about what's going on here and what's going on with their safety? That's who we should be going after here, by the way. It's very clear who has the responsibility about reporting such assaults, and yet they were not reported in the hundreds of cases, and that was only, by the way, at some selected study places. Who knows what we would have found in the whole institution?

I don't know that the VA has ever reprimanded any of those people. I don't know that the VA has ever said to the Veterans Administration that this will not be tolerated, that not only are we going to report on them, but investigate them and bring people to justice. I don't know that any of that has happened. That's what this bill should be trying to focus on. What happens to those people who don't report them? What happens to the cover-ups? What happens to those who protect each other as people are assaulted?

I'm not sure that we have come to grips with this issue. This report was outrageous. This report was incredibly, incredibly tragic. And all I find is we are going to do some process changes in here—and I support those, and we'll vote for the bill. But we're sending a message here to the entire 250,000 working people of this VA that we're not really concerned about them, we're not reporting them, we're not getting to those people covering up, we're not getting at those people who protect each other, we're not getting at those who have violated the law by not reporting such incidents.

Let's go after them. Let's give our veterans some comfort that their safety is protected.

I reserve the balance of my time.

Mr. MILLER of Florida. Madam Speaker, I associate myself with the comments of my colleague. It is egregious that there have been so many sexual assaults that have, in fact, gone unreported by the VA. I would encourage my good friend and his colleagues to work with us and provide amendments in any way that they see important to help bills like this strengthen the reporting requirements and to help us in an oversight and investigative response of this Congress, which is trying to do more on the oversight and investigative side. The last Congress did very little, and even those under Republican administrations did very little.

We're trying to reengage the oversight and investigation side, and I think that it is very important that we work together; and I do commend my good friend for his outrage on this particular report that came out, and I will work with him in any way possible.

With that, I yield such time as he may consume to my good friend from the Staten Island area of New York, the 13th Congressional District, Congressman GRIMM.

Mr. GRIMM. Thank you, Chairman MILLER.

I rise today in strong support of H.R. 2074, which includes the text of H.R. 198, the Veterans Dog Training Therapy Act. That's a bill that I introduced along with our lead cosponsor, House Veterans' Affairs Health Subcommittee Ranking Member MICHAUD. A special thank you to the ranking member. As a marine combat veteran, it's a unique honor for me to see this bill considered today by the full House.

Over the past 9 months, I've had the honor to meet with our Nation's veterans who are now faced with the challenges of coping with PTSD and physical disabilities resulting from their service in Iraq and Afghanistan. Their stories are not for the weak of heart, and they're truly moving, with these personal accounts of their recovery, both physical and mental, and the important role therapy and service dogs played that inspired this legislation.

The Veterans Dog Training Therapy Act would require the Department of Veterans Affairs to conduct a pilot program in VA medical centers assessing the effectiveness of addressing post-deployment mental health and PTSD through the therapeutic medium of training service dogs for veterans with disabilities. These trained service dogs are then given to physically disabled veterans to help them with their daily activities.

Simply put, this program treats veterans suffering from PTSD while at the same time aiding those suffering from physical disabilities. Since it was introduced, this legislation has gained the bipartisan support of 96 cosponsors. With veteran suicide rates at all-time highs and more and more servicemen and -women being diagnosed with PTSD, this bill meets a crucial need for additional treatment methods. I believe that by caring for our Nation's veterans, while at the same time providing assistance dogs to those with physical disabilities, we create a win-win scenario for everyone. This is a goal we can all be proud to accomplish.

Just as an added bonus, we provide these wonderful animals with a loving and safe environment. And that's why I strongly urge all of my colleagues to join me in support of H.R. 2074.

AMVETS,
Lanham, MD, October 11, 2011.

Hon. MICHAEL GRIMM,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN GRIMM: On behalf of AMVETS (American Veterans), I am writing to express our support of H.R. 198, the ''Veterans Dog Training Therapy Act.'' AMVETS supports the updated language of H.R. 198 that is now an amendment in H.R. 2074. We believe the current language in H.R. 2074 will ensure this bill provides our veterans the highest quality care, while at the same time maintaining our commitment to fiscal responsibility.

As you may know, AMVETS has partnered with the Assistance Dogs International (ADI) accredited Assistance Dog agency Paws With A Cause for over 30 years, in an effort to help provide disabled veterans Service Dogs. Through our experiences we have seen what an immeasurable asset these dogs have proven to be to both the trainers and recipients. This has included, but is not limited to, improvements in both physical and mental health, quality of life and the independence these dogs afford disabled veterans.

Furthermore, AMVETS believes H.R. 198, as an amendment in H.R. 2074, will prove to be both beneficial to veterans and to the Department of Veterans Affairs in the development of stronger policies and procedures regarding Service Dogs within the VA health care system, as well as being fiscally responsible through the partnering of VA facilities with private sector industry expert ADI agencies for this study.

AMVETS lends our support to H.R. 198, as an amendment in H.R. 2074 and again applauds your dedication to our veteran community.

Sincerely,

CHRISTINA M. ROOF,
National Deputy Legislative Director.

□ 1500

Mr. FILNER. I yield such time as he may consume to the ranking member of our Health Subcommittee, someone who has served for 4 years as the chair and who has done so much good for our veterans throughout the Nation, the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. I thank Ranking Member, FILNER for yielding.

As my colleagues have stated, our veterans' safety should be one of our

top priorities, and the Veterans Sexual Assault Prevention and Health Care Enhancement Act does just that.

I would like to thank Chairman MILLER and Ranking Member BOB FILNER, the chair of the subcommittee, as well as all of my colleagues on the House Veterans Affairs' Committee, for working in such a bipartisan manner to get this very important health care bill to the floor.

Within H.R. 2074, I would like to highlight two important provisions, and you heard the chairwoman explain the bill very eloquently.

The first provision I would like to highlight is section 2, which was offered by the chair of the Subcommittee on Health, Ms. BUERKLE. The provision will correct the troubling findings in a GAO report. The report essentially found that veterans and employees were exposed to personal dangers, including sexual assault. This is simply unacceptable, and I want to thank the subcommittee chair for offering this bill to us.

The second provision I would like to highlight is in section 3, my provision of the bill. Section 3 would provide much needed flexibility in the way the State veterans' homes get reimbursed for the care they provide to veterans who need that care for a service-connected condition or a service-connected condition of 70 percent or greater. This will ensure that these veterans are not put out on the streets.

The Subcommittee on Health has been working on this bill for well over 2 years, and now I am finally pleased to see that this bill is moving forward. Hopefully, my colleagues on both sides of the aisle will support this very important piece of legislation as we have to do all that we can to help our veterans and their families. This bill is one that takes a different approach to dealing with our veterans and their problems.

Mr. MILLER of Florida. Madam Speaker, I yield 2 minutes to the gentleman from the 31st District of Texas (Mr. CARTER).

Mr. CARTER. I thank the chairman for yielding.

I want to thank the chairman and chairwoman for adopting H.R. 2074 to include H.R. 1154, the Veterans Equal Treatment for Service Dogs—the vet dogs—bill.

This ensures that veterans with service dogs have equal access to VA facilities. It amends title 38 of the U.S.C. to ensure that the VA allows medical service dogs in addition to seeing eye and guide dogs in VA facilities. This is sort of a no-brainer. A medical service dog's usage has been expanded to deal with all types of brain injury, hearing loss, seizures, vets who have lost limbs—for assistance mobility—and there are many other important areas in which these service dogs are making our veterans better.

Both the ADA and the Rehabilitation Act support this bill. The VA issued a directive recently to allow service dogs into their facilities, a directive good for 5 years. I applaud the VA in that effort, but this bill makes this directive permanent.

This is important for these veterans. If you see them with their dogs, you'll know that the friendship and the love and the affection and assistance that these dogs provide is invaluable to our injured veterans.

Harry Truman once made the statement, If you want a friend in Washington, D.C., get a dog. I am just trying to make sure by this bill—and we are trying to make sure—that our veterans don't have to leave their friends outside the door.

Mr. FILNER. I have no further requests for time and would be prepared to close once the chairman has no further speakers.

Mr. MILLER of Florida. I have no further requests for time.

Mr. FILNER. I yield myself such time as I may consume.

As I said earlier, this is a bill that has a lot of good things in it, and I wish we had gone further.

I met with the GAO this morning. They said they could follow up reports such as this with an investigation of personnel actions, for example, and could report back to us in terms that don't violate any civil service protections that they would provide a third party kind of review of the personnel actions that may have resulted from their recommendations.

You don't have to answer now, but I would be prepared to work with the chair to request such an investigation, because what we have done here is, in response to the report that said reporting requirements were not met in hundreds of cases at some few selected sites that they examined, merely add new reporting requirements. They didn't follow the first ones, so what good are more reporting requirements going to do?

There have to be some actions on the part of the Veterans Administration that say to our employees, that say to our veterans that there shall be no sexual assaults on our sites. Yet what we're saying here is, oh, we'll add a few more reporting requirements. That doesn't send a message, because we already had the reporting requirements.

Let's try to find a way—and I'll work with the chair to do this—to send a message to our agency, not that we're going to pass another few rules, but that we're going to take this seriously, that we're going to demand that the employees who did not follow what is clearly stated in rules and law about reporting alleged cases of sexual assault be terminated. In my opinion, they ought to have been terminated. This is so serious, and it would have sent such a good message to those who might either perpetrate assault or to those who are victims of such assault.

They should have been terminated. I doubt that they were. I doubt that they were removed from their jobs. I would hope the VA might contradict me, but I doubt that there was anything more than a note saying they should do better in the future. I hope I'm wrong, but I will tell you that the history of personnel actions in response to acts such as these has not been one that gives confidence to me that we have sent the right message.

So I will work with the chair to do whatever we can to send the right message from this Congress and from the American people that these acts will not be tolerated.

I yield back the balance of my time.

Mr. MILLER of Florida. Madam Speaker, I commit to working with the ranking member on the further reporting of these incidents. I would add that this particular piece of legislation does, in fact, incorporate every single recommendation that the GAO gave to this committee in their report.

GENERAL LEAVE

Mr. MILLER of Florida. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. I encourage all Members to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 2074, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to amend title 38, United States Code, to require a comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents that occur at medical facilities of the Department of Veterans Affairs, to improve rehabilitative services for veterans with traumatic brain injury, and for other purposes.''.

A motion to reconsider was laid on the table.

□ 1510

NOTIFYING CONGRESS OF CONFERENCES SPONSORED BY DEPARTMENT OF VETERANS AFFAIRS

Mr. MILLER of Florida. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2302) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to notify Congress of conferences sponsored by the Department of Veterans Affairs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2302

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

SECTION 1. QUARTERLY REPORTS TO CONGRESS ON CONFERENCES SPONSORED BY THE DEPARTMENT.

(a) IN GENERAL.—Subchapter I of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 517. Quarterly reports to Congress on conferences sponsored by the Department

''(a) QUARTERLY REPORTS REQUIRED.—Not later than 30 days after the end of each fiscal quarter, the Secretary shall submit to the Committee on Veterans' Affairs of the House of Representatives and the Committee on Veterans' Affairs of the Senate a report on covered conferences.

''(b) MATTERS INCLUDED.—Each report under subsection (a) shall include the following:

''(1) An accounting of the final costs to the Department of each covered conference occurring during the fiscal quarter preceding the date on which the report is submitted, including the costs related to—

''(A) transportation and parking;

''(B) per diem payments;

''(C) lodging;

''(D) rental of halls, auditoriums, or other spaces;

''(E) rental of equipment;

''(F) refreshments;

''(G) entertainment;

''(H) contractors; and

''(I) brochures or other printed media.

''(2) The total estimated costs to the Department for covered conferences occurring during the fiscal quarter in which the report is submitted.

''(c) COVERED CONFERENCE DEFINED.—In this section, the term 'covered conference' means a conference, meeting, or other similar forum that is sponsored or co-sponsored by the Department of Veterans Affairs and is—

''(1) attended by 50 or more individuals, including one or more employees of the Department; or

''(2) estimated to cost the Department at least $20,000.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 516 the following:

''517. Quarterly reports to Congress on conferences sponsored by the Department.''.

SEC. 2. SUBMISSION OF CERTAIN INFORMATION BY THE SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subchapter II of chapter 5 of title 38, United States Code, is amended by inserting after section 529 the following new section:

"§ 529A. Submission of certain information by the Secretary to Congress

''(a) IN GENERAL.—The submission of information by the Secretary to the Committee on Veterans' Affairs of the House of Representatives or the Committee on Veterans' Affairs of the Senate in response to a request for such information made by a covered member of the committee shall be deemed to be—

''(1) a covered disclosure under section 552a(b)(9) of title 5; and

''(2) a permitted disclosure under regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191), including a permitted disclosure for oversight activities authorized by law as described in section 164.512(d) of title 45, Code of Federal Regulations.

''(b) SUBMISSION TO CHAIRMAN.—With respect to a request for information described in subsection (a) made by a covered member of the committee who is not the chairman, the Secretary shall also submit such information to the chairman of the Committee on Veterans' Affairs of the House of Representatives or the Committee on Veterans' Affairs of the Senate, as the case may be.

''(c) COVERED MEMBER OF THE COMMITTEE.—In this section, the term 'covered member of the committee' means the following:

''(1) The chairman or ranking member of the Committee on Veterans' Affairs of the House of Representatives or the Committee on Veterans' Affairs of the Senate.

''(2) A chairman or ranking member of a subcommittee of the Committee on Veterans' Affairs of the House of Representatives or the Committee on Veterans' Affairs of the Senate.

''(3) The designee of a chairman or ranking member described in paragraph (1) or (2).''.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 529 the following new item:

''529A. Submission of certain information by the Secretary to Congress.''.

SEC. 3. PUBLICATION OF DATA ON EMPLOYMENT OF CERTAIN VETERANS BY FEDERAL CONTRACTORS.

Section 4212(d) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(3) The Secretary of Labor shall establish and maintain an Internet website on which the Secretary shall publicly disclose the information reported to the Secretary of Labor by contractors under paragraph (1).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 2302, as amended. It amends title 38, United States Code, that directs the Secretary of the Department of Veterans Affairs to notify Congress of certain conferences sponsored by the VA. It's a good government bill. It provides additional transparency. It shifts VA and Department of Defense GI Bill reporting requirements from chapter 30 to chapter 33.

This legislation is sponsored by the chairman of our Subcommittee on Economic Opportunity, the gentleman from Indiana (Mr. STUTZMAN). My thanks go out to him as well as the ranking member, Mr. FILNER, and also the ranking member of the subcommittee, Mr. BRALEY of Iowa, for their efforts.

With that, I yield such time as he may consume to the distinguished gentleman from Indiana (Mr. STUTZMAN), chairman of the Subcommittee on Economic Opportunity.

Mr. STUTZMAN. Thank you, Mr. Chairman.

Madam Speaker, H.R. 2302, as amended, contains provisions from three different bills. Section one retains the transparency concepts in the original version of the bill but responds partially to VA's concerns about the scope of covered conferences by increasing the reporting threshold to conferences costing $20,000 or more. The catalyst for this provision was a large VA conference held recently in Scottsdale, Arizona, that lasted 11 days and included $97,000 for consultant services out of a total cost of $221,500. At a time when every tax dollar is precious, it is our duty to ensure that VA conferences spend those dollars wisely. This would be an appropriate provision in any economic situation, not just in today's stagnant economy.

Section 2 includes the provisions of Chairman MILLER's bill, H.R. 2388, that would streamline the committee's ability to get information from the VA. It has been our experience that VA incorrectly uses the Health Insurance Portability and Accessibility Act, or HIPAA, to deny or delay providing information needed to resolve our constituents' cases. This bill would make it clear that requests for information for the committee's constitutional oversight duties are deemed to be an authorized disclosure under the Privacy Act and HIPAA.

Section 3 includes provisions introduced by the ranking member of the Subcommittee on Disability Assistance and Memorial Affairs, Mr. MCNERNEY, that would require the Department of Labor to include veterans' employment information submitted by Federal contractors on the Department's Web site.

Madam Speaker, title 38, United States Code, section 4212 requires Federal contractors to implement an affirmative action plan to hire veterans and to report on the success of that program. It is unfortunate that the Department of Labor, under several administrations, has largely ignored data that shows the extent to which Federal contractors are complying with the law. While I am aware of renewed efforts by the Office of Federal Contractor Compliance to enforce the law, Mr. MCNERNEY's provision will help focus their attention on this issue, and I thank him for this important provision.

Each of these provisions will increase the transparency of Federal programs and improve our ability to hold the Federal Government accountable for not just funding but also its actions in managing the programs under our jurisdiction. I am also happy to report that my amendment has been scored by CBO as having insignificant costs.

So I urge my colleagues to support H.R. 2302, and I thank Ranking Member BRALEY for his support of the subcommittee's work.

Mr. FILNER. Madam Speaker, I endorse the arguments just made by the chairman of the subcommittee.

I have no requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. MILLER of Florida. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 2302, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. I once again encourage all my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 2302, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to notify Congress of conferences sponsored by the Department of Veterans Affairs, and for other purposes.''.

A motion to reconsider was laid on the table.

VETERANS' BENEFITS TRAINING IMPROVEMENT ACT OF 2011

Mr. MILLER of Florida. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2349) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to annually assess the skills of certain employees and managers of the Veterans Benefits Administration, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2349

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Benefits Act of 2011''.

SEC. 2. ASSESSMENT OF CLAIMS-PROCESSING SKILLS PILOT PROGRAM.

(a) PILOT PROGRAM.—Commencing not later than 180 days after the date of the enactment of the Act, in addition to providing employee certification under section 7732A of title 38, United States Code, the Secretary of Veterans Affairs shall carry out a pilot program to assess skills and provide training described under subsection (b).

(b) BIENNIAL SKILLS ASSESSMENT AND INDIVIDUALIZED TRAINING.—

(1) IN GENERAL.—The Secretary shall—

(A) biennially assess the skills of appropriate employees and managers of the Veterans Benefits Administration who are responsible for processing claims for compensation and pension benefits under the laws administered by the Secretary, including by requiring such employees and managers to take the examination provided under section 7732A(a)(1) of title 38, United States Code; and

(B) on the basis of the results of such assessment and examination, and on any relevant regional office quality review, develop and implement an individualized training plan related to such skills for each such employee and manager.

(2) REMEDIATION.—

(A) REMEDIATION PROVIDED.—In providing training under paragraph (1)(B), if any employee or manager receives a less than satisfactory result on any portion of an assessment under paragraph (1)(A), the Secretary shall provide such employee or manager with remediation of any deficiency in the skills related to such portion of the assessment and, within a reasonable period following the remediation, shall require the employee or manager to take the examination again.

(B) PERSONNEL ACTIONS.—In accordance with titles 5 and 38, United States Code, the Secretary shall take appropriate personnel actions with respect to any employee or manager who, after being given two opportunities for remediation under subparagraph (A), does not receive a satisfactory result on an assessment under paragraph (1)(A).

(c) LOCATIONS AND DURATION.—The Secretary shall carry out the pilot program under this section at five regional offices of the Veterans Benefits Administration during the four-year period beginning on the date of the commencement of the pilot program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $5,000,000 for fiscal years 2012 through 2016.

(e) REPORTS.—Not later than November 1 of each year in which the pilot program under this section is carried out, the Secretary shall submit to the Committee on Veterans' Affairs of the House of Representatives and the Committee on Veterans' Affairs of the Senate a report on any assessments and training conducted under this section during the previous year. Each such report shall include—

(1) a summary of—

(A) the results of the assessments under subsection (b)(1)(A);

(B) remediation provided under subsection (b)(2)(A); and

(C) personnel actions taken under subsection (b)(2)(B); and

(2) any changes made to the training program under subsection (b)(1)(B) based on the results of such assessments and remediation and the examinations provided under section 7732A(a)(1) of title 38, United States Code.

SEC. 3. EXCLUSION OF CERTAIN REIMBURSEMENTS OF EXPENSES FROM DETERMINATION OF ANNUAL INCOME WITH RESPECT TO PENSIONS FOR VETERANS AND SURVIVING SPOUSES AND CHILDREN OF VETERANS.

(a) IN GENERAL.—Paragraph (5) of section 1503(a) of title 38, United States Code, is amended to read as follows:

''(5) payments regarding—

''(A) reimbursements of any kind (including insurance settlement payments) for—

''(i) expenses related to the repayment, replacement, or repair of equipment, vehicles, items, money, or property resulting from—

''(I) any accident (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the equipment or vehicle involved at the time immediately preceding the accident;

''(II) any theft or loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the item or the amount of the money (including legal tender of the United States or of a foreign country) involved at the time immediately preceding the theft or loss; or

''(III) any casualty loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the property involved at the time immediately preceding the casualty loss; and

''(ii) medical expenses resulting from any accident, theft, loss, or casualty loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this clause shall not exceed the costs of medical care provided to the victim of the accident, theft, loss, or casualty loss; and

''(B) pain and suffering (including insurance settlement payments and general damages awarded by a court) related to an accident, theft, loss, or casualty loss, but the amount excluded under this subparagraph shall not exceed an amount determined by the Secretary on a case-by-case basis;''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act.

(c) EXTENSION OF AUTHORITY TO OBTAIN CERTAIN INFORMATION FROM DEPARTMENT OF TREASURY.—Section 5317(g) of title 38, United States Code, is amended by striking ''2011'' and inserting ''2013''.

SEC. 4. AUTHORIZATION OF USE OF ELECTRONIC COMMUNICATION TO PROVIDE NOTICE TO CLAIMANTS FOR BENEFITS UNDER LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 5103 of title 38, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking ''Upon receipt of a complete or substantially complete application, the'' and inserting ''The'';

(B) by striking ''notify'' and inserting ''provide to''; and

(C) by inserting ''by the most effective means available, including electronic communication or notification in writing'' before ''of any information''; and

(2) in subsection (b), by adding at the end the following new paragraphs:

''(4) Nothing in this section shall require the Secretary to provide notice for a subsequent claim that is filed while a previous claim is pending if the notice previously provided for such pending claim—

''(A) provides sufficient notice of the information and evidence necessary to substantiate such subsequent claim; and

''(B) was sent within one year of the date on which the subsequent claim was filed.

''(5)(A) This section shall not apply to any claim or issue where the Secretary may award the maximum benefit in accordance with this title based on the evidence of record.

''(B) For purposes of this paragraph, the term 'maximum benefit' means the highest evaluation assignable in accordance with the evidence of record, as long as such evaluation is supported by such evidence of record at the time the decision is rendered.''.

(b) CONSTRUCTION.—Nothing in the amendments made by subsection (a) shall be construed as eliminating any requirement with respect to the contents of a notice under section 5103 of such title that are required under regulations prescribed pursuant to subsection (a)(2) of such section as of the date of the enactment of this Act.

SEC. 5. DUTY TO ASSIST CLAIMANTS IN OBTAINING PRIVATE RECORDS.

(a) IN GENERAL.—Section 5103A(b) of title 38, United States Code, is amended to read as follows:

''(b) ASSISTANCE IN OBTAINING PRIVATE RECORDS.—(1) As part of the assistance provided under subsection (a), the Secretary shall make reasonable efforts to obtain relevant private records.

''(2)(A) Whenever the Secretary, after making such reasonable efforts, is unable to obtain all of the relevant records sought, the Secretary shall notify the claimant that the Secretary is unable to obtain records with respect to the claim. Such a notification shall—

''(i) identify the records the Secretary is unable to obtain;

''(ii) briefly explain the efforts that the Secretary made to obtain such records; and

''(iii) explain that the Secretary will decide the claim based on the evidence of record but that this section does not prohibit the submission of records at a later date if such submission is otherwise allowed.

''(B) The Secretary shall make not less than two requests to a custodian of a private record in order for an effort to obtain relevant private records to be treated as reasonable under this section, unless it is made evident by the first request that a second request would be futile in obtaining such records.

''(3)(A) This section shall not apply if the evidence of record allows for the Secretary to award the maximum benefit in accordance with this title based on the evidence of record.

''(B) For purposes of this paragraph, the term 'maximum benefit' means the highest evaluation assignable in accordance with the evidence of record, as long as such evaluation is supported by such evidence of record at the time the decision is rendered.

''(4) Under regulations prescribed by the Secretary, the Secretary—

''(A) shall encourage claimants to submit relevant private medical records of the claimant to the Secretary if such submission does not burden the claimant; and

''(B) in obtaining relevant private records under paragraph (1), may require the claimant to authorize the Secretary to obtain such records if such authorization is required to comply with Federal, State, or local law.''.

(b) PUBLIC RECORDS.—Section 5103A(c) of such title is amended to read as follows:

''(c) OBTAINING RECORDS FOR COMPENSATION CLAIMS.—(1) In the case of a claim for disability compensation, the assistance provided by the Secretary under this section shall include obtaining the following records if relevant to the claim:

''(A) The claimant's service medical records and, if the claimant has furnished the Secretary information sufficient to locate such records, other relevant records pertaining to the claimant's active military, naval, or air service that are held or maintained by a governmental entity.

''(B) Records of relevant medical treatment or examination of the claimant at Department health-care facilities or at the expense of the Department, if the claimant furnishes information sufficient to locate those records.

''(C) Any other relevant records held by any Federal department or agency that the claimant adequately identifies and authorizes the Secretary to obtain.

''(2) Whenever the Secretary attempts to obtain records from a Federal department or agency under this subsection, the efforts to obtain those records shall continue until the records are obtained unless it is reasonably certain that such records do not exist or that further efforts to obtain those records would be futile.''.

SEC. 6. CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes

''In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

''5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.''.

SEC. 7. REINSTATEMENT OF PENALTIES FOR CHARGING VETERANS UNAUTHORIZED FEES.

(a) IN GENERAL.—Section 5905 of title 38, United States Code, is amended to read as follows:

''§ 5905. Penalty for certain acts

''Except as provided in section 5904 or 1984 of this title, whoever—

''(1) in connection with a proceeding before the Department, knowingly solicits, contracts for, charges, or receives any fee or compensation in connection for—

''(A) the provision of advice on how to file a claim for benefits under the laws administered by the Secretary; or

''(B) the preparation, presentation, or prosecution of such a claim before the date on which a notice of disagreement is filed in a proceeding on the claim,

or attempts to do so;

''(2) unlawfully withholds from any claimant or beneficiary any part of a benefit or claim under the laws administered by the Secretary that is allowed and due to the claimant or beneficiary, or attempts to do so;

''(3) commits an offense punishable by this chapter, or aids, abets, counsels, commands, or procures the commission of such an act; or

''(4) causes an act to be done, which if directly performed would be punishable by this chapter,

shall be fined as provided in title 18, or imprisoned for not more than one year, or both.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to acts committed after the date of the enactment of this Act.

SEC. 8. PERFORMANCE AWARDS IN THE SENIOR EXECUTIVE SERVICE.

For each of fiscal years 2012 through 2016, the Secretary of Veterans Affairs may not pay more than $2,000,000 in performance awards under section 5384 of title 5, United States Code.

SEC. 9. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Madam Speaker, I yield myself such time as I may consume.

I support strongly H.R. 2349, as amended, the Veterans' Benefits Training Improvement Act of 2011. It was created by the chairman of the Subcommittee on Disability Assistance and Memorial Affairs, the gentleman from New Jersey (Mr. RUNYAN). It also was worked on in collaboration with the ranking member of that subcommittee, the gentleman from California (Mr. MCNERNEY).

To describe H.R. 2349, as amended, I would like to yield such time as he may consume to the gentleman from New Jersey (Mr. RUNYAN).

Mr. RUNYAN. Mr. Chairman, thank you again.

Madam Speaker, I rise in support of H.R. 2349, as amended, the Veterans' Benefits Training Improvement Act of 2011.

There are several components to this legislation, and they are all aimed towards ensuring the veterans' benefits process is more efficient, accountable, and fair for all veterans and their families.

The first piece of this legislation addresses the minimalist approach that the VA has adopted in complying with its employees' skill certification mandate. This section will reverse the current trend within the VA of using the employment certification process solely to increase an employee's pay grade by introducing a pilot program to conduct a biennial assessment for all claims processors and managers. The key to this program's success will be individualized remediation. This will facilitate individual accountability of employees while addressing disparities in experience and training at the pilot sites and eventually throughout the VA.

Section 3 prevents the offset of pension benefits for veterans and their family members due to the receipt of payments by insurance or settlements to reimburse expenses incurred after an accident or theft. This will be accomplished by exempting reimbursements of expenses related to accident, theft, loss, or casualty loss from determinations of annual income.

The next section implements the use of electronic communication within the VA to provide notices of responsibility to claimants. This also removes the administrative provisions which have slowed down the process for veterans' disability claims. In total, this section will increase efficiency and help modernize the VA by authorizing the most effective means available for communication while simultaneously removing administrative redtape.

Section 5 clarifies the meaning of the VA's duty to assist claimants in obtaining evidence needed to verify a claim. As a result, this section establishes a clear and reasonable standard for private record requests as ''not less than two requests.'' In addition, this section will encourage claimants to take a proactive role in the claims process. This, in turn, will have the positive effect of reducing the claims backlog over the long term.

Section 6 corrects a serious concern which has curtailed the Second Amendment rights of many VA beneficiaries. Due to unclear and improper statutory language, under the current system, veterans seeking help managing their financial affairs are categorized as mentally defective. They are then entered into an FBI database which prohibits their ability to legally obtain a firearm. This section would restore these veterans' constitutional rights by requiring such determinations to be made by a judge, magistrate, or other judicial authority to properly determine whether such veterans are, in fact, mentally defective for the purposes of obtaining a firearm.

Section 7 of this bill is designed to protect the veterans from being charged excessive fees for aid in submitting applications to the VA for benefits. Since 2006, there has been an increase in non-accredited individuals,

organizations, and private companies that have been taking advantage of veterans by charging fees to assist them with filing claims for veterans' benefits with the VA.

□ 1520

This section reinstates criminal penalties for persons charging veterans unauthorized fees for preparation and filing veterans claims with the VA.

The final section addresses the unrestrained government spending on the part of the VA, which is currently permitted to offer pay increases and bonuses to managers and employees who had been cited for mismanagement and poor performance. At a time when our government must be especially prudent in its management of debt, this section establishes caps for bonuses and performance awards to VA's most senior employees at $2 million a year, a reduction from $3.5 million.

It has been an honor working with my colleagues in a bipartisan manner to move H.R. 2349, as amended, forward. And I thank each Member for their tireless support on behalf of our honored veterans. I ask all of my colleagues to join me in supporting this important legislation.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

This is an omnibus bill that on balance I can't support. Omnibus bills are good and bad, and we have to balance that. Let me tell you why there are two provisions in here that make it impossible for me to support this omnibus bill.

Section 2 requires the VA to institute a pilot program to hold employees of the Veterans Benefits Administration to annual testing and to even greater training requirements than their current 80 hours at five regional offices at a cost of $5 million over 5 years. Now, we are all for training of our employees and want them to do a good job and be adequately trained for it. Secretary Shinseki has set a goal of processing all claims within 125 days at 98 percent accuracy. That's a great goal, and we have to get a handle on that and get a handle on the backlog and the claims that are languishing unnecessarily.

I think this provision is misguided because it will stand in the way of reaching the Secretary's goal, because I don't think we can test our way out of the claims backlog. Anybody can pass a test. The real question is can they adequately process claims. That's what the VA needs from its employees, not another additional burden resulting in work stoppages, which is what this testing requirement will do.

We already have a certification testing program used for the advancement of VBA employees, which was greatly strengthened in the bill that we passed in 2008 with great bipartisan support. I think that this bill has redundant testing and wastes $5 million and will only go to the fattening of the contractors' pockets who develop the test, money that I think can be more efficiently used to help our veterans.

I should remind the body that this mandatory testing provision never passed out of the subcommittee that was responsible for the bill. It failed. It was withdrawn, but it showed up in the full committee markup and I think violates the spirit of regular order that we supposedly prize.

More importantly, there is a provision in this bill which, let me first state in legal terms and then in English, which would prohibit the reporting of those who have an appointed VA fiduciary to the National Instant Criminal Background Check system required by the Brady Act. What does that mean in English? That means people who have been judged by the VA to be mentally incompetent of handling their own financial affairs qualify to purchase a gun. Hello? We heard the chair of the subcommittee support, oh, this is a constitutional right. Hey, we have a long history of law and precedent which says we can deny rights to mentally incompetent people, especially to own a gun, a handgun. How many people have to commit mass murders who are mentally incompetent before we understand that we ought to prevent them from getting a gun in the first place? Yet we have a justification of that right here in this bill.

The gentleman wants to keep the right to purchase firearms until they have a determination from a State judge. Well, that's a non sequitur, Madam Speaker.

While I agree that some of these people who've been judged by the VA not to be mentally competent to handle their financial affairs may not pose a threat to themselves or others, the prudent course of action, the reasonable course of action, the commonsense course of action, the course of action that will save lives in this Nation is that we not allow these VA beneficiaries to have access to lethal weapons until the legal determination is made by that judge. Let's have the determination first, not after they kill somebody.

So we're going to put guns in the hands of people who may not be mentally capable of responsible gun ownership. This does not strike the proper balance between ensuring societal safety and individual rights. I don't have to list all of the atrocities that have gone on in this Nation over the past decade that happened because of irresponsible gun ownership; and yet we have a defense of a bill that specifically, it doesn't even leave it to implicit, it specifically says if you are judged to be mentally incompetent, you still have a right to go get a gun. How stupid are we, Madam Speaker? Come on. This is a scary thought. It's irresponsible legislating. We have got to do a better job of striking a balance on this issue.

Everybody on an earlier bill is afraid of Grover Norquist. Everybody here is afraid of the NRA. Come on, let's be responsible. Let's use common sense. Let's protect the American people. Let's not go for these pledges that are made in a partisan way to make sure you're reelected and hurt the American people in the long run. That's what we are doing here. This is irresponsible. You give, by law, by a sentence that you put in, Mr. Chairman, you give them, mentally incompetent people, they've already been defined as that, you give them the right to be exempt from the Brady law's registration. Come on, we can do a better job than that!

I reserve the balance of my time.

Mr. MILLER of Florida. I have no more speakers, if the gentleman is ready to close.

I reserve the balance of my time.

Mr. FILNER. Madam Speaker, again, there are some good provisions of this bill. The Hastings provision is especially appropriate. But we owe the American people better than just ideological legislating because I made this promise and this is a constitutional right. I believe in the Second Amendment. But we can regulate the conditions of that amendment, and this is an especially egregious case which needs regulation.

The VA has said that someone cannot manage their own affairs, and yet we write in the provision that says, okay, go buy a gun anyway until some judge says you're mentally incompetent. Let's have the judge's decision first. Then if they are judged to be mentally sound, they can buy a gun. That's their constitutional right. They don't have a constitutional right to be mentally imbalanced and buy a gun that kills dozens or even hundreds of people. That's what we've seen in this country for decades. Let's do a better job.

I yield back the balance of my time.

Mr. MILLER of Florida. Madam Speaker, what we owe the United States' people is the truth.

The truth is that the Senate Veterans Affairs Committee approved under Democrat leadership this exact language under the past two Congresses. In fact, what my good friend, the ranking member, wants to do is to give a bureaucrat within VA the opportunity to adjudicate somebody mentally incompetent. Now they do have the ability to say they are not able to control their finances. What this act in the legislation does is it says they cannot do it without the order or finding of a judge, a magistrate, or other judicial authority of competent jurisdiction that such a person is in danger to himself or to others. I do not believe that a bureaucrat within the Department of Veterans Affairs has that ability nor that authority, and I think that judges need to do it. So we do agree on that particular instance.

GENERAL LEAVE

Mr. MILLER of Florida. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore (Mr. STUTZMAN). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. With that, I urge all of my colleagues to support this outstanding piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 2349, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to amend title 38, United States Code, to improve the determination of annual income with respect to pensions for certain veterans, to direct the Secretary of Veterans Affairs to establish a pilot program to assess the skills of certain employees and managers of the Veterans Benefits Administration, and for other purposes.''

A motion to reconsider was laid on the table.

EPA REGULATORY RELIEF ACT OF 2011

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2250.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2250.

□ 1532

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, with Mrs. ROBY (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, October 6, 2011, amendment No. 4 printed in the CONGRESSIONAL RECORD, offered by the gentleman from Pennsylvania (Mr. DOYLE), had been disposed of.

□ 1540

AMENDMENT NO. 11 OFFERED BY MR. WAXMAN

Mr. WAXMAN. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following section:

SEC. 6. COMPLIANCE WITH CUT-GO.

If this Act authorizes the appropriation of funds to implement this Act and does not reduce an existing authorization of appropriations to offset that amount, then the provisions of this Act shall cease to be effective.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Madam Chair and my colleagues, I strongly oppose this bill on substantive grounds. It nullifies critical EPA rules to cut toxic air pollution from solid waste incinerators and large industrial boilers. It threatens EPA's ability to issue new rules that actually protect public health by forcing it to set emission standards based on an industry wish list. And on top of that, it allows polluters to avoid compliance with the new rules indefinitely. That is enough for me to vote ''no.'' I think this is a very bad bill.

But this bill has another mark against it because it does not comply with the Republican leadership's policy for discretionary spending. Some people may think, so what? Why make an issue of this? The simple fact is that the Republicans established a set of rules for the House at the beginning of the Congress, and they aren't willing to play by those rules.

When Congress organized this year, the majority leader announced that the House would be following what's called a discretionary CutGo rule. When a bill authorizes discretionary funding, that funding must be explicitly limited to a specific amount. And the leader's protocols also required that the specific amount be offset by a reduction in an existing authorization. This bill violates those requirements.

First, the bill does not include a specific authorization for EPA to implement the bill's provisions. EPA will have to start a new rulemaking for boilers and incinerators and follow a whole new approach for setting emissions standards, and that's going to cost money. CBO—who is the usual referee on these questions—has determined that H.R. 2250 does in fact authorize new discretionary spending. CBO estimates that implementing this bill would cost the EPA $1 million over a 5-year period. But the bill does not offset the new spending with cuts in an existing authorization. That's a clear violation of the plain language of the Republicans' CutGo policy.

I know what my Republican colleagues are going to say because they said it last time we were considering legislation. They will argue that this bill doesn't create a new program. They'll say that EPA can use existing funds to complete the work mandated by the bill. But that's not how appropriations law works. Anyone familiar with Federal appropriations law knows this and the Government Accountability Office or the Congressional Budget Office can confirm it.

H.R. 2250 does not include an authorization, but that does not have the effect of forcing the executive branch to implement the legislation with existing resources. To the contrary, it has the effect of creating an implicit authorization of such sums as may be necessary. Now, the Republicans have been against setting authorizations of such sums as may be necessary because they wanted a specific amount, and they wanted an offset. My amendment would simply ensure that the discretionary CutGo rule is complied with. It states that if this bill authorizes the appropriation of funds to implement its provisions without reducing an existing authorization of appropriations by an offsetting amount, then the bill will not go into effect.

This amendment is about fairness. If I offered a bill that strengthened the Clean Air Act or cut global warming pollution, the Republicans would require my bill to meet the CutGo requirements. But because Republicans are eager to attack the Clean Air Act and weaken public health protections, all of a sudden their own protocols don't matter. And if they're not complying with CutGo because CutGo, as they've set it up, is infeasible and unworkable, they need to acknowledge that reality and change the requirements.

I urge all Members to support this amendment. Let's hold the Republican leadership accountable to keep their word.

I yield back the balance of my time.

Mr. GRIFFITH of Virginia. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRIFFITH of Virginia. Madam Chair, H.R. 2250 will reduce regulatory burdens for job creators and extend the timeframe for the EPA to issue its rules for boilers and incinerators.

Considering that EPA is currently pursuing an aggressive regulatory regime in these areas, and doing so within its existing budget, additional funding should not be needed to provide the regulatory relief provided in this bill. While the CBO's rules may require it to score legislation in a vacuum, in the real world there is no reason taxpayers should be forced to hand over more money when asking an agency merely to do its job.

Any cost of commonsense regulations in this area, as our legislation proposes, can certainly be covered by the agency's existing budget—that has increased greatly over the last several years. And that budget is funding its current regulatory efforts. No new funding is authorized by the legislation, so Madam Chair, I do not believe any new funding is necessary. Accordingly, I would urge my colleagues to vote ''no'' on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WAXMAN. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 18 OFFERED BY MR. CONNOLLY OF VIRGINIA

Mr. CONNOLLY of Virginia. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following section:

SEC. 6. PROTECTION FROM RESPIRATORY AND CARDIOVASCULAR ILLNESS AND DEATH.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities if such emissions are causing respiratory and cardiovascular illnesses and deaths, including cases of heart attacks, asthma attacks, and bronchitis.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Chairman, during the past 10 months, the Republican leadership has already tried to pass more than 125 anti-environmental bills, amendments, and riders. We debated yet another anti-EPA bill just the other day, and the majority rejected every single amendment that would have protected public health.

I introduced a simple amendment that would have ensured no deaths or increased incidence of illness would occur as a result of the cement factory bill we debated last week. It would seem to be a modest proposition that bills passed by Congress should not lead directly to premature death or hospitalization, yet that's exactly what these anti-clean air bills do. Republicans claim that all these anti-EPA bills will create jobs, but sadly those new jobs would only be created in hospitals.

The latest Republican attack on the Clean Air Act is H.R. 2250 before us today, which would block public health standards for industrial boilers. The EPA is issuing these standards in accordance with the Clean Air Act, which was passed in 1970 and signed into law by a Republican President. Since 1970, the Clean Air Act has dramatically reduced air pollution, despite population growth, while America's economy has doubled in size.

The evidence is clear: We do not have to make the false choice between a healthy economy and a healthy environment. Yet that is precisely the false choice presented us in H.R. 2250. My colleagues claim we must allow more mercury pollution, more particulate pollution, more soot into our air in order to spur economic recovery. How easily some seem to forget that this recession started under the most anti-environmental administration in history, that of George W. Bush. So if attacking the environment really did spur economic growth, then we wouldn't have had the economic collapse of 2008.

The consequences of acting on the false premise presented by my Republican colleagues would be catastrophic for Americans' health. According to the nonpartisan Congressional Research Service, by following the law and implementing health standards for industrial boilers, EPA will prevent 2,500 to 6,500 premature deaths every single year. By allowing the EPA to continue implementing the Clean Air Act, we will prevent some 4,000 heart attacks, 4,300 emergency room visits, and 2.2 million lost work days every single year. By preventing all of these premature deaths and pollution-caused illnesses, merely implementing the Clean Air Act rules for industrial boilers will save, taking costs into account, between $20 billion and $52 billion annually.

My simple amendment would allow H.R. 2250 to go into effect if it didn't cause these illnesses and deaths. If in fact we can loosen regulations without any negative health consequences and without adding to health care costs that are already too high for most families, then by all means let's do it. By passing this amendment, my Republican colleagues can reaffirm their support for deregulation, provided that it doesn't injure or kill our constituents.

My amendment says, ''The administrator shall not delay actions to reduce emissions from waste incinerators or industrial boilers if such emissions are causing respiratory and cardiovascular illnesses and deaths.''

□ 1550

This ensures that, if H.R. 2250 passes, we won't be increasing the rate of respiratory disease or accepting more children to hospitals with asthma attacks. Since members of the majority claim to be equally concerned about the health of our constituents, I wanted to offer them the opportunity to affirm their interest in statute and pass this amendment.

I yield back the balance of my time.

Mr. WHITFIELD. Madam Chair, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. The gentleman's amendment would add a new section to H.R. 2250 directing the administrator to go on and implement the current boiler sector rules if emissions at industrial facilities are causing respiratory and cardiovascular illness and death, including heart attacks, asthma attacks, and bronchitis.

I would like, first of all, to mention that over the last 15 or 20 years, we've made remarkable progress in cleaning up the air. For example, ozone has been reduced by 14 percent, particulate matter by 31 percent, lead by 78 percent, nitrogen dioxide by 35 percent, carbon monoxide by 68 percent, sulfur dioxide by 59 percent.

This amendment targets specific health issues, respiratory and cardiovascular illness and death, and our bill, I would say, does direct that the EPA protect public health, jobs, and the economy. And that's what our legislation is all about—a more balanced approach.

I find it interesting that the Boiler MACT is all about regulating hazardous air pollutants, but yet, when EPA did their analysis of the benefits of the Boiler MACT rule, they did not include any benefit from reduction of hazardous air pollutants, and mercury, in particular. They indicated that all of the health benefits would be as a result of a reduction of particulate matter.

So the whole purpose of Boiler MACT is to deal with hazardous air pollutants. EPA has decided there was no real benefit from the reduction there, but it's all from particulate matter. So we oppose this amendment because we really don't think it's necessary.

The Clean Air Act sets out very clearly the protections for health and what is required. And we specifically object to this because it's identifying particular illnesses, and we think that EPA should look at a broad range of health issues and, for that reason, would respectfully oppose the gentleman from Virginia's amendment.

I yield back the balance of my time.

Mr. WAXMAN. Madam Chair, I seek recognition in support of the amendment.

The Acting CHAIR. Does the gentleman move to strike the last word?

Mr. WAXMAN. I seek recognition to speak in support of the amendment.

The Acting CHAIR. The gentleman strikes the last word, and he is recognized for 5 minutes.

Mr. WAXMAN. I don't wish to strike the last word. I want to speak in favor of the amendment.

Is that grounds for recognition?

The Acting CHAIR. Yes. The only way to gain recognition for debate is to strike the last word.

Mr. WAXMAN. Well, I will seek recognition to strike the last word. I didn't know I couldn't stand up during the debate on an amendment and speak in favor of the amendment, but I will take it.

The Acting CHAIR. This debate is under the 5-minute rule.

The gentleman is recognized.

Mr. WAXMAN. Under the 5-minute rule I am recognized, and I want the opportunity to respond to the comments that were just made.

My colleague from Kentucky keeps on saying that there will be no benefit from the EPA boiler rules in terms of health. Well, it's true that EPA didn't put a dollar figure on the potential

health benefits from reducing emissions of mercury, carcinogens, and other toxic pollutants, but that's not because there won't be any benefits.

Allow me to quote from EPA's regulatory impact analysis for the boiler rules: ''Data, resource, and methodological limitations prevented EPA from quantifying or monetizing the benefits from several important benefit categories, including benefits from reducing toxic emissions.''

Notice that this doesn't say that cutting hazardous air pollutants from boilers will have no benefits for public health.

What are the benefits of cutting mercury pollution here at home? Cutting mercury pollution from boilers and incinerators will reduce localized mercury deposition. Reducing mercury deposition is critical to reducing Americans' exposure to mercury from eating contaminated fish.

In 2000 EPA estimated that roughly 60 percent of the total mercury deposited in the United States comes from man-made air emission sources within the United States, such as power plants, incinerators, boilers, cement kilns, and other sources.

These numbers have changed slightly since 2000, but other studies have shown that there's an importance still in reducing local sources of mercury pollution. For example, one study by the University of Michigan and EPA found that the majority of mercury deposited at a monitoring site in eastern Ohio came from local and regional sources.

Mercury is a potent neurotoxin. Babies born to women exposed to mercury during pregnancy can suffer from a wide range of developmental and neurological problems, including delays in speaking and difficulties learning. Now, it's hard to translate that into dollars and cents. What is the value of allowing a child's brain to develop normally so that those children can reach their full potential?

But this is just common sense. Cutting the emissions of a powerful neurotoxin will help protect children's health. I don't know how anybody can honestly argue that allowing more mercury pollution is better for public health than less.

Overall, EPA estimates for the quantified benefits of the boiler rules likely underestimate the total benefits to society of requiring those industrial sources to clean up.

Now, EPA looked, as well, at what the rules would do in terms of the effect of reducing emissions of fine particle pollution which can lodge deep into the lungs and cause serious effects. Breathing particle pollution has been found to cause a range of acute and chronic health problems, such as significant damage to the small airways of the lungs; aggravated asthma attacks in children; death from respiratory and cardiovascular causes, including strokes, increased numbers of heart attacks, especially among the elderly and in people with heart conditions; increased hospitalization for cardiovascular disease, including strokes and congestive heart failure; and increased emergency room visits for patients suffering from acute respiratory ailments.

By cutting emissions of fine particles, EPA estimated that these rules will prevent up to 6,600 premature deaths, 4,100 nonfatal heart attacks, 42,000 cases of aggravated asthma, 320,000 days when people miss work or school each year.

EPA found that these rules will provide at least $10 to $24 in health benefits for every dollar in costs. That's a tremendous return on investment and doesn't even include the benefits of the toxic air pollution, toxic mercury pollution, which is harder to quantify but is there nevertheless.

So the amendment is straightforward. It states that the bill does not stop EPA from taking action to clean up air pollution from a dirty boiler or incinerator if that facility is emitting pollutants that are causing heart attacks, asthma attacks, and bronchitis or other respiratory and cardiovascular disease.

The Republicans argue that this bill is not an attack on the Clean Air Act or public health. They argue this bill won't prevent EPA from requiring boilers and incinerators to cut their pollution.

I disagree. So I support adding language to the bill making it perfectly clear EPA must act, and I urge my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONNOLLY of Virginia. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

□ 1600

AMENDMENT NO. 7 OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR (Mr. WOMACK). The Clerk will designate the amendment.

Is the gentleman offering amendment No. 7?

Mr. MARKEY. Amendment No. 7. I rise as the designee to offer amendment No. 7.

PARLIAMENTARY INQUIRY

Mr. WHITFIELD. I have a parliamentary inquiry.

The Acting CHAIR. The gentleman from Kentucky will state his inquiry.

Mr. WHITFIELD. Mr. Chairman, I'm not positive what the rules are here, but the gentleman from Massachusetts says that he has amendment No. 7, and in the list of amendments that we have, the sponsor of No. 7 is said to be Mr. QUIGLEY of Illinois.

Would the Chair be able to explain to me what the rules are in regard to that?

The Acting CHAIR. Does the gentleman from Massachusetts state that he is the designee for the gentleman from Illinois?

Mr. MARKEY. Yes, I am offering the amendment as the designee of Mr. QUIGLEY, which I think under the rules is permitted.

The Acting CHAIR. In response to the gentleman from Kentucky's inquiry the rule allows for a designee to offer the amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following section:

SEC. 6. PROTECTION FROM AVOIDABLE CASES OF CANCER.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities if such emissions are increasing the risk of cancer.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. Today the Republicans continue their war on the environment. This time we have episode 58 of the Clean Air Act Repealathon.

That's right, ladies and gentlemen who are listening. This is the 58th time the Republicans have voted to weaken the Clean Air Act this year. Today's episode guest stars excessive and unwanted appearances by neurotoxic mercury, carcinogenic dioxin, and deadly arsenic. This bill blocks and indefinitely delays implementation of the rules that would reduce emissions of these lethal air pollutants from industrial boilers and does so in total disregard for the devastating impacts these pollutants have on public health, particularly the health of infants and children.

We already know a lot about these substances. For instance, exposure to dioxin causes delays in motor skills and neurodevelopment in children, impacts hormones that regulate growth, metabolism and reproduction, and has been classified as a carcinogen by the World Health Organization and the National Toxicology Program. Chromium 6 was made famous by the movie ''Erin Brockovich,'' starring Julia Roberts. That chemical has been linked to stomach and other forms of cancer. And let's not forget mercury, a substance that is particularly harmful to children because it impairs brain development, impacting memory, attention and language, potentially leading to life-long disabilities. The mercury is released directly into the air we all breathe and finds its way into the food that we eat. In 2010, all 50 States issued fish consumption advisories warning

citizens to limit how often they eat fish caught in State waters because of mercury contamination.

This bill seeks to permanently eliminate EPA's ability to reduce these toxic emissions from industrial boilers and does so despite the fact that the American Boiler Manufacturers Association, the association that represents the very companies that design, manufacture, and supply the industrial boilers in question, oppose the Republican bill.

That's right, the companies that have stated that they stand ready and able to harness American ingenuity and technological might to design products that comply with EPA requirements in a timely and cost-effective manner oppose the Republican bill here today. And why? Because they believe this bill will only kill what they expect to be a new high-tech engineering and domestic manufacturing job explosion.

So the Republican bill will not only kill people, 6,600 additional deaths per year in the United States according to the EPA; it will also kill jobs.

My amendment is very simple. It just says that the Republican prohibitions on EPA reducing toxic air pollution in this bill are waived if these emissions are found to increase the risk of cancer. This amendment makes the choice very clear. If we adopt this amendment, EPA can continue with its plans to require the dirtiest industrial boilers and incinerators to clean up their cancer-causing emissions and do so while creating American jobs. So we saved 6,600 Americans from dying each year from their exposure to these neurotoxins; and at the same time, we create jobs in our economy.

That's what this is all about. The EPA just has to certify that the Republican approach will not lead to an increase in cancers. That's all that we ask the Members on the floor to vote on today.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chair, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Our good friend, the gentleman from Massachusetts, talks about the American Boiler Manufacturers Association being opposed to our bill. And that's true. But they don't speak for those who own and operate boilers. They speak for themselves because they manufacture boilers; and if this rule goes into effect, they're going to make a lot more money than they're making today.

The gentleman from Massachusetts also indicated that our legislation will weaken the Clean Air Act. There is not anything in our bill that would weaken the Clean Air Act, and I think that Congress has the responsibility to review and to have oversight over the decisions of EPA on regulations that they adopt. And precisely the reason why we're here with this legislation is because of the economic situation that we find ourselves in America today—we have a very high unemployment rate, we have a stagnant economy, and we have people without jobs.

We've had a lot of hearings on this Boiler MACT regulation issued by EPA, and people are saying that this regulation alone would put at risk 230,000 jobs nationwide. So we're not saying walk away and not protect the American people. We are simply saying let's hold back for just a moment. Let's go back and revisit this rule. Let's take 15 months for EPA to promulgate a new rule and then give the affected industries, universities, hospitals and other groups a minimum of 5 years to implement these new regulations.

And I might say that we heard testimony from the University of Notre Dame, because the first Boiler MACT rules went into effect in 2004, and in order to meet those regulations, the University of Notre Dame spent $20 million to meet those boiler rules and regulations. And then the environmental groups filed a lawsuit and said, hey, this is not stringent enough. We need to issue new rules, which is what EPA did.

So the University of Notre Dame, having spent $20 million already, is still not in compliance. They are going to have to come forth and spend more money. Their witness said that may very well cause them to increase their tuition costs, which makes it more difficult for young people to go to college.

The gentleman from Massachusetts also talked about mercury. And I would reiterate, once again, that when EPA did their analysis, they did not come up with any health benefits because of the reduction in mercury as a result of their Boiler MACT rule. The only health benefits that they pointed out were related to particulate matter, reduction of particulate matter, not mercury; and I'm not aware of any scientific causal connection that specifically says that in this instance 6,600 more people are going to die each year because we delay the implementation of the Boiler MACT rule. And that's one of the reasons that a lot of independent third-party groups have serious questions about EPA's analysis.

□ 1610

How do you know for a fact, without any contradiction, that 6,600 people are going to die each year if this is delayed, or that there are going to be X thousands of people who are going to have heart attacks who wouldn't have had them before?

Because of all of those reasons, we simply believe that this legislation is a commonsense approach: protect jobs, protect health, revisit the issue, come out with a new rule, and give industries, universities, hospitals time to comply. That's all that we're asking for. For that reason, I would respectfully oppose the amendment of the gentleman from Massachusetts, which was introduced by Mr. QUIGLEY of Illinois.

I yield back the balance of my time.

Mr. WAXMAN. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Mr. Chairman and my colleagues, we just heard from the chairman of the subcommittee handling this bill, and there are two statements that are just absolutely inaccurate.

He said this bill does not weaken the Clean Air Act. I don't know what weakening the Clean Air Act means to him, but when we say that we're going to nullify the standards EPA set under the Clean Air Act, that weakens the Clean Air Act. When we say that we're going to eliminate the deadlines for compliance, that weakens the Clean Air Act. When we say that EPA can set regulations but that they have to use a different standard, that certainly weakens the Clean Air Act.

The other statement that was just made that is absolutely erroneous is that we don't get any health benefits from reducing the toxic pollution, and that is just not true. Reducing the toxic pollutants is aimed at protecting the public health from toxic, dangerous, poisonous chemicals—mercury and carcinogens. These are toxic pollutants, and reducing them will help the public health.

Again the statement was made inaccurately that EPA didn't find any health benefits. That is not true. EPA said they could not quantify the health benefits. How do you quantify a life that can be lived longer? How do you quantify a child who will not be impaired in learning and thinking? How do you quantify the damage that can be done from the toxic air pollutants?

I think both of those statements are inaccurate.

This amendment says, in effect, that if we're going to have an increase in cancer as a result of what is called for by the author of this bill, or from the proponents of this bill, then we're not going to let this bill go into effect. I think that's a commonsense approach.

So I would urge support for the amendment being offered by the gentleman from Massachusetts. I think it's the right approach, and it underscores the wrong approach taken by the authors of this bill.

Mr. MARKEY. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Again, the EPA has estimated that delaying the boiler air pollution rules could cause upwards of 6,600 deaths per year. That's the estimate, but that might be lowballing the number. We all know that parents out there are very concerned about what their kids are breathing in, especially if they live near these kinds of facilities that are spewing this stuff up into the atmosphere. They know how kids can be very vulnerable to this going into their systems as they're growing up.

So to say that there is no health effect and that it can't be specifically quantified—that it's 6,602 as opposed to 6,605—doesn't mean that they haven't come up with a number, 6,600, that approximates what could happen in terms of the number of deaths that are caused by having this bill go on the books.

Mr. WAXMAN. The gentleman is absolutely correct.

Make no mistake about it. H.R. 2250 has real legal effects, and those effects weaken our protections from air pollution and harm the health of all Americans, especially our children. No matter how many times Republicans may want to say that the bill won't harm health and that it doesn't weaken health standards, it just simply is not accurate.

So I urge support for this amendment, and I yield back the balance of my time.

Mr. WHITFIELD. I move to strike the last word.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I just want to make one comment.

I made the comment that the EPA did not quantify any health benefit from the reduction of mercury. I might also say that, in the court case, EPA tried to delay the Boiler MACT rule itself. In this legislation, because they lost that court case, we are simply saying we think you're right, that you do need to take a little bit more time. For that reason, I would respectfully oppose the amendment.

I yield back the balance of my time.

PARLIAMENTARY INQUIRIES

Mr. WAXMAN. Mr. Chairman, a point of parliamentary inquiry.

The Acting CHAIR. The gentleman from California will state his inquiry.

Mr. WAXMAN. I just have a question about the parliamentary manner in which the debate is being handled.

When I asked the other day for time to speak on the bill, I was recognized for 5 minutes. Then I asked to strike the last word so I could speak again, and it was subjected to a unanimous consent request. That wasn't the request for the gentleman from Kentucky to be given an additional 5 minutes, which I would not have objected to, but I just wonder, what are the standards in terms of having a Member speak twice in the debate?

The Acting CHAIR. The gentleman from Kentucky claimed the 5 minutes of time that is allowed for opposition. He then moved to strike the last word, and was recognized for 5 minutes on his pro forma amendment.

Mr. WAXMAN. So the rule is that any Member can speak on the amendment and also strike the last word and have two 5-minute timeframes?

The Acting CHAIR. Only if the first 5 minutes is allocated to speak in opposition.

Mr. WAXMAN. I asked a while ago to speak in favor of an amendment. I was told that I had to strike the last word.

Can the Chair explain to me why I have to strike the last word to speak in favor of an amendment, and if I spoke in favor of an amendment, would I have an opportunity to speak in striking the last word?

The Acting CHAIR. To be clear, the proponent is recognized for 5 minutes, and the member who shall first obtain the floor in opposition is recognized for 5 minutes. Then other Members may move to strike the last word.

Mr. WAXMAN. Only?

The Acting CHAIR. Only.

Mr. WAXMAN. Thank you very much, Mr. Chair, for that clarification.

Mr. WHITFIELD. I have a parliamentary inquiry.

The Acting CHAIR. The gentleman from Kentucky will state his inquiry.

Mr. WHITFIELD. I want to thank the gentleman from California for raising this issue.

So, to make sure I understand, if our respected colleagues offer an amendment on that side and take 5 minutes to explain their amendment, then someone on our side can claim time in opposition, and we would get 5 minutes; is that correct?

The Acting CHAIR. An opponent is entitled to 5 minutes.

Mr. WHITFIELD. In addition to that, if we come back later and strike the last word, we would get another 5 minutes if we desire to do so. Is that correct?

The Acting CHAIR. The gentleman is correct.

Mr. WHITFIELD. I thank the Chair.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. EDWARDS

Ms. EDWARDS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that, according to the Environmental Protection Agency's analysis of the impacts of the final rules specified in section 3(b)(1) and section (3)(b)(2) on employment, based on peer-reviewed literature, such rules would create 2,200 net additional jobs, not including the jobs created to manufacture and install equipment to reduce air pollution.

The Acting CHAIR. The gentlewoman from Maryland is recognized for 5 minutes.

Ms. EDWARDS. Mr. Chairman, there is a strong sense of deja vu here in the Chamber today.

Last week, we gave power plants—the number one source of airborne mercury—free rein to spew neurotoxins and other hazardous materials into the air we breathe. The other day, we repealed EPA's standards for cement kilns—the second-largest source of mercury in our air. Now here we are again, proposing to preemptively block EPA from finalizing rules that limit pollution coming from the third-largest mercury emitters—industrial boilers and waste incinerators.

Mr. Chairman, House Republicans seem bent on eviscerating the Clean Air Act, turning back the clock on 40 years of progress in health, technological innovation, economic expansion, and job growth. Yes, job growth. Contrary to the belief of my colleagues on the other side, protecting our environment and our health doesn't stifle jobs; in fact, it saves jobs. That's because, when you develop, manufacture, and implement environmental technologies, it's labor intensive. That explains why during this same period that the Clean Air Act kept more than 1.7 million tons of poisonous chemicals out of our lungs that it also contributed to 207 percent increase—that's right, 207 percent—in the Nation's GDP.

□ 1620

So that is why I am offering an amendment today, to acknowledge that this bill, H.R. 2250, will block rules that would have created at least 2,200 jobs. This number is a very conservative estimate. It doesn't count the good-paying jobs that would come from increased demand for the manufacture and installation of pollution control devices. It doesn't count the benefits to industry of improved worker productivity due to the 320,000 sick days avoided by reducing pollution under the rules. But even conservatively, it puts 2,200 Americans back to work.

So I would like to ask my colleagues on the other side who are supporting this legislation to eviscerate the standards, at a time when we have 14 million Americans unemployed, Mr. Chairman, why in the world would you chip away at a law that has helped to stoke the American economy for 40 years and put millions of people back to work?

Study after study has actually documented the connection between employment and environmental regulations, and the facts really speak for themselves. The four most heavily regulated industries—pulp and paper, refining, iron and steel, and plastics—have seen a net increase of 1.5 jobs for every $1 million they spend on complying with standards. These are also some of the biggest users of industrial boilers and incinerators that are, in fact, the subject of this bill.

One single rule, the first phase of the Clean Air Interstate Rule, has brought 200,000 new jobs in the air pollution control industry just in the past 7 years, an average rate of 29,000 additional workers employed each year.

And keep in mind, Mr. Chairman, we have a Congress, a Republican-controlled Congress, that actually hasn't created one job. The boilermaker workforce, a group that is directly affected by the air quality standards wiped out by this bill, actually grew 35 percent between 1999 and 2001 simply because more stringent pollution controls had to be installed to meet the EPA's regional nitrogen oxide reduction standards.

The U.S. environmental technologies and services industry employed 1.7 million workers in 2008 and exported some $44 billion worth of goods and services. That's a fourfold increase over 1990, when the Clean Air Act was amended. So here we have a thriving international market for these goods and services, estimated at more than $700 billion—on par, actually, with the aerospace and pharmaceutical industries—and this Congress, this Republican Congress actually wants to destroy that. Unbelievable.

Mr. Chairman, the U.S. is recognized as a world leader in technologies like pollution monitoring and control equipment, information systems for environmental management and analysis, engineering, and design. We became a leader because the Clean Air Act and other environmental legislation has actually challenged us to innovate. We answered that challenge. Americans answered the challenge, and, as a result, our share of the global market is actually growing. In fact, we had a net trade surplus of $11 billion in environmental technologies in 2008. This is good business, Mr. Chairman, and so it's ironic that the people around the world are eager to reap rewards on superior American ingenuity and know-how while this Chamber is bringing forward a bill today that would deprive the American people of the rewards and benefits of that ingenuity.

Look, Congress can and has to do better. The American people are expecting it. In fact, we depend on it. And so here we are again, 14 million people unemployed, millions in poverty, when we could be creating jobs, but, instead, we're destroying them.

I want to urge all my colleagues to support my amendment. And, as Members of this Chamber, Republicans and Democrats alike, it's time for us to join together in putting the country first, and together we can get America back to work.

I yield back the balance of my time.

Mr. WHITFIELD. I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. The amendment offered by the gentlelady from Maryland would require that we adopt a finding by the EPA that its boiler and incinerator rules will create 2,200 net jobs. The reason that we respectfully oppose that is because that is EPA's analysis. And from hearings and from independent groups, we do question the models that were used; we question the assumptions made; we question the lack of transparency in some of EPA's numbers.

But more important than that, we've had the Council of Industrial Boiler Owners, who—you may or may not agree with their numbers, but they have concluded that these rules would put at risk over 230,000 jobs. So the EPA is saying, well, you are going to gain 2,200. They are saying that you are going to put at risk 230,000. Then we had the American Forest & Paper Association, who concluded that they are putting at risk, under these new rules, over 20,000 jobs. We may be picking up 2,200, but you are going to put at risk 230,000 plus 20,000 more.

Then the whole argument that this administration seems to be making a lot of is that, if you issue regulations and you put additional requirements in, then you create jobs. But yet I believe that many people would say, in the history of our country, we've become a strong economic power because we've had individuals willing to invest money, to be innovative, to be free marketeers, to go out with a new product, produce it, create jobs, and that creates wealth and increases our gross domestic product.

But now we seem to be having this argument that, well, if we have more regulations, we will create more jobs. And I would say to you that EPA, over this last year, has been the most aggressive in recent memory. They have had about 12 or 13 major regulations, and we still find that our unemployment rate nationwide is around 9.1 percent. So if all of these regulations are creating all of these new jobs, where are they?

So for the simple reason that this amendment would require us to put in a finding that this regulation will create 2,200 net additional jobs, when we have testimony, when we have witnesses, when we have documentation that the affected industries would put at risk many more thousands of jobs than would be gained, I would respectfully oppose the gentlelady from Maryland's amendment.

I yield back the balance of my time.

Mr. WAXMAN. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. I want to counter the statement that was just made.

We have an estimate from the boiler industry association, and they say that there is going to be a loss of jobs, and that was what was cited by my friend from Kentucky. But EPA did a very careful, rigorous 251-page economic analysis and found that the boiler rules issued in February would be expected to create over 2,000 jobs, which is the finding that the author of this amendment would have us put in the legislation.

Unlike the industry studies, EPA had to follow guidelines and use a transparent analysis and subject it to public comment. EPA determined that the boiler rules would create a net 2,200 jobs, not including jobs created to manufacture and install air pollution equipment.

Of course the boiler rules do more than just create jobs. They prevent up to 6,600 premature deaths, 4,100 nonfatal heart attacks, 42,000 cases of aggravated asthma. So that means that we are going to have a healthier workforce and a more efficient economy. EPA also found the boiler rules will provide at least $10 to $24 in health benefits for every $1 in costs.

But the Council of Industrial Boiler Owners put out this study, estimating the standards would lead to 338,000 to 800,000 lost jobs. Well, that was their analysis. But this analysis wildly overstated the impact of these rules by inflating the costs, ignoring the job growth resulting from investment in pollution control equipment, and ignoring the fact that business can innovate and adapt to pollution control standards.

So the nonpartisan CRS, Congressional Research Service, examined the industry study, and they said the basis of this CIBO study, the Council of Industrial Boiler Owners, was flawed; and, as a result, the Congressional Research Service said little credence can be placed in their estimate of job losses.

□ 1630

The National Association of Clean Air Agencies also reviewed the study. These are the people who implement the standards at the State and local levels. They found the industry study assumptions about the number of sources that would need to make changes to comply were grossly in error. Now, even though the Council on Boiler Owners' study has been thoroughly debunked, this week the Republicans circulated a ''Dear Colleague'' citing this study and using it to provide numbers of potential jobs at risk. And that, of course, has been the basis for the statement that has been made during the course of today's debate.

That's why this amendment is important. If the Republicans insist on referencing flawed industry studies citing job losses, then we should ensure that EPA's peer-reviewed analysis showing the potential for job growth is included in the RECORD as well.

The amendment before us does not change the underlying bill in a substantive way. It still nullifies the boiler rules and all of the health benefits these rules would provide. But the amendment before us simply ensures that the bill's text includes a simple fact: EPA estimates that the boiler rules will create jobs, not destroy them.

I would like, at this point, to ask the gentleman from Kentucky what other sources he has for his claim that there would be job losses, other than the study by the Council of Industrial Boiler Owners. He said that they had their

report, but this was verified by other independent sources. What other sources can verify what the CIBO states, based on their study which has been found to be flawed?

I would yield to the gentleman to cite any other information.

Mr. WHITFIELD. I thank the gentleman from California.

You're accurate. The Council of Industrial Boiler Owners was one. Also information we've received from the five labor unions on this issue point out some numbers. And then the other one was AF&PA, American Forest & Paper Association. And then we have a letter from Smucker's and a few other industries.

Mr. WAXMAN. Okay. Let me point out I have a statement by the American Boiler Manufacturers Association. These are the companies that actually design, manufacture and supply the commercial, institutional, and industrial boilers.

The Acting CHAIR. The time of the gentleman has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 30 additional seconds.)

Mr. WAXMAN. They said it is imperative that the rulemaking process—already under way for a decade—goes forward unencumbered by congressional intrusion and that final regulations be promulgated as soon as possible to alleviate continued and further confusion and uncertainty in the marketplace and to begin generating what we expect will be the new high-tech engineering and domestic manufacturing jobs in the boiler and boiler-related sectors.

I submit that this is a reason to vote for this amendment, and what we've had are arguments that have come from a self-interested group based on a study that was found to be a flawed study. So I urge support for the amendment.

AMERICAN BOILER MANUFACTURERS ASSOCIATION,
Vienna, VA, October 10, 2011.

TO MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES: The American Boiler Manufacturers Association (ABMA)—the companies that actually design, manufacture and supply the commercial, institutional, industrial boilers and combustion equipment in question—strongly opposes H.R. 2250, the EPA Regulatory Relief Act of 2011 and any legislation that would further delay, by legislative fiat, the ongoing EPA rulemaking process now playing itself out with respect to the National Emission Standards for Hazardous Air Pollutants for Major and Area Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters rules.

It is imperative that the rulemaking process—already under way for over a decade—goes forward unencumbered by Congressional intrusion and that final regulations be promulgated as soon as possible to alleviate continued and further confusion and uncertainty in the marketplace and to begin generating what we expect will be new, high-tech engineering and domestic manufacturing jobs in the boiler and boiler-related sectors.

The U.S. boiler and combustion equipment industry—with decades of experience and expertise in meeting tough state, local, regional and national air-quality codes, standards and regulations with innovative and real-world design solutions—stands ready and able to help those affected by these rules to comply with them in a timely and cost-effective manner. Further delays, over and above those already extended by EPA, will not necessarily result in improved rules; they will only exacerbate future compliance issues and costs; labor and materials costs are currently stable and domestic boiler and combustion equipment manufacturing capacity is available now to service the full range of compliance options available under the new rules—from simple boiler tune-ups and system upgrades and optimizations to system replacement.

The types of clean, efficient, fuel-flexible, cost-effective and technologically advanced products and equipment that can be supplied by the U.S. boiler manufacturing industry are critically important for long-term public health, environmental quality and business stability. The ABMA urges you to vote against H.R. 2250, to let the rulemaking process within EPA go forward without Congressional interference, and to cast aside any further delaying tactics or excuses that only serve to retard growth, defer job creation and spawn confusion.

Sincerely,

W. RANDALL RAWSON,
President/Chief Executive Officer.

Mr. GRIFFITH of Virginia. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRIFFITH of Virginia. Thank goodness, ladies and gentlemen, we don't have to check our common sense at the door and rely on the EPA to be the pinnacle of common sense and reason in this body.

We are asked what sources do we have, and you heard the gentleman from Kentucky name off sources; but it only takes common sense to understand that when you represent a district like mine, where many of the communities are separated by rivers and mountains, that to comply with the current EPA rules on boilers, which would require many changes and may require new gas pipelines to go to existing job sites, that you cannot accomplish that in 3 years.

And if you cannot accomplish it under the current rules in 3 years, you need a bill like H.R. 2250 to make sure that you have time to be able to get the easements necessary, perhaps even through condemnation process and lawsuits, to bring in that natural gas pipeline so that your factory can stay open.

And if you can't do it in 3 years and the law says you have to do it in 3 years, with the possible extension of 1, and you're looking at the opportunity to keep jobs here or not be able to comply, face big fines or move that factory to a country that wants your jobs instead of what the EPA in this country appears to want, which is our jobs to go overseas, then common sense tells you that there's no way that these strict Boiler MACT rules with a 3-year implementation time will create 2,200 net jobs. It doesn't take geniuses to figure that out. It doesn't take huge studies to figure that out. What it takes is common sense, and thank goodness we can rely on common sense.

In regard to the letter by the American Boiler Manufacturers Association, a company that makes money either way, whether they get this bill passed and they sell their products overseas or they sell their products in this country, I have to tell you, I was affronted by their language that was just repeated on the floor where they talked about congressional intrusion.

Congressional intrusion? Does the EPA make the laws of this country, or does the Congress of the United States make the laws? I believe the Congress of the United States makes the laws of this country; and when we see something that is bad for America, it is our job to intervene and make the proper decisions for the United States of America, and it is not intrusion to do our job.

It's not intrusion to tell the EPA: We were the ones elected by the people, not the EPA; and that we are the folks who have to bring our common sense to bear and recognize that we have an obligation not only to the environment, but to make sure that our people have the money to be able to afford to heat their homes, to be able to afford to feed their families, and to be able to afford to seek the American Dream like we had the opportunity and our parents had the opportunity.

Ms. EDWARDS. Will the gentleman yield?

Mr. GRIFFITH of Virginia. I yield to the gentlelady from Maryland.

Ms. EDWARDS. Just one question for the gentleman. I wonder if there is any time frame at all that would be acceptable for the implementation of standards that would save lives and create jobs?

Mr. GRIFFITH of Virginia. I would say to the gentlelady that the bill says there's to be a 5-year period. It can be extended, but there has to be a conclusion at some point. The bill calls for that.

But the administrator of the EPA, and unless we assume that the administrator of the EPA is just going to say nobody has to finish any time, can take a look on a case-by-case basis; and if it's going to take a little bit longer to get the job done, then they can make a real-world decision that has real work effects positively on jobs instead of a blanket decision that makes it impossible for businesses to be able continue to employ people that they may have employed in this country for decades and not force those people to go overseas.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Maryland (Ms. EDWARDS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. WHITFIELD. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentlewoman from Maryland will be postponed.

AMENDMENT NO. 1 OFFERED BY MS. SCHAKOWSKY

Ms. SCHAKOWSKY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that mercury released into the ambient air from industrial boilers and waste incinerators addressed by the rules listed in section 2(b) of this Act is a potent neurotoxin that can damage the development of an infant's brain.

The Acting CHAIR. The gentlewoman from Illinois is recognized for 5 minutes.

Ms. SCHAKOWSKY. Last week I offered an amendment that gave us the opportunity to demonstrate that we are aware of the impacts of our actions. We failed to take advantage of that opportunity, and today we have another chance, and I hope we will take it.

My amendment simply includes in the findings section of the bill, creates a findings section, if you will, the scientific fact that mercury released into the ambient air from industrial boilers and waste incinerators is a potent neurotoxin that can damage the development of an infant's brain. That's what the amendment says. It inserts the following section into the findings, and it says the Congress finds that mercury released into the ambient air from industrial boilers and waste incinerators addressed by the rules listed in section 2(b) of this act is a potent neurotoxin that can damage the development of an infant's brain.

Mercury is one of the most harmful toxins in our environment. Forty-eight tons of mercury is pumped into our air each year, threatening one in six women nationwide with dangerous levels of mercury exposure. Pregnant women, infants, and young children are most vulnerable to mercury poisoning, which harms a developing child's ability to walk, talk, read, write, and comprehend.

□ 1640

Developing fetuses and children are especially at risk, as even low-level mercury exposure can cause adverse health effects. Up to 10 percent of U.S. women of childbearing age are estimated to have mercury levels high enough to put their developing children at increased risk for cognitive problems.

During the debate on my mercury findings amendment last week, my friend Mr. WHITFIELD stated, ''The scientific understanding of mercury is certainly far more complicated than is reflected in this finding that asks to be included in this bill.'' I really don't know what he finds so complicated. The science is very straightforward.

In 2000 the National Academy of Sciences issued a report on the toxic effects of mercury. Over and over, the report details the toxicity of mercury in very stark terms. ''Mercury is highly toxic. Exposure to mercury can result in adverse effects in several organ systems throughout the lifespan of humans and animals. There are extensive data on the effects of mercury on the development of the brain in humans and animals.'' High-dose exposures can cause ''mental retardation, cerebral palsy, deafness, and blindness'' in individuals exposed in utero, and sensory and motor impairment in exposed adults.

''Chronic, low-dose prenatal mercury exposure from maternal consumption of fish'' has been associated with impacts on attention, fine motor function, language, and verbal memory. Overall, data indicate that ''the developing nervous system is a sensitive target organ for low-dose mercury exposure.

''Prenatal exposures interfere with the growth and migration of neurons and have the potential to cause irreversible damage to the developing central nervous system.''

What is so complicated about that?

The EPA industrial boiler and waste incinerator standards would reduce this major threat without undue burden to industry. The legislation we consider today will block EPA's efforts. It will send EPA back to the drawing board with new, untested, and legally vulnerable guidance for setting air pollution standards. And most troubling, it will indefinitely delay any requirement to actually reduce pollution from industrial boilers and waste incinerators.

The gentleman said there has to be an end date. This legislation says there doesn't have to be an end date.

My colleagues across the aisle talk a lot about not wanting to burden the next generation with debt. Where is their concern with burdening the next generation with reduced brain capacity? But even considering the very serious policy differences we have today, my amendment should be noncontroversial. It would not alter the goals or the implementation of the pending legislation. It simply recognizes what scientists and the public health community tell us about mercury.

We will never be able to bridge our policy differences if we can't even agree on basic facts of science. H.R. 2250 patently ignores the scientifically proven fact that mercury exposure inhibits brain development, especially in infants. If we are prepared to pass legislation that would jeopardize the health of children, we should be willing minimally to acknowledge the scientific fact that EPA inaction poses a serious health risk.

Last week we failed to meet our obligation to recognize the consequences of our actions. Let's not repeat this mistake. I urge my colleagues to support this amendment that simply puts a scientific fact into the legislation.

I yield back the balance of my time.

Mr. WHITFIELD. I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I certainly have great respect for the gentlelady from Illinois. Her amendment basically reads that the Congress finds that mercury released into the ambient air is a potent neurotoxin. From the hearings that we've had and the discussions that we've had and the documents that we have seen, the scientific understanding of mercury seems to be more complicated, as reflected in her amendment.

Now, why do I say that? I say that because your amendment says, mercury released into the ambient air. It's our understanding that methylmercury is the neurotoxin. That mercury released into the ambient air alone is not a neurotoxin. For that reason, we would oppose the amendment, because there's a difference in methylmercury and pure mercury.

One other comment that I would make is that our legislation does provide a minimum of 5 years to comply with the new rules that EPA may come forth with. And it can go beyond that, but that would be at the total discretion of the administrator of EPA. For that reason, we really certainly do not have any concern that it would never be set with a firm deadline. In fact, in the legislation we say the compliance deadline shall be set a minimum of 5 years and the administrator may allow it to go further than that. So the argument that it would go on forever and ever, we genuinely believe is pretty remote. The simple reason, as I stated, about the scientific assumption, the scientific understanding of the difference in mercury and methylmercury is the reason we would respectfully oppose the amendment setting that in the finding.

I yield back the balance of my time.

Mr. WAXMAN. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. This amendment simply states a scientific fact: Mercury is a potent neurotoxin that can damage the development of an infant's brain. In 2000, the National Academy of Sciences concluded that the data linking neurodevelopment effects to mercury exposure is extensive. So what do we hear from the Republican side of the aisle? Science denial. When we talked about climate change and all the impact of the greenhouse gases, they said there's no problem. Science denial.

Well, let me just say that the Republican majority in the House can vote to amend the Clean Air Act, but they cannot vote to amend the laws of nature. Babies born to women exposed to mercury during pregnancy can suffer from

a range of developmental and neurological abnormalities, including delayed onset of walking, delayed onset of talking, cerebral palsy, and lower neurological test scores. The National Academy of Sciences estimates each year about 60,000 children may be born in the U.S. with neurological problems that could lead to poor school performance because of exposure to mercury in utero. The effects of mercury exposure in utero are insidious and long term.

Now, why are we hearing that this isn't a scientific fact? Well, I heard a distinction of mercury and mercury when it's mixed with other chemicals. I think what we have here is, make up the science as you go along but deny the science that the scientists have worked for decades establishing.

Boilers and incinerators are one of the largest sources of airborne mercury pollution in the U.S. For far too long they have been allowed to pollute unabated. And now the Republican leadership wants to nullify the rules that EPA finalized to cut emissions of mercury and other toxic air pollution from boilers and incinerators. These rules were more than a decade late. The Republicans say, Well, let EPA start the rulemaking process all over again. Let them comply with a different standard. We're going to amend the law to provide a different standard. The different standard should not be to use the maximum available control technology but something that is the lowest risk of harm or cost to the industry.

The Republicans keep trying to justify this bill by saying that the public health benefits of cutting mercury pollution here at home aren't significant enough to justify the costs. Well, I think we're talking about Science 101. This is not a subject to debate. Mercury is a known neurotoxin. So I ask those that support this bill, Are you going to vote against what scientists say is a fact? Many of you voted earlier this year to reject the overwhelming science linking carbon pollution to climate change. I hope the Republicans are not going to do the same thing now by rejecting what every public health expert knows—mercury is a poison.

□ 1650

I yield to the gentlelady from Illinois.

Ms. SCHAKOWSKY. I thank the gentleman for yielding.

I would like to ask my friend, Mr. WHITFIELD, since we're now talking about mercury or methylmercury, if the amendment that I offered read, instead of the way it does, ''If Congress finds that mercury released into the ambient air from industrial boilers and waste incinerators becomes a potent neurotoxin that can damage the development of an infant's brain''—because that's what happens. The mercury, if you want to pick the semantics of it, becomes methylmercury—then we could make it that way.

Mr. WAXMAN. Well, let me yield to the gentleman from Kentucky. Maybe he'll be satisfied with that change because you're stating it in a very clear, unequivocal way as a scientific finding.

Would the gentleman from Kentucky be willing to agree to that statement of the issue?

Mr. WHITFIELD. Would the gentlelady repeat what she is suggesting?

Ms. SCHAKOWSKY. Instead of saying that the mercury that's released is a potent neurotoxin, I say, ''becomes a potent neurotoxin that can damage the development of an infant's brain,'' because that is the science. That's what happens.

Mr. WAXMAN. I yield further to the gentleman from Kentucky.

Mr. WHITFIELD. Well, let me just ask a parliamentary inquiry here. What is the parliamentary procedure if we were to attempt to do something like that?

Mr. WAXMAN. Well, let's worry about that later.

How about the substance of that change? Would you be willing to accept that change in the findings on the legislation?

Mr. WHITFIELD. What I go back to is that, in EPA's own analysis, they indicated that they—

The Acting CHAIR. The time of the gentleman from California has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 1 additional minute.)

Mr. WAXMAN. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. They indicated that there was no quantifiable benefit from the reduction of mercury.

Mr. WAXMAN. Well, this amendment wouldn't change the bill. This amendment simply says that mercury has the potential to be a neurotoxin that could affect children.

Mr. WHITFIELD. Has the potential.

May I ask a parliamentary inquiry?

The Acting CHAIR. Does the gentleman from California yield for that purpose?

Mr. WAXMAN. Well, let me ask, if we had a unanimous consent request, could we change the amendment? As I understand it, we could.

The Acting CHAIR. The proponent may modify her amendment by unanimous consent.

Mr. WAXMAN. I yield to the gentleman if he wishes to seek a unanimous consent request in that regard. Apparently, there is an objection.

Reclaiming my time for the moment that I have left, what we are seeing is Republicans unwilling to say anything that has been scientifically established. They're willing to deny the science and do anything in order to serve the interests of the industry. And I think we ought to have the finding in the bill since it does not affect the functions of the bill, itself.

I urge support for the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. WHITFIELD. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Illinois will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. ELLISON

Mr. ELLISON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 24, insert '', except that the date for compliance with standards and requirements under such regulation may be earlier than 5 years after the effective date of the regulation if the Administrator finds that such regulation will create more than 1,000 jobs'' after ''regulation''.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. ELLISON. Mr. Chair, my amendment is very simple. What it says is that if the EPA administrator finds that the regulation creates more than 1,000 jobs, then the administrator can shorten the 5-year delay which the bill would impose.

So, very simply, the EPA administrator can come forward and say, look, 1,000 jobs have been created by this, and therefore this delay of 5 years will be shortened. That's all the amendment calls for. And in a time when we have such tremendous need for jobs in America, I would think that if the EPA can identify 1,000 jobs created in connection with this rule, then we should certainly be able to shorten the 5-year period of delay.

So I ask for support for this amendment because I'm sure that everybody on both sides of the aisle agrees wholeheartedly with job creation.

And there has been, I believe, a false choice offered to the American people. And this false choice is very simple to describe, and that is that we can either have rules that limit emissions from boilers or we can have jobs, but, according to some people in this body, we can't have both. We can't have both clean lungs, be free of mercury, be free of other neurotoxins and contaminants, and have jobs. I argue we can have both. And if the EPA administrator can demonstrate that there are jobs created here, then the 5-year period should in fact be shortened.

I argue that what we need to do here is to stand for jobs. And according to EPA, what we have seen is that this underlying rule, which would be delayed by the bill, actually will create and has been estimated to create up to 2,200 jobs. So let's see if that's actually right. Let's see if the proposal, as set forth by the rule, would create jobs as the EPA administrator says it will. And if it does, we should say let's go forth.

The economic impact of the boiler regulation is exceptionally positive.

The EPA's data shows that by reducing the particulate matter pollution from industrial boilers we will generate net economic benefits of $22 billion to $56 billion every year. So why wouldn't we want to take full advantage of that economic activity, as all of us are concerned about jobs.

The over 40 years of success of the Clean Air Act have demonstrated that strong environmental protections and strong economic growth go hand in hand. They are not one versus the other. They go together. Since 1970, the Clean Air Act has reduced key pollutants by more than 70 percent while, at the same time, the economy has grown by over 200 percent. So much for the claim that regulation kills jobs. That's not true. It's not right. It's inaccurate. And I say, by supporting my amendment, we can see who's right.

I see no reason why the Republican majority wouldn't support my amendment if they believe, as they claim, environmental regulations hurt jobs. We have a chance to see. And I want to see if people really believe what they claim, and they can demonstrate their commitment to what they argue by supporting my amendment.

The benefits outweigh the projected costs of compliance by as much as 13 to 1 in this case.

The misleading report from the Council of Industrial Boiler Owners claims that over 300,000 jobs are at risk. This is wrong. The National Association of Clean Air Agencies found that the industry commission report is based on exaggerations and omissions. The report from the industry substantially overestimates the cost of compliance with regulation. And the boiler owners have ignored many benefits of the rule—thousands of new jobs to install and operate and maintain pollution control equipment.

The public health benefit, that is nearly $40 billion a year. Creating green economy jobs to make our air cleaner would create jobs throughout the supply chain—for example, installing and operating scrubbers.

So it's important that we make jobs the focus of our work here in Congress. The Republican majority has seen fit not to introduce any jobs bills during its time as the majority. Here's an opportunity to say, if you really believe that regulations kill jobs, vote for my amendment and we will be able to see, because the administrator, if 1,000 jobs can be generated, will be able to delay this rule.

Now, if you really don't believe it and you just want to do what the boiler owners want, then of course you will vote ''no.'' But if you really believe what you say, you will vote ''yes.''

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I respectfully oppose this amendment and ask that it be defeated.

Once again, we're hearing the argument that if you have enough regulations, you're going to create jobs. And the gentleman referred to EPA's estimate that there may be a net gain of 2,200 jobs as a result of this regulation. But when you look at the Council of Industrial Boilers, when you read the documentation from labor unions, from the forest paper products, from the universities, they say there are at risk, as a direct result of this regulation, in excess of 280,000 jobs.

□ 1700

So for us to be doing these minor changes, if the EPA administrator finds they will create more than 1,000 jobs—the real reason, though, that we're opposed to this amendment is that, under the Clean Air Act, boilers already have 3 years to comply, and incinerators have 5 years to comply. We want boilers and incinerators to have a minimum of 5 years to comply. We think that that provides certainty. It certainly reflects the testimony and our concern from witnesses who testified at all of the hearings that they, in many instances, need 5 years. The EPA administrator may allow it to go longer than that if he or she chooses to do so.

But I don't believe that regulation creates jobs. And I think most of the testimony would indicate that there are more jobs at risk as a direct result of these regulations. For that reason, I would oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. ELLISON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ELLISON. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

AMENDMENT NO. 19 OFFERED BY MR. WELCH

Mr. WELCH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that the American people are exposed to mercury from industrial sources addressed by the rules listed in section 2(b) of this Act through the consumption of fish containing mercury and every State in the Nation has issued at least one mercury advisory for fish consumption.

The Acting CHAIR. The gentleman from Vermont is recognized for 5 minutes.

Mr. WELCH. Mr. Chairman, we have an ongoing debate in this Congress about regulation. My friends on the Republican side believe we have too much. Those of us on the Democratic side think we need careful regulation. We shouldn't have too much, but we shouldn't abolish it all together.

An appropriate regulation levels the playing field for our businesses and industries, but it also gives a fair shot to the health, safety, and concerns of our people who have no control over the production processes and how those may affect their health.

The issue presented in my amendment is not about a regulation, but it's related to the effort to roll back regulations at any cost and at any price and whatever the consequences. My amendment would include in the bill a finding that the American people who are exposed to mercury from industrial sources, addressed by the rules listed in section 2(d), through the consumption of fish containing mercury face a health hazard. There really is no dispute about that, scientifically or medically.

So the question may be, why do we need the finding? The reason we need the finding is because we have to acknowledge when industrial processes actually create health risk in order that we can accept our responsibility to address the risk that's created in the production process.

And the cement in boilers does produce mercury. Now, it's so self-evident that it produces mercury that this map here shows every single State in our Union has issued a mercury advisory. The reason those States, locally, not from Washington, have issued those mercury advisories is to give a heads-up to their citizens to be careful about eating fish that may be contaminated; and that is the responsibility of government, to let people know when there is a health risk and to help them avert it and to stop it.

My amendment, Mr. Chairman, simply incorporates what the scientific and medical community know, and that is that mercury is a toxin. And if we ingest it, particularly if it's a child, an infant, that it does enormous health damage long term.

So why don't we acknowledge what we know, namely, that mercury is a toxin, that we include this in the findings so that, in so doing, we accept the responsibility that this country has, that all of us have, to do everything we can to avoid unnecessary health care risk.

This amendment simply does that. It's not additional regulation, but it's a finding of what we know and 50 States have found, that mercury is a threat to the public health of its own citizens.

I yield back the balance of my time, Mr. Chairman.

Mr. WHITFIELD. I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. There really is nothing in H.R. 2250 that would in any way prohibit or discourage States from continuing to give these advisory opinions about mercury and the dangers of

mercury. So our legislation would not prevent the States in any way from continuing to do that.

The gentleman's amendment would place particular attention on industrial sources; and as we had stated in the debate last week, the Department of Energy itself has said that over 11 million pounds of mercury were emitted globally from both natural and human sources, and the vast majority of the human sources in the U.S. come from outside the U.S.

So coupled with that fact, and the fact that EPA said the benefits of mercury reduction from the Boiler MACT rules have not been quantified, this really seems to be a duplicative effort because the States are going to continue to issue their rulings, their warnings, as they should do so. But it's important that the American people also know that there is a lot of mercury coming from natural sources and also from outside of the U.S. And our legislation, I do not believe, would put at further risk the American people and their health.

With that, I would respectfully oppose the gentleman's amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WELCH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, lines 23 and 24, strike ''not earlier than 5 years after the effective date of the regulation'' and insert ''not later than 3 years after the regulation is promulgated as final''.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Chairman, as I listened today, I listened to some enormously bipartisan commentary about jobs. As Mr. WAXMAN knows, our ranking member, we have been working on creating jobs for a very long time. Democrats are hoping for a vote in the other body on the President's American Jobs Act.

In the last Congress, although we documented 3 million jobs, I can assure you that our stimulus package created millions of jobs unrecorded because it was emergency funding that did not require that recording.

My amendment speaks to clarity, and it is not conflicting with jobs. For those of you who are listening to this debate, it's about the industrial boiler industry. They do have jobs. And I, frankly, believe that the regulations that they have lived with do not impair their ability to promote jobs.

What most people don't know is there is an indefinite language, or allows an indefinite time frame for noncompliance. There's no time line for the industry to comply with clean air rules impacting our children, just like this little one being seen by a nurse, suffering from any number of respiratory illnesses.

So the bill, in its current form, also gives the EPA discretion to go beyond 5 years. You know how long that is? That may be job-killing time, because when businesses look to move to areas, even if they're older industry, they want to know that there is an effort made to create a better quality of life.

This amendment will help the industry. It indicates that the time for compliance is 3 years. And, yes, there may be discretion to expand, but 3 years. I believe this is a fair approach because, in actuality, the rule that the EPA has passed has resulted in 1.7 million tons of reduction in air pollution per year.

□ 1710

That's a good thing for job creation. And so this amendment is a simple approach to indicating that outdoor air pollution is damaging. Small particles and ground level ozone come from car exhaust, smoke, road dust, and factory emissions. Why wouldn't we want to improve the quality of life? I can only say to you that out of those polluting elements come chest pain, coughing, digestive problems, dizziness, fever, sneezing, shortness of breath, and a number of other ailments.

So my amendment is a good thing, to be able to talk about jobs, clarity, knowing when you must comply, and preventing premature deaths and protecting our children. But let me say what else this bill does. This bill causes an extra $1 million in new discretionary spending by the EPA to comply. We're supposed to be in a budget-tight atmosphere. We're supposed to be budget cutting. But, my friends, that is not what we're doing here.

So I would simply say that even though my good friend indicates that 200,000 jobs would be saved with this particular bill, I don't know where the documentation is, but I will assure you that areas where the boiler industry is that have a defined clarity on what the timeframe is for making sure that you're in compliance, I can assure you that that creates jobs, and that creates a clean atmosphere, quality of life, and clean air for more industry to come into your States for you to diversify.

So I ask my colleagues to support a simple amendment that ensures that the compliance is for 3 years, clarifying that to the industry, giving them a time certain to comply, and also giving discretion to the EPA to help America grow jobs. I hope we all will join in growing jobs in voting for the American Jobs Act, and right now I hope that we'll vote for the Jackson Lee amendment that gives clarity in timeframe for compliance, and again, saves lives, like this little one's, that we all want to protect.

With that, I yield back the balance of my time, and I ask my colleagues to vote for the amendment.

Mr. Chair, I rise today in support of my amendment to H.R. 2250, the "EPA Regulatory Relief Act." My amendment requires the industrial boiler industry to comply with Environmental Protection Agency (EPA) rules no later than 3 years after the rules have been finalized.

Currently, the bill requires the industrial boiler industry to comply with EPA rules no earlier than five years after the rules have been finalized. The bill also allows indefinite noncompliance; there is no deadline set for industry compliance. The bill, in its current form, also gives the EPA the discretion to extend the 5 year deadline for compliance. The EPA would have the authority to extend a three year deadline as well; the three year deadline I proposed can be extended by the EPA, while setting a goal that shows our firm commitment to saving lives.

I have offered this amendment to ensure that the EPA has the ability to reduce toxic emissions from numerous industrial sources, including the industrial boiler industry, as they are required to do under the Clean Air Act. The EPA has issued clean air rules targeting 170 different types of facilities which have resulted in a 1.7 million ton reduction in air pollution per year. EPA rules are now being finalized for both the industrial boiler industry and cement kiln industry and these bills are intended to indefinitely delay compliance with EPA's Maximum Achievable Control Technology (MACT) standards, prior to their promulgation.

As the Representative for Houston, the country's energy capital, I am committed to creating an environment in which the energy industry and regulating agencies can work together.

For more than 40 years the EPA has been charged with protecting our environment. There has been a consistent theme of chipping away at the ability of the EPA to protect our air. We have to consider the long term costs to public health if we fail to establish reasonable measures for clean air.

Outdoor air pollution is caused by small particles and ground level ozone that comes from car exhaust, smoke, road dust and factory emissions. Outdoor air quality is also affected by pollen from plants, crops and weeds. Particle pollution can be high any time of year and are higher near busy roads and where people burn wood.

When we inhale outdoor pollutants and pollen this can aggravate our lungs, and can lead us to developing the following conditions; chest pain, coughing, digestive problems, dizziness, fever, lethargy, sneezing, shortness of breath, throat irritation and watery eyes. Outdoor air pollution and pollen may also worsen chronic respiratory diseases, such as asthma. There are serious costs to our long term health. The EPA has promulgated rules and the public should be allowed to weigh in to determine if these rules are effective.

The purpose of having so many checks and balances within the EPA is to ensure that the

needs of industries and the needs of our communities are addressed. Providing a time for individuals to support or oppose any regulations is a meaningful first step. This bill is a step in the wrong direction.

The EPA has spent years reviewing these standards before attempting to issue regulations. The proposed regulations to the industrial boiler industry will significantly reduce mercury and toxic air pollution from power plants and electric utilities. The EPA estimates that for every year this rule is not implemented, mercury and toxic air pollution will have a serious impact on public health. Think for a moment about the lives that can be saved. We are talking about thousands of health complications and deaths. What more do we need to know. According to the Natural Resources Defense Council, this rule would prevent the following:

9,000 premature deaths
5,500 heart attacks
58,000 asthma attacks
6,000 hospital and emergency room visits
6,000 cases of bronchitis
440,000 missed work days

This legislation not only presents a threat to public health, it also blatantly violates the Cut-Go spending provision. The EPA Regulatory Relief Act requires the EPA to select a regulatory option that is least burdensome to the industrial boiler industry, regardless of alternate options that may be more feasible or cost effective. The Congressional Budget Office (CBO) estimates that this bill will result in $1 million dollars in new discretionary spending by the EPA, and the bill does not offset the authorization.

I understand the economic impacts of regulation, but we must also act responsibly. We cannot ignore the public health risks of breathing polluted air, nor can we pretend that these emissions do not exacerbate global warming. Alternatively, we certainly do not want to hinder job creation and economic growth. Congress passed the Clean Air Act to allow the EPA to ensure that all Americans had access to clean air, and we must not strip the agency of that right.

My friends on the other side of the aisle will tell you that this Act is going to save more than 200,000 American jobs, but what about the lives we will lose? We do not want to hinder economic prosperity and robust job creation, but let us strive toward an economic climate where jobs can be created by implementing technology to reduce dangerous toxic emissions and protect the American people. It does not have to be one way or the other; in a country of vast innovation surely we can forge a path forward in which we do not have to choose between creating jobs and saving lives.

Lest we forget, since 1999, Houston has exchanged titles with Los Angeles for the poorest air quality in the Nation. The poor air quality is attributed to the amount of aerosols, particles of carbon and sulfates in the air. The carcinogens found in the air have been known to cause cancer, particularly in children. The EPA is the very agency charged with issuing regulations that would address this serious problem. This bill may very well jeopardize the air that we breathe, the water that we drink, our public lands, and our public health by deep funding cuts in priority initiatives.

Mr. Chair, there are times in which we are 50 individual states, and there are times when we exist as a single Nation with national need. One state did not defend the Nation after the attacks on Pearl Harbor. One state, on its own, did not end segregation and establish civil rights. Every so often, there comes an issue so vital we must unite beyond our districts, and beyond our states, and act as a Nation, and protecting the quality of our air is one of those times.

I encourage my colleagues to support the Jackson Lee amendment in order to uphold the EPA's authority to enforce the Clean Air Act. By ensuring the industrial boiler industry must comply with finalized EPA regulations, we are protecting the quality of the air that all of our constituents breathe. Surely preventing illness and premature death by ensuring every American has access to clean air is not controversial. Again, I urge my colleagues to support my amendment.

Mr. WHITFIELD. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I would say to the gentlelady from Texas, first of all, that under the regulations of the EPA, today incinerators are given 5 years to comply with section 129 standards, and boilers are only given 3 years to comply with section 112 standards. That's one of the reasons that we introduced this bill, because businesses, manufacturers, institutions, and universities all came to Washington, and in their testimony they asked that we have some uniformity on times to comply.

That's why we decided to extend the compliance deadline for the boiler industry up to 5 years, which is the exact same that incinerators have today under section 129. They asked that we do that because, one, they said it would provide certainty and that, two, in many instances, they do not have the time, the technical knowledge, and it's not economically justifiable to do it within that shorter time period. So your legislation would basically roll back even the time for incinerators. So for that reason, we would respectfully oppose this amendment.

And then I would just make one other comment about the argument that regulations create jobs. I genuinely do not believe that in the history of our country jobs have been created by regulation. Jobs have been created in America because of entrepreneurs spending money and spending capital to develop a product which creates jobs, which helps our gross domestic product, which increases our tax revenues, which allows us to do more in the government sector.

So, as you've indicated, EPA said they think there will be a net job gain of maybe 2,200 jobs, but all of the affected industries, the universities, the labor unions and others, say that they're putting at risk an excess of 230,000 jobs.

Ms. JACKSON LEE of Texas. Will the gentleman yield?

Mr. WHITFIELD. I would be happy to yield.

Ms. JACKSON LEE of Texas. For a clarification, I did not argue that regulation creates jobs. I do believe that you can produce the kind of regulatory climate that will. But my point was that clean air and a better quality of life encourages businesses to move into areas and grow jobs.

I thank the gentleman for yielding.

Mr. WHITFIELD. I understand. As you know, the EPA went to court to ask for additional time on these Boiler MACT rules. They were denied that, and our legislation is designed to give them a little bit more time and give the industry more time to comply. And because of that, I would respectfully oppose the gentlelady's amendment and ask that it be defeated.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. I support the amendment. It returns the bill if it became law to what are the times specified in the Clean Air Act. And I think those times are reasonable. But let me just say that EPA is working on these regulations, these rules. This is not a finished product. I believe they're taking into consideration concerns raised by the boiler industry, especially the paper and pulp industry. There have been very important and legitimate concerns that they have raised. They want to know if they can continue to use the same traditional fuels that they had been using. They don't want to be considered incinerators, because they're not. They want to know what the rules are, they want some certainty, and they want some time to comply with them.

These things are under discussion at the EPA, and industry is weighing in and letting its feelings be known. Should the Environmental Protection Agency need legislation, which they may or may not, we ought to stand ready to be of assistance. I do not think the industry really wants to throw out the Clean Air Act and to allow mercury to be considered nothing, no problem, which is what you would expect when you hear the debate on the Republican side of the aisle. I don't think they would like all of this issue of public health to be so minimized as we hear in the Republican debate.

This is not a practical solution. This is a blunt instrument that the Republicans are putting forward that will not become law. So let reasonable people talk about the issue and try to resolve it. If we're needed to pass legislation, then let's pass reasonable legislation and get something done, not just show that the Republican Party is being macho about jobs when they take a report that's not even based on what EPA's rules are going to be and claim that it costs all these jobs, which has already been debunked when they put forward this report when it was based on the original EPA rule.

So I urge support for this amendment. And we ought to get on with the job of working on what can become law and not just fighting this fight of science denial and minimizing health risk which we hear from the Republican side of the aisle.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

Mr. WHITFIELD. I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRIFFITH of Virginia) having assumed the chair, Mr. WOMACK, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, had come to no resolution thereon.

□ 1720

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2832, EXTENDING THE GENERALIZED SYSTEM OF PREFERENCE; PROVIDING FOR CONSIDERATION OF H.R. 3078, UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT; PROVIDING FOR CONSIDERATION OF H.R. 3079, UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT; AND PROVIDING FOR CONSIDERATION OF H.R. 3080, UNITED STATES-KOREA FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the Committee on Rules be permitted to file a supplemental report to accompany House Resolution 425.

The SPEAKER pro tempore (Mr. WOMACK). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 425 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 425

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3078) to implement the United States-Colombia Trade Promotion Agreement. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The bill shall be debatable for 90 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

SEC. 3. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3079) to implement the United States-Panama Trade Promotion Agreement. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The bill shall be debatable for 90 minutes, with 30 minutes controlled by Representative Camp of Michigan or his designee, 30 minutes controlled by Representative Levin of Michigan or his designee, and 30 minutes controlled by Representative Michaud of Maine or his designee. Pursuant to section 151 of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 4. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3080) to implement the United States-Korea Free Trade Agreement. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The bill shall be debatable for 90 minutes, with 30 minutes controlled by Representative Camp of Michigan or his designee, 30 minutes controlled by Representative Levin of Michigan or his designee, and 30 minutes controlled by Representative Michaud of Maine or his designee. Pursuant to section 151 of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 5. House Resolution 418 is laid on the table.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. DREIER. For the purpose of debate only, I yield the customary 30 minutes to my very good friend from Worcester, Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this measure, all time yielded will be for debate purposes only.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. DREIER. I would also like to ask unanimous consent, Mr. Speaker, that all Members have 5 legislative days in which to revise and extend their remarks on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. On November 6 of 1979, Ronald Reagan announced his candidacy for President of the United States. In that speech, he envisaged an accord of free trade among the Americas. He wanted to eliminate all barriers for the free flow of goods and services and products among all of the countries in this hemisphere.

On October 3 of 2011, President Obama sent three trade agreements to Capitol Hill for consideration. It has been a long time. I mean, 32 years, I guess, this coming November 6 we will mark the anniversary of President Reagan announcing his candidacy for the Presidency and of which he envisaged this accord.

It has been a very, very difficult struggle to get here; but, Mr. Speaker, today marks the first step in this last leg of what, as I said, has been an extraordinarily lengthy journey towards the passage of our three free trade agreements with Colombia, Panama, and South Korea.

For 4 years, workers and consumers in the United States and in all three FTA countries have waited for the opportunities that these agreements will create. Republicans and Democrats alike—and let me underscore that again. Republicans and Democrats alike have worked very hard to bring us to this point. We have done so, first and foremost, for the sake of job creation and economic growth.

We're regularly hearing discussion on both sides of the aisle about the imperative of creating jobs and getting our economy on track. The President of the United States delivered a speech here to a joint session of Congress in which he talked about the need to pass his jobs bill. Mr. Speaker, this is a very important component of that proposal that the President talked about when he was here. So, as I hear a great deal of discussion about a lack of willingness on Capitol Hill to address the President's jobs bill, it's not an ''all or nothing'' thing. We are taking the very, very important components that the President has proposed addressing. We've worked in a bipartisan way, and this measure before us is evidence of that.

As I said, the passage of these agreements will allow us to have an opportunity to create good jobs for union and nonunion Americans who are seeking job opportunities. Together, these agreements will give U.S. workers, businesses, farmers access to $2 trillion of economic activity; and our union and nonunion workers, our farmers and people across this country will have access to 97 million consumers in these three countries.

President Obama, in his address here, made it very clear and has said repeatedly that the independent International Trade Commission has said that, in the coming months, we will add a quarter of a million new jobs right here in the United States of America—again, union and nonunion jobs. The independent International Trade Commission has projected that we will see a quarter of a million—250,000—new jobs for our fellow Americans seeking job opportunities.

I don't need to explain to anyone in this place why this is so critical for our ailing economy, but those of us who have joined together to finally pass these agreements are working towards something that is even bigger. We are working to restore the bipartisan consensus on the issue of open trade. Eradicating partisan politics from the debate on global economic liberalization and returning to a bipartisan consensus is essential in our quest to move our economy forward. These three agreements are enormously important; but, Mr. Speaker, as you know very well, there is still much work that remains to be done.

Now, I understand that the opponents of economic liberalization are very well-intentioned, and I don't fault them. I will say that, as we all know very well, we're in the midst of deeply troubling economic times. It's easy. We all want to look somewhere to point the finger of blame, and trade is a natural target. I mean, I often argue that I still have constituents in southern California who, when they get a hangnail, blame the North American Free Trade Agreement.

□ 1730

Trade is a natural target for frustration and anxiety, and we've seen that time and time again. And I know that there are people who believe that passage of these trade agreements which, according to the ITC, would create 250,000 new jobs right here in the United States of America, is, in fact, a bad thing. Trade is the wrong target, Mr. Speaker.

The worldwide marketplace, as we all know, is a big, dynamic, and complex operation. It offers tremendous opportunity for those who engage and tremendous peril for those who follow the isolationist path. Those who innovate, who aggressively pursue new ideas and new opportunities are able to compete and succeed. The U.S. has proven this time and time again. The American entrepreneurial spirit has enabled us to not just succeed, but, as we all know, we are the largest, most dynamic economy on the face of the Earth. These agreements will allow us to reaffirm and strengthen that.

We all know this, Mr. Speaker: Our country, the United States of America, is the birthplace of Google and Facebook, of Ford and IBM, of Caterpillar and Whirlpool, and of Coca-Cola and eBay. Unfortunately, over the last several years, while the three free trade agreements have languished, the United States of America has stood still. We've let countless opportunities pass us by. We've let our competitors chip away at our market share. If we compete, the United States of America wins. If we compete, we win.

But what happens when we take ourselves out of the game, which has been the case for the last several years? We've literally taken ourselves out of the game of breaking down barriers, allowing for the free flow of goods and services and capital. What happens? We lose jobs. We lose market share, and we lose our competitive edge.

Now, I'm not going to say that we would not have gone through the terrible economic downturn that we've suffered over the past few years if we had, several years ago, passed these trade agreements. Negotiations began back in 2004 for these agreements. If we had stepped up to the plate, I am absolutely convinced that we would have mitigated the pain and suffering that our fellow Americans are going through with this ailing economy that we have.

Getting our economy back on track and reasserting our American leadership role in the worldwide marketplace will require far more than simply passing these free trade agreements, but it's a key and very important step. The agreements will open new markets for workers and job creators here in the United States; and perhaps even more important, it will send a signal to the world that the United States of America is back open for business.

The United States of America is once again choosing to shape the global marketplace rather than to allow ourselves to be shaped by it. Because, Mr. Speaker, if we don't shape the global marketplace, we will continue to be shaped by that global marketplace. We will also send a very powerful message to our allies that the United States of America is living up to its commitments.

Now, Mr. Speaker, it is utterly shameful that we have forced three close friends of the United States—two of our own neighbors right here in the Americas and one in an extraordinarily strategic region—to wait for 4 long years. It is shameful that we have forced these friends and allies, who negotiated in good faith with us for these agreements, to wait as long as they have.

One of the things we've observed is that the world has taken note. Our would-be negotiators—not only on trade agreements but on other issues as well—our would-be trade partners and negotiating partners, as I said, on issues beyond trade have taken note.

I don't believe that our credibility will be immediately restored with the passage of these free trade agreements, but we will at least begin the process. We will begin the process of demonstrating credibility on the part of the United States. We will signal that the U.S. is recommitting itself to its partnerships, that our word at the negotiating table can be trusted.

Very sadly, over the past several years, our partners could come to no other conclusion than that our word cannot be trusted at the negotiating table because of action that was taken here a few years ago, rejecting an opportunity for consideration of these agreements.

Mr. Speaker, this rule puts in place a lengthy debate process, during which the tremendous economic and geopolitical benefits of these three trade agreements will be discussed, and the misinformation surrounding these agreements will be able to be refuted. That's why I think this is a very important debate. It's vitally important that we have this debate so that the facts can get on the table and the ability to refute specious arguments can be put forward. And that's what's going to happen this evening and tomorrow leading up to the votes that we are going to cast.

This rule provides also for the consideration of Trade Adjustment Assistance, a modest program that has helped to build that bipartisan consensus that I have been talking about and I believe is essential to our economic recovery. Now, I don't believe that the TAA program is perfect. Meaningful reforms have been incorporated. And most important, Mr. Speaker, the passage of Trade Adjustment Assistance will, in turn, help us not just pass the FTAs, but it will help us maintain what I have had as a goal going back two decades ago when we put together a trade working group that has had bipartisan participation. It will allow us to rebuild the bipartisan consensus that I think is so important. That will send a powerful message to the markets, to job creators, to workers in this country, to Americans who are seeking job opportunities, and it will send a very important message to our allies and we hope future allies throughout this world.

So, Mr. Speaker, I urge my colleagues to come together in a strong bipartisan way and support the rule that will allow us to have a very, very rigorous debate on the underlying agreements and Trade Adjustment Assistance.

With that, I reserve the balance of my time.

Mr. McGOVERN. I thank the gentleman from California for providing me the customary 30 minutes, and I yield myself 5 minutes of that time.

Mr. Speaker, today we take up several trade bills. The Rules Committee had a chance to guarantee sufficient time for debate on each agreement and ensure that the time would be equally divided between those who support and those who oppose each bill. That's the way we should be debating these bills. That's the fair and the right thing to do.

But fairness was not part of the discussion in the Rules Committee. Instead, we have a rule that gives more

time to those in support of these bills and less time to those who have legitimate concerns about them. And if that weren't bad enough, this rule waives CutGo, just one more broken promise by this Republican Congress.

Mr. Speaker, I strongly support the TAA and GSP bills. These programs provide America's companies and workers with stability and fairness and some minimum resources for those that suffer because of trade agreements. They have earned our support.

□ 1740

But I cannot say the same for the free trade agreements, and I would like to focus my remarks on just one of them, the Colombia FTA.

Mr. Speaker, I've gone to Colombia seven times over the past 10 years. Nearly everyone I talk to—the poor, the most vulnerable, those who defend basic human rights and dignity—they all believe that the United States stands for human rights, that we stand for justice. And I'd like to believe that's always true. But not if we pass this FTA.

Colombia is still the most dangerous place in the world to be a trade unionist. Each year, more labor activists are killed in Colombia than the rest of the world combined. A staggering 2,908 union members murdered since 1986. That's about one murder every 3 days for the past 25 years. One hundred fifty in just the past 3 years. If 150 CEOs had been assassinated over the past 3 years, would you still think Colombia is a good place to invest?

In 2010, 51 trade unionists were murdered; 21 survived attempts on their lives; 338 received death threats; and 7 disappeared. Their bodies may never be found. Forty have been murdered since President Santos took office.

As for justice, well, in Colombia that's still just a dream. Human Rights Watch just released a study that looked at convictions in cases of murdered trade unionists over the past 4½ years. They found ''virtually no progress'' in convictions in these killings. Just six out of 195 cases. And not a single, solitary conviction for the more than 60 attempted murders and 1,500 death threats during that same period. There's a name for that, Mr. Speaker. It's called complete and total impunity.

Just look at the faces of six of the 23 unionists murdered so far this year.

This man in the top right, Luis Diaz, he was a regional leader of the University Workers' Union and a security guard at Monteria Public University in Cordoba. He was assassinated near his home, shot four times.

I was in Cordoba at the end of August. It's controlled by paramilitaries, drug traffickers, and criminal networks. They work hand in glove with wealthy landed interests, and many local officials, judges, prosecutors, and police are corrupt or benefit from the violence. They are also the most likely parties in Cordoba to profit from the Colombia FTA.

Another fellow here, Jorge de los Rios. He was a teacher and an environmentalist who exposed damage to communities by open pit mining. On June 8, he was shot several times on the campus of his school.

This young man right here, Dionis Sierra, was an elementary schoolteacher killed May 15, also in Cordoba.

Carlos Castro, an engineer, murdered in Cali on May 23. He was shot in the neck by two armed men. He was 41 and the father of three.

Here's Hernan Pinto right here, drinking a cup of coffee. He had taken the lead in the farm workers' struggle right before he was murdered in March.

Silverio Sanchez, just 37 years old, also a teacher. He died on January 24 from burns on 80 percent of his body from an explosive.

These men were husbands, fathers, brothers, and sons. If we don't stand up for them, then we also abandon the children, families, workers, and communities they left behind, those who continue to fight for labor rights, human rights, and basic human dignity.

As the old song goes, which side are you on?

Washington, DC, September 29, 2011.

Dr. VIVIANE MORALES,
Attorney General, Diagonal 22B, No 52–01, Bogotá, Colombia.

DEAR ATTORNEY GENERAL MORALES: I am writing to follow up on the very constructive meeting we had in Bogotá this June regarding the problem of impunity for anti-union violence in Colombia. We are encouraged by the steps the Attorney General's Office is currently taking under your leadership to address this longstanding problem. Yet we also believe further measures are needed to ensure that your efforts succeed and the era of unchecked violence against trade unionists in Colombia is finally overcome.

As you know, Colombia continues to face an extraordinarily high level of anti-union violence. While the number of trade unionists killed every year is certainly less today than a decade ago, it remains higher than any other country in the world. The National Labor School (ENS), Colombia's leading NGO monitoring labor rights, reports that in 2010 there were 51 killings of trade unionists, 22 homicide attempts, and 397 threats.

A major reason for this ongoing violence has been the chronic lack of accountability for cases of anti-union violence. Colombia has failed to deliver justice for more than 2,500 trade unionist killings committed over the past 25 years. As Vice-President Angelino Garzón acknowledged during a November 2010 speech, ''[T]he immense majority of crimes [against] trade unionists remain in impunity . . . there have been advances in the investigations . . . but we still have not gotten to 200 court rulings, and there are thousands of workers and union leaders killed and disappeared.''

In 2006, the Attorney General's Office sought to end this impunity by establishing a sub-unit of prosecutors to focus exclusively on crimes against trade unionists. This initiative brought with it several important advantages: the sub-unit's prosecutors would receive extra material and human resources and have the opportunity to develop expertise in solving these crimes. By working out of Bogotá and other main cities, the prosecutors would generally be less vulnerable to pressure and threats than local justice officials.

Since its creation, the sub-unit has made important progress: there are now scores of convictions for trade unionist killings every year where before there were almost none. Over the past four-and-a-half years, the sub-unit has secured convictions for more than 185 trade unionist killings.

Yet this progress, while welcome, has in fact been very limited. And, unless urgent steps are taken to improve the sub-unit's performance, it will almost certainly prove to be unsustainable.

Over the past several months, Human Rights Watch has carried out a comprehensive evaluation of the sub-unit's work, reviewing hundreds of court judgments for crimes against trade unionists, examining the most recent available data provided by the Attorney General's Office on the status of investigations, and conducting dozens of interviews with prosecutors, judges, rights advocates, and victims.

Our research has found severe shortcomings in both the scope of the sub-unit's work and the investigative methodology that it employs. In terms of the scope, we found that:

The increase in the number of convictions since the sub-unit's creation, while substantial, represents only a small fraction of the total number of cases of trade unionist killings that still need to be investigated and prosecuted.

The increase in convictions is largely due to confessions provided by paramilitaries under the Justice and Peace process, which does not apply to cases of killings committed after 2006.

The sub-unit has made virtually no progress in obtaining convictions for killings from the past four-and-a-half years.

The sub-unit has made virtually no progress in prosecuting people who order, pay, instigate or collude with paramilitaries in attacking trade unionists.

In terms of the methodology of the investigations, we found that:

The sub-unit has routinely failed to thoroughly investigate the motives for the crimes.

The sub-unit has not conducted the type of systematic and contextualized investigations that are necessary to identify and prosecute all responsible parties.

While we were encouraged to encounter prosecutors in the sub-unit who are very professional and committed to advancing these cases, it is also clear that further measures must be taken to support their work and ensure the sub-unit overcomes its current limitations.

Under the current circumstances, what is at stake is the justice system's ability to act as an effective deterrent to anti-union violence. We are concerned that unless you take action to improve the sub-unit's performance, the office will continue to fall short in ensuring accountability for attacks on trade unionists, and Colombia will remain a uniquely dangerous country for workers seeking to exercise their basic labor rights.

THE SCOPE OF THE SUB-UNIT'S WORK

CONVICTIONS REPRESENT FRACTION OF TOTAL KILLINGS

The annual number of convictions for cases of crimes against trade unionists has risen about nine-fold since the sub-unit began operating in 2007. Overall, the subunit has obtained convictions for more than 185 trade unionist killings.

Despite this accomplishment, a great deal of work remains to be done. At this stage, Colombia has obtained a conviction for less than 10 percent of the 2,886 trade unionist killings recorded since 1986 by the ENS. The sub-unit reported to Human Rights Watch that it had opened an investigation into 787

cases of trade unionist killings as of June 2011. Investigations into the more than 2000 other reported trade unionist murders presumably remain with ordinary prosecutors, who have long failed to resolve such cases. As concluded by the February 2011 International Labor Organization (ILO) High-level Tripartite Mission to Colombia, ''The majority of [trade unionist killings] have not yet been investigated nor have the perpetrators, including the intellectual authors of these crimes, been brought to justice.''

RECENT PROGRESS IS LARGELY DUE TO JUSTICE AND PEACE PROCESS

The sub-unit's progress in prosecuting anti-union violence has largely been due to confessions by paramilitaries participating in the Justice and Peace process. Human Rights Watch reviewed all 74 convictions handed down over the past year by the three specialized courts dedicated to crimes against trade unionists and found that 60 percent of the convictions were the direct result of plea bargains with demobilized paramilitaries participating in the Justice and Peace process. In a majority of the remaining rulings from this period, testimony by defendants in the Justice and Peace process also played an important role in producing the conviction.

This increase in the number of convictions spurred by the Justice and Peace process is certainly a positive development. Unfortunately, it does not by itself represent sustainable progress. The process has allowed prosecutors to resolve cases because it has provided extraordinary incentives for demobilized paramilitaries to confess to their crimes. But these incentives do not apply to crimes committed since paramilitary groups finished demobilizing in 2006 and therefore will not help prosecute individuals who assassinate trade unionists today or in the future.

LACK OF CONVICTIONS FOR RECENT TRADE UNIONIST KILLINGS

When it comes to obtaining convictions for cases from the past several years—which are not covered by the Justice and Peace process—the sub-unit has made virtually no progress. Of the more than 195 such killings that have occurred since the sub-unit started operating in 2007, the special office had obtained convictions in only six cases as of May 2011. It had not obtained a single conviction for the more than 60 homicide attempts, 1,500 threats and 420 forced displacements reported by the ENS during this period.

The sub-unit has not opened investigations into the majority of the trade unionist murders that have occurred since the office began operating in 2007. As of March, it had opened an investigation into only one of the 51 trade unionist killings committed in 2010. And the vast majority of the sub-unit's investigations into killings since 2007 (89 percent) remain in a preliminary stage in which prosecutors have yet to formally identify a suspect.

We understand that the current Attorney General's Office shares our concern with the lack of progress in prosecuting recent killings. As discussed below, your office has announced steps that could help address this problem, such as instructing prosecutors to prioritize investigations of crimes against trade unionists committed since 2007.

LACK OF PROSECUTIONS OF INTELLECTUAL AUTHORS AND ACCOMPLICES

We are also concerned that the prosecutions have focused almost exclusively on the commanders of armed groups or triggermen and have not extended to include other individuals who may have instigated or facilitated the crimes. Of the more than 275 convictions handed down through May 2011 by the specialized courts that handle the sub-unit's cases, 80 percent have been against former members of the United Self-Defense Forces of Colombia (AUC). Yet there is compelling evidence that paramilitaries and the groups that replaced them have not acted alone in killing trade unionists. These groups have historically operated with the toleration or even active support of members of the public security forces, as well as in collaboration with politicians and allies in the private sector. According to several justice officials, rights advocates and victims' lawyers close to these cases, paramilitaries appear to have killed trade unionists at the behest of employers, local officials, or other individuals with particular interests in eliminating the victims.

A review of 50 recent convictions for anti-union violence handed down by the specialized courts found that in nearly half of the cases under consideration, the judgments contained evidence pointing to the involvement of members of the security forces or intelligence services, politicians, landowners, bosses, or coworkers. Rulings in ten of these cases contained evidence indicating that individuals outside the armed groups (including two mayors, a hospital administrator, a plant manager, a captain of the Sectional Judicial Police, and a detective from the Colombian intelligence service) may have hired, ordered, or otherwise instigated paramilitaries to kill the trade unionists.

Yet despite the evidence of involvement and collusion by third parties in crimes committed by armed groups, the sub-unit has obtained virtually no results in bringing such individuals to justice. Only 10 of the more than 275 rulings handed down by specialized courts since 2007 have convicted politicians, members of the security forces, employers, or coworkers. Only one of the 50 rulings handed down between September 2010 and May 2011 that Human Rights Watch reviewed punished such individuals. Similarly, a comprehensive study by the Center for the Study of Law, Justice, and Society (DeJusticia) reveals that just 3 percent of the judgments in trade unionist cases handed down through March 2010 included the conviction of a ''strategic intellectual author'' (an individual outside of an armed structure who ordered or otherwise instigated the crime).

Prosecuting the triggermen and their commanders for these crimes is a crucial step for accountability. But identifying these individuals alone will not enable the justice system to act as an effective deterrent to anti-union violence. As long as some people believe they can get away with ordering, paying, or instigating armed groups to kill trade unionists, they will continue to find armed groups and gunmen for hire to do their dirty work.

FLAWS IN THE INVESTIGATIVE METHODOLOGY

Colombia's progress in curbing impunity for anti-union violence, while important, has been limited by shortcomings in the investigative strategy pursued by the subunit of the Attorney General's Office. The first is a routine failure to adequately investigate the motive in cases of trade unionist killings. The second—and more troubling—is the failure to conduct the sort of systematic and contextualized investigation necessary to identify and bring to justice all responsible parties.

As discussed below, the current administration of the Attorney General's Office has recognized the problem of the sub-unit's methodology and announced the adoption of measures to improve it. But these correctives remain to be fully implemented, and must be followed with additional measures to shore up the quality of the sub-unit's work.

INADEQUATE INVESTIGATION OF MOTIVES

Prosecutors often base their charges almost entirely on testimony by paramilitaries participating in the Justice and Peace process without conducting a thorough investigation that could determine the actual motive for targeting the victim. According to one of the specialized judges, in many cases prosecutors base their charges on ''two or three lines from what the defendant in Justice and Peace says.''

Given the lack of additional evidence gathered by prosecutors, the judges often rely primarily or exclusively on paramilitaries' accounts to determine the motive for the crime.

Paramilitaries' confessions frequently seek to justify trade unionist killings as counter-insurgency operations, claiming that their victims were guerrilla collaborators. Consequently, a substantial share of judgments for trade unionist killings have identified the victims' alleged links to guerrilla groups as the motive behind the killings.

Yet, there are good reasons to suspect that in many cases the paramilitaries label the victims as guerrilla collaborators to disguise the true reasons for the killing. By offering defendants the same reduced sentence no matter how many abuses they admit to, the Justice and Peace Law provides paramilitaries with extraordinary incentives to confess to all of their crimes. But when it comes to testifying about their accomplices—who may have ordered trade unionist killings for their own political or economic interests—paramilitaries often have strong incentives to keep silent and justify the murders as part of their anti-guerrilla campaign. As revealed by several recent judicial investigations and news reports, there are credible allegations that paramilitaries have been repeatedly bribed or pressured to conceal the criminal activity of their political and economic allies. In cases involving collusion with powerful individuals, paramilitaries and their family members could face severe reprisals should they expose their accomplices.

In some court rulings, judges have found reason to doubt the veracity of paramilitaries' anti-guerrilla justifications for the killings. For example, in one recent ruling against paramilitaries who claimed that the union leader had been killed because he was a guerrilla collaborator, the judge wrote that it appeared the group had been paid to murder the victim because of his union activity, noting that: ''The excuse provided by the [defendants] regarding the motive of the killing . . . seems to actually be a form of hiding the existence of a particular interest to silence the victim.'' The judgment explicitly described how the prosecutor had failed to collect key pieces of evidence that would have helped clarify the motive for the crime. According to DeJusticia's 2010 study, while 102 of the 271 court rulings they analyzed identified the trade unionist's alleged guerrilla ties as the motive for the killing, the judges explicitly rejected the allegations in nearly half of those judgments.

Given the inadequacy of investigations, it is impossible at this point to know how many killings were in fact motivated by the victims' union activities. What is clear is that without more thorough investigations, prosecutors will not be able to determine with an adequate level of certainty whether or not the crimes were related to the victims' participation in their union. This is a serious problem in Colombia given the tendency of some officials and commentators to downplay anti-union violence by dismissing the attacks as isolated crimes unrelated to the victims' union affiliation. And worse still, if court rulings based on paramilitaries'

testimony indicate that the victims were guerrillas, the stigmatization is confirmed and the risks are worsened for those who exercise union activity.

LACK OF SYSTEMATIC AND CONTEXTUALIZED INVESTIGATIONS

With few exceptions, the sub-unit's prosecutors have not pursued investigations that take into account the context of crimes against other members of the victim's union from the same region and time period, and have often neglected to conduct serious inquiries into the victim's union activity at the time of the crime.

Instead, killings have generally been investigated in an isolated case-by-case manner and without any serious effort to determine how the crimes might form part of a broader pattern of anti-union violence. As one top official within the Attorney General's Office recently told Human Rights Watch, until now, the sub-unit has treated each case as ''an island.'' Similarly, in separate interviews, all three current judges from the specialized courts that handle these cases told Human Rights Watch that the cases brought to their courts are investigated as isolated crimes. Victims' lawyers also said that the sub-unit's failure to draw connections between killings is one of the fundamental problems with the investigations.

This serious deficiency in the sub-unit's investigations is also evident in the judgments in cases of anti-union violence. According to DeJusticia's 2010 study, a ''systematic approach'' to investigations—defined as taking the general context of anti-union violence as the starting point for the investigation—was reflected in five of the 271 court rulings handed down through March 2010.

As a result of this investigative approach, prosecutors have not been able to identify patterns of crimes that could lead them to the individuals—including public officials and employers—who may have ordered, instigated, or otherwise colluded with armed groups in attacking trade unionists. As one of the three special judges who handle cases of anti-union violence said, ''To know what's behind the crimes, if there was a state policy or company policy or not, there has to be a macro-investigation. [Prosecutors] have not done that.'' Another judge specified that the piecemeal investigations have impeded prosecutors from identifying intellectual authors: ''It would make more sense to analyze the historical context of the union and the criminal organization that operates in the region. But in reality, [the cases] come [to the courts] as isolated victims. . . . The investigations have progressed very little in providing the judges with the context. The context would help identify intellectual authors.''

This shortcoming is compounded by the sub-unit's failure to consistently conduct a thorough inquiry into the context of the victim's union activity at the time of the crime, which limits prosecutors' ability to establish leads that could help clarify the motive for the killing and identify potential suspects. While some prosecutors do make an effort to look into such activity, two judges we spoke with said that such rigorous inquiries are not the norm. In our review of 50 recent convictions in these cases, we found the majority of the rulings did not refer to the victim's union activity in the period leading up to the crime. (If the prosecutors had investigated such activity, a reference to this line of inquiry should at least appear in the judgment, according to jurists consulted by Human Rights Watch.) Of the judgments that did mention the victim's union activity at the time of the crime, most references were general, suggesting that no in-depth probe had been undertaken.

STEPS YOUR OFFICE HAS ANNOUNCED TO ADVANCE PROSECUTIONS

Based on our meeting last June, we know that your office is aware of the problems outlined above and has announced some important initial steps that could help address them.

In terms of increasing the quantity of cases investigated and prosecuted by the subunit, we were encouraged by the following measures announced by the Attorney General's Office:

The addition of 100 judicial police from the Directorate of Criminal Investigation and Interpol (DIJIN) and planned incorporation of 14 new prosecutors to the subunit;

Your office's June 2011 memorandum instructing prosecutors to prioritize cases of trade unionist killings committed since 2007;

Your office's April 2011 memorandum mandating the early identification in all new homicide cases of whether the victim was a union member, which should help ensure that in the future the sub-unit can immediately open investigations into these new cases:

Your office's recent transfer of 35 cases of trade unionist killings from 2009 to the subunit.

Your office also has announced measures that could improve the sub-unit's investigative methodology, such as:

Providing instructions within the April memorandum for prosecutors to take the urgent steps that will allow them ''to determine the motives for the crime and the causal relationship between the [homicide] and victim's condition as a trade unionist'';

Providing instructions within the June memorandum for prosecutors to analyze cases of trade unionist killings based on the region where the crimes occurred;

Adding six analysts to the sub-unit who will help identify links between cases in order to detect patterns of crimes against trade unionists.

In addition, the current coordinator of the sub-unit told us in May that the sub-unit has adopted a new methodology that involves grouping cases not only on the basis of location, but also based on the victim's union and the suspected responsible armed group.

Yet, we are concerned that the new methodology has not yet been effectively implemented. In separate interviews this May, the prosecutors within the sub-unit appeared to have very different understandings of how they were expected to proceed with their investigations. Two prosecutors said that the sub-unit had not in fact adopted a new methodology. ''There is no policy that comes from the coordinators,'' one told us. ''The methodology depends on each prosecutor. . . Investigations are case-by-case. It would be important to group [cases] by trade union, but it has not been done.'' Other prosecutors mentioned the new investigative policy, but said that it remains to be carried out in practice.

Furthermore, your office's attempt to implement a systematic approach is undercut by the sub-unit's limited caseload and inefficient allocation of investigations among prosecutors. As discussed above, the sub-unit is not investigating the majority of reported trade unionist killings. Consequently, cases from the same union, region, and time period are often split between the sub-unit and ordinary local prosecutors. And of those investigations that have been assigned to the subunit, cases involving trade unionists from the same organization and region have generally been divided among the office's different prosecutors.

RECOMMENDATIONS

In order to build on your initial correctives and fully address the problems identified in this letter, we believe it is crucial to adopt the following measures:

1) The sub-unit should investigate all reported cases of killings, enforced ''disappearances,'' and homicide attempts committed against trade unionists. In order to do so, we recommend the Attorney General's Office:

a) Transfers to the sub-unit all reported cases of killings, enforced ''disappearances,'' and homicide attempts against trade unionists that are currently assigned to local prosecutors;

b) Assigns to the sub-unit all future cases of killings, enforced ''disappearances,'' and homicide attempts against trade unionists.

2) The sub-unit should implement a policy to conduct systematic, contextualized and thorough investigations. The policy should ensure that:

a) Rather than treating each killing as an isolated case, investigations also examine all other crimes against members of the same union in the same region and time period to identify possible connections and patterns of crimes that could help to determine the motive for the killing, and identify all the responsible parties;

b) Prosecutors do not rely inordinately on paramilitaries' confessions to resolve cases, but instead use this testimony as a starting point to pursue a solid judicial investigation;

c) Prosecutors conduct a thorough inquiry into the victim's union activity at the time of the crime in order to collect evidence that could help clarify the motive for the attack and identify potential suspects;

d) Prosecutors vigorously pursue leads that point to the possible involvement of state agents and other actors in crimes against trade unionists.

3) Cases should be distributed among the sub-unit's prosecutors based on the victim's union and the region where the crime occurred.

As we have pointed out on numerous occasions, overcoming ongoing impunity for violence against trade unionists requires confronting complex challenges. There is an enormous amount of work to be done, and success will not be achieved overnight. Yet we also believe that, if your office rigorously pursues the measures we are recommending here, it will be possible to make significant progress in prosecuting these cases and transform the sub-unit into an effective deterrent to future attacks on trade unionists in Colombia.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds to say that Colombia has gone through incredible tragedy over the past several years. It has been absolutely horrible. And the suffering that my colleague from Worcester has just shown is very, very disturbing. But I think we should note that we have seen an 85 percent decline in the murder rate. In fact, there are cities in this country that have a higher murder rate than exist in Colombia today.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I yield myself an additional 15 seconds, Mr. Speaker.

We also should make it very, very clear that it is safer to be a union member and union leader in Colombia because of the protection that's provided by the government than to be the average citizen. Let's solidify those gains, and that's exactly what these agreements will do.

With that, I am happy to yield 2 minutes to a very, very thoughtful individual committed to the trade agenda,

my good friend from Hinsdale, Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the chairman for yielding to me.

Mr. Speaker, today I rise with great enthusiasm because at long last the House and Senate are poised to act on the most bipartisan, economically compelling jobs bills of the Obama Presidency. By supporting this rule and ratifying these agreements, we are taking a huge step towards leveling the playing field for U.S. goods and services. And in doing so, we can create hundreds of thousands of good-paying jobs right here in America.

And thanks to the pending free trade agreements with Colombia, Panama, and South Korea, the tariffs on many American products will come down immediately, giving a massive boost to our economy at a time when we need it more than ever.

All told, these fair trade agreements would support an estimated quarter-million American jobs and increase exports by $13 million. And my home State of Illinois will be among the first to benefit. Currently, Illinois ranks sixth in the Nation in terms of total exports; 109 companies in my district alone export abroad, and local exports support nearly 65,000 jobs in just DuPage, Cook and Will counties.

These aren't just large manufacturers like Boeing, Navistar, and Kraft; they're also small businesses with a handful of employees. In fact, 90 percent of Illinois exporters are small businesses, exporting everything from computer chips to financial services.

Already, trade with South Korea in my district alone supports 1,137 jobs, and that number has the potential to rise dramatically after this week's agreements go into effect. Now imagine that impact multiplied hundreds of times across congressional districts throughout the Nation.

Mr. Speaker, passing these agreements is one of the most common sense, low cost, and economically sound things that Congress can do right now to boost job growth. And now that the President has finally sent the agreements to Capitol Hill, we must act immediately. I urge my colleagues to support this rule.

Mr. MCGOVERN. Mr. Speaker, I yield myself 25 seconds to respond to the gentleman from California.

In 2009 the number of total murders per capita in the U.S.A. was 5 per 100,000. In Mexico, it was 18.4, and in Colombia it was 37.3. These are all government statistics.

If 23 labor leaders and 29 civil rights leaders and 6 priests were targeted and murdered in Los Angeles so far this year because of their work in the community, I would like to think that the city or the gentleman from California would be up in arms about that. But that's the reality in Colombia.

At this time I would like to yield 3 minutes to the gentlewoman from New York, the ranking Democrat on the Rules Committee, Ms. SLAUGHTER.

Ms. SLAUGHTER. I thank the gentleman for yielding.

I cannot state strongly enough I am vigorously opposed to the three free trade bills that we are considering today.

On behalf of the businesses and workers of western New York, I implore my colleagues to vote against today's free trade but not fair trade bills and put an end to the era of giveaway trade.

None of the free trade bills we voted on in the last 20 years, including these bills today, were designed to protect American manufacturing and American jobs. They were designed to protect multinational corporations operating in the towers of New York, London, and Shanghai. These companies could care less where their goods are made as long as we allow them to sell them all over the world. As American legislators, we have different responsibilities. We must care where goods are made. We must do everything we can to ensure they are made in the U.S.A.

I think many people would be shocked to know that there is little in the current trade agreement to prevent our own trading partners from developing new regulations that we have done all these years making it harder for us to sell our goods in their countries. Using nontariff barriers, they could place a dozen arbitrary restrictions on American-made cars, and they do in order to stop Chevy, Ford, and GM from being sold in South Korea. Do you know how many car dealers sell American cars in Korea? Twenty-six. I imagine most major cities in the United States have 26 car dealers who sell Korean cars in their city alone. There's something wrong with that picture. This is not free-flowing trade. We are restricted, but under these proposed free trade agreements, we can't do a thing to make sure that our companies are treated fairly. And they call it a good deal.

Currently, nontariff barriers are playing a vital role in preventing U.S.-made cars from being sold in Japan. According to the American Auto Council, for every one car that the U.S. exports to Japan, Japan exports at least 180 vehicles to the United States. That's 1 to 180. U.S. auto exports to Japan were limited to 8,000 cars last year. That's all we could sell in all of Japan. The USTR says, A variety of nontariff barriers have traditionally impeded access to Japan's automobile and automotive parts market. Overall sales of U.S.-made vehicles remain low, which is a serious concern.

But despite that, what they think with that hand, the government's left hand, the government's right hand is going to sign more trade bills that do exactly the same thing.

□ 1750

It is an action, as far as I'm concerned, that defies common sense. Instead of wasting our time voting for a bad trade bill, I have introduced a bill that will legally ensure a fair playing field for American manufacturers. It's H.R. 1749. The Reciprocal Market Access Act would require both the U.S. Government to consider tariff and nontariff barriers when negotiating a trade agreement with another country and not reduce our tariffs until that has been done. This approach would guarantee that American manufacturers have the same opportunity as foreign competition to sell their goods around the world.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentlelady 1 additional minute.

Ms. SLAUGHTER. If a foreign country is caught trying to stop the sale of American-made goods, we have a ''snap-back'' provision which will stop the free trade agreement.

It's a no-nonsense approach. It is bipartisan in the House. It has been endorsed by Corning; Hickey-Freeman; Hart Schaffner Marx; Globe Specialty Metals; American Manufacturing Trade Action Coalition; the AFL–CIO; the United Steelworkers; and the Auto Workers, even though they are the only union that will benefit somewhat by the Korean pact.

Congress needs to wake up, and we need to make countries like China and Germany see who's going to dominate the green manufacturing for generations to come. We have just about lost that great thing we pioneered here. Over and over again we have waited and watched. And the most recent ones that trouble me so much is General Electric giving away the intellectual property on airplane engines to China and GM forced to give over the technology of the Volt to be able to sell there.

Mr. Speaker, the time is now. We're not going to maintain a superpower status as long as all we can do is give each other haircuts and serve each other dinner. We've got to make things here at home so that our businesses can finally benefit by some fair trade.

Mr. DREIER. Mr. Speaker, I yield myself 15 seconds to say that free trade is fair trade. And it's interesting to note that the United Auto Workers supports the agreement that exists. I totally concur with my friend from Rochester in arguing, Mr. Speaker, that we must enforce the agreements that we have, including on intellectual property issues.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 3 minutes to the gentleman from California, the ranking Democrat on the Education and Workforce Committee, Mr. MILLER.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, one of our most important responsibilities as elected officials is to promote

and protect American jobs and values. When it comes to trade, jobs and values go hand-in-hand. To promote American jobs, we must promote American values. We do this by ensuring that our workers are protected from unfair competition with countries that keep wages artificially low by repressing essential democratic rights: the right to speak out, the right to organize, the right to bargain, the right for a better life without fear of reprisals.

And so as we now consider the trade agreement with Colombia, what do you get when you exercise your rights in Colombia today? You get death threats and death squad activities against you and your families. Colombia is the most dangerous place on Earth for workers who dare to exercise their rights. During the last Colombian President's 8 years in office, 570 union members were assassinated. To date, only 10 percent of the thousands of killings over the last 25 years have been resolved.

The problems here are undeniable. So I appreciate that the U.S. and the Colombia Governments have finally brought labor rights into the equation. They have agreed to a Labor Action Plan requiring Colombia to change some labor laws and to commit more resources to fight the violence and impunity.

But that plan is fatally flawed. It only demands results on paper. It does not demand real change. Colombia could have a record year for assassinations and still meet the requirements of the plan. Sure enough, real change is yet to come to Colombia. Since President Santos took office last year, press reports indicate at least 38 trade unionists have been murdered—16 since the Labor Action Plan was announced.

In mid-June of this year, I met with a Port Workers Union leader from Colombia in my office about his concerns with the free trade agreement. He told me that he was not provided protection and that the abusive cooperative system was still in place despite commitments made by the Colombian Government to remedy both. In July, I spoke directly to his concerns on the floor of the House. And 2 weeks later, this leader received death threats via text message. The message said, ''If you continue to create problems and denounce things, you will die in a mortuary union.''

It's under these conditions that we are asked to approve this deal. If we approve the deal now, any incentive for Colombia to truly improve will vanish. Now is not the time to reward violence with impunity with the seal of approval from the United States. The deal with Colombia is neither fair nor free. Telling Colombian workers that if they speak out for higher wages, they will die—that's not freedom. Telling American workers to compete with that kind of repression—that's not fair to our workers or our values.

Stand for American values, and reject the Colombia Free Trade Agreement.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to one of our thoughtful, hardworking new Members, the gentleman from Fowler, Kansas (Mr. HUELSKAMP).

Mr. HUELSKAMP. I appreciate the opportunity to visit with you on the floor today.

Every day that goes by without these agreements is a missed opportunity. Hundreds of missed opportunities have passed because of years of delay, which is why we cannot afford to waste one more day. The fact is, today in South Korea, for example, beef costs nearly $24 a pound. Pork costs nearly $10 a pound. These facts can only work to the mutual benefit of both U.S. producers and Korean consumers.

When America is starved for jobs and economic growth, agreements with Colombia, Panama, and South Korea present an occasion for Washington to address these challenges. Up to a quarter million new jobs and a hundred billion-dollar boost to the country's GDP are glimmers of hope in what is otherwise a bleak economic outlook. And not a dime of taxpayer money has to be spent to create good American jobs.

For America to be part of the 21st-century economy, it is not enough to simply buy American. We have to sell American. America's safe and efficient ag, energy, and manufacturing production makes the U.S. an attractive trading partner. Americans can compete, and we can win.

When the Ambassador of Vietnam to the United States toured a hog farm in my district in August, he was both impressed and astonished by the safety and cleanliness of our facilities. That signaled to me that America, and Kansas in particular, has much to offer the world.

In sum, these agreements are an opportunity for a nation seeking more affordable and safe goods and an opportunity for our Nation to benefit with jobs and economic growth. I urge my colleagues to move quickly and join me in supporting this rule and the underlying agreements. We need the jobs, Mr. Speaker.

Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I rise in opposition to this rule and the trade agreements underlying it—particularly the agreement with Colombia. Nothing is more important to our economy right now than creating jobs and putting America back to work. And yet we have now before us three NAFTA-style trade agreements with South Korea, Colombia, and Panama that we know from experience will lead to more jobs being shipped overseas and greater trade deficits. In fact, the Economic Policy Institute has estimated this agreement with Colombia will result in the loss of 55,000 American jobs.

The Colombia deal is particularly galling because it will do more than just destroy American jobs. It will bring into question whether our Nation continues to be a defender of human rights and workers' rights around the world. According to the International Trade Union Confederation, more unionists are killed every year in Colombia than in the rest of the world combined. Last year saw 51 murders. As the AFL–CIO's Richard Trumka noted: ''If 51 CEOs had been murdered in Colombia last year, this deal would be on a very slow track indeed.''

This year, we have seen 23 more men and women killed. Human Rights Watch reviewed these and hundreds of other cases of antiunion violence there and concluded that Colombian authorities have ''made virtually no progress in obtaining convictions for killings from the past 4½ years.''

□ 1800

In fact, in only 6 percent of the 2,860 trade unionist murders since 1986 have there been any convictions. That means 94 percent of the killers are walking away. Worse, 16 of the murders this year have occurred after the labor action plan put forward by the administration and the Colombian Government was put into effect.

This action plan is a fig leaf, pure and simple. It is not legally binding. It makes promises that the Colombian Government will step up its protections, but it demands no concrete results before this free trade agreement is implemented. According to the National Labor School, if Congress passes the free trade agreement, ''the limited willingness for change will be further reduced and the action plan will be turned into a new frustration for Colombian workers, in addition to causing other serious consequences.'' In other words, more violence—murders—against trade unionists will be just the cost of doing business.

We should not be sanctioning such a system of violence, terror, and abuse. We have a responsibility to protect the human rights defenders and working families in Colombia who are exercising, and only exercising, their fundamental rights. And we have a responsibility to stand up for our American working families who do not need to see any more good, well-paying jobs shipped overseas.

I urge my colleagues to oppose this rule and this unconscionable agreement.

Mr. DREIER. Mr. Speaker, I yield myself 1 minute to say that we are going to respond to some of these arguments that have been made.

First, Colombia is not the safest place in the world. I'm the first to acknowledge that. There are terrible, terrible problems there. We've been dealing with the Revolutionary Armed Forces of Colombia, the FARC, the paramilitaries, and serious, serious problems that have existed in Colombia. No one is trying to whitewash or dismiss the serious challenges that exist there. But it's important to note that nearly 2,000 labor leaders in Colombia, Mr. Speaker, have around-the-

clock bodyguards protecting them. And in Colombia, it is safer to be a unionist than it is the average citizen.

So I'm not saying that things are perfect. No one is making that claim. But when we've seen an 85 percent decrease in the murder rate since 2002, when we've seen more murders take place—tragically—in some of our cities than have taken place in some areas of Colombia, that is something that has to be seen as progress.

The SPEAKER pro tempore (Mr. THORNBERRY). The time of the gentleman has expired.

Mr. DREIER. I yield myself an additional 15 seconds, Mr. Speaker, to say that I believe we can, in a bipartisan way, work to address these very important issues. And we are going to do just that. We are going to ensure that this kind of agreement effectively addresses these problems.

My friend, Mr. FARR, and I have sat together in the Office of the Fiscalia in Colombia, in Bogota.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DREIER. I yield myself an additional 15 seconds.

We have sat and painstakingly, with several other of our colleagues, Democrats and Republicans alike, gone through these pending cases to bring about a resolution on this issue; and in just a few minutes, I'm going to be yielding to my friend, Mr. FARR, to talk specifically about this and the challenges we have.

With that, Mr. Speaker, I am happy to yield 1½ minutes to my very good friend, the chair of the Committee on Foreign Affairs, who represents what she calls the gateway to the Americas. I think Los Angeles comes pretty close to that too. But Miami, Mr. Speaker, is the gateway to the Americas, and they are very ably represented by our colleague from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank the esteemed chairman of the Rules Committee for highlighting what a transformation Colombia has made in recent years, thanks to the strong leadership from the top down to the cop on the beat.

If the American people are listening to this debate, they would think that Colombia is a war zone equal to Iraq and Afghanistan. And I believe that those Members have not gone to Colombia in many a year.

But I rise in strong support of the free trade agreements with Colombia, Panama, and South Korea. I thank my good friend from California for his strong leadership on these three trade deals that we've been waiting so many years, Mr. Speaker, for them to be sent to Congress. I am pleased that at last we have the chance to vote on them, because their passage will mean American businesses will finally have a competitive level playing field.

And to give you just one example, American industrial exports to Panama—one of our sister countries to south Florida, we have so many Panamanian Americans living in our area—now face tariffs as high as 81 percent, but almost all of these will be eliminated thanks to this trade agreement.

By the administration's own estimates, Mr. Speaker, the U.S.-South Korea free trade agreement alone will generate around 70,000 new American jobs. And as the Rules Committee chairman pointed out, south Florida is indeed the gateway to Latin America.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. DREIER. I yield my friend an additional 30 seconds.

Ms. ROS-LEHTINEN. Thank you.

We will see significant benefits in south Florida, and not just for large companies but for small and medium-sized ones as well.

Let's talk about Colombia. Flower importers in the area estimate that they will save $2 million per month in duties that they now are paying on imports from Colombia.

And also, we should point out how important these trade agreements are, because these three allies are of great importance to our national security. You can't ask for better partners for peace and making sure that we have democracy in the region than South Korea, Colombia, and Panama.

I thank the gentleman for the time, and I'm pleased to support the rule.

Mr. MCGOVERN. I yield myself 20 seconds.

Mr. Speaker, if Colombia is so safe, then why do 2,000 labor leaders need round-the-clock protection? I mean, if Colombia is so safe, why are there nearly 5 million internally displaced people and over 1 million Colombian refugees in neighboring countries? It is because they're fleeing the violence and civil unrest.

Mr. Speaker, at this point I would like to yield 3 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. I want to thank my friend for yielding to me.

This rule makes in order three NAFTA-style free trade agreements, one with Korea, one with Panama, and one with Colombia, all of which I oppose. But I want to focus my remarks today on the trade agreement with Colombia because it hits so close to home for me.

You will hear from Members that feel passionately about Colombia from their experience in that country. They support the free trade agreement, and I respect their perspectives. But there are some of us who feel just as passionately about our brothers and sisters who are killed in Colombia just because they are members of a union, and we oppose the agreement.

I am a proud, card-carrying member of the United Steelworkers Union. I've been a member of the union for over 39 years and served as vice president of Local 152. Workers in Colombia are being killed for the exact same thing.

Since January, 23 unionists have been assassinated. Fifty-one were killed last year, more than the rest of the world combined. Just for carrying a union card like mine, nearly 3,000 workers have been killed in Colombia over the past 25 years.

The administration's Labor Action Plan is intended to address some of the decades-old problems of violence against unionists and the lack of impunity for their perpetrators, but it falls far short from doing so:

First, there has not been meaningful collaboration with the Colombian unions to make sure the action plan is being implemented thoroughly;

Second, the Attorney General's office, according to Human Rights Watch, hasn't made any progress in investigating the murder cases over the last 4 years. Ensuring that murder investigations are conducted and completed and the real killers are brought to justice is a critical component of protecting our union brothers and sisters in Colombia. So far, the government hasn't done it; and

Third, employers continue to force workers into collective pacts so they cannot form unions.

By passing this FTA, Congress is blessing this lack of rights and this longstanding trend of violence. We are choosing to stand in solidarity with a government that can't protect its own people instead of the people who need the protecting.

I urge my colleagues to think about the fact that if they had a card like this and if they were a leader in a union in Colombia, they would be a target. We should not reward this country's disregard for basic rights within an FTA.

I urge my colleagues to vote ''no'' on the rule and vote ''no'' on the Colombian free trade agreement.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds to say that it's obvious that Colombia is not a safe place. I'm not claiming that at all. There have been murders that have taken place and it still is a very dangerous spot. But it's important to note that a Mr. Gomez, who is the leader of one of the three main labor organizations in Colombia, has said that the labor agreements included in this package are the single greatest achievement for social justice in the last 50 years of Colombia's history.

□ 1810

We still have a long way to go, Mr. Speaker. We still have a long way to go, but progress is being made.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. This is momentous. We're finally talking about jobs on the floor of the House of Representatives. And the United States of America is

number one. Let's have a little enthusiasm. We're number one. We're number one, and we want to make certain that we continue that status.

What are we number one in? We are number one in exporting jobs to foreign lands over the last 20 years. Every day we lose 1,370 manufacturing jobs because of our failed trade policies. And guess what? These agreements are duplicates of all failed past trade agreements.

Now, the chairman of the committee says we're going to have lengthy debate, and we will dispel misinformation. Well, the first misinformation is that we're having any lengthy debate here on the floor of the House; 4½ hours for three trade agreements, 270 minutes, boy, a lot of time. Not exactly like we're burning the midnight oil around here, or even working 5 days a week. Couldn't we have a little more time?

Fast Track would have allowed for 20 hours on each of the two Fast Track agreements and who knows what? So that would have been 40 hours. No, we're going to have 165 minutes by the proponents to dispel the misinformation, and 105 by those of us who are opposed to these job-killing trade agreements. That's fair, 165 on their side and 105 on our side because our arguments are honest, and theirs aren't. But that's the way things break around here. That is lengthy debate.

Let's talk for a minute about Colombia. You know, in Colombia, the average income is $3,200. Think of all the U.S. manufactured goods those Colombians are going to buy with $3,200 of income. Whoa, thousands of Americans go to work.

Does that remind you of the myth about NAFTA?

No, this is about yet one more platform to get and access abused labor, unorganized labor under Colombian law to send goods back to the United States of America.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 30 seconds.

Mr. DEFAZIO. I thank the gentleman.

And then there's the issue of, yes, we will get some more agriculture exports, insignificant to our industry, won't employ any Americans, may employ some more people who are in this country to harvest the crops.

But it will cut dramatically into the principal form of employment in Colombia. There'll be a 75 percent drop potentially in rural employment in Colombia. And where will they turn?

The noted economist Joseph Stiglitz says they will turn from traditional farming and farming for their own economy to growing coca. So not only are we going to facilitate the collapse of their agricultural economy, like we did in Mexico; we're going to facilitate the drug lords with this crummy agreement.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds to say to my friend that we have been debating this issue since the negotiations began in 2004. Time and time again on this House floor, we've had very rigorous debates on these agreements. And I will acknowledge, we do have problems with job creation and economic growth.

What this measure does, Mr. Speaker, is it eliminates the barrier for union and nonunion workers and farmers in this country to have access to new markets.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I yield myself an additional 30 seconds, Mr. Speaker.

On August 15, because we had done nothing, our Colombian friends negotiated a free trade agreement with the Canadians, with our good friends to the north, the Canadians.

And guess what, Mr. Speaker. In literally 1 month, there was an 18½ percent increase in Canadian wheat exports to Colombia. This is the kind of opportunity that we've been prevented from having, and we've been debating this for 5 years. It's high time that we vote, and that's exactly what we're going to do, after hours of debate, both tonight and tomorrow.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself 25 seconds to respond to the gentleman from California.

He mentioned a labor leader, in his remarks before, as saying how wonderful the Labor Action Plan was. I should point out to him that last Monday, on October 3, that same labor leader joined in a press conference with other Colombian unions to express his frustration with the Colombian Government's failure to implement the Labor Action Plan.

I also would point out that the Colombia Labor School also has issued a long statement about how the Colombian Government has failed to enact the Labor Action Plan.

I don't care what the Canadians do. In the United States of America, we're supposed to respect human rights.

Mr. Speaker, at this time I would like to yield 3 minutes to the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank you, Congressman MCGOVERN, for your tireless commitment to promoting human rights around the world.

I rise in strong opposition to this rule and to the three pending free trade agreements. The Bush-negotiated Colombia, Panama and South Korea FTAs expand the NAFTA-style trade model that has proven destructive to the American economy and harmful to the workers in the United States and abroad.

Instead of considering a jobs bill, we are instead voting on trade deals that the Economic Policy Institute estimates will eliminate or displace an additional 200,000 American jobs. In particular, I believe we should not extend additional trade privileges to Colombia without seeing significant progress on human rights.

And it is not sufficient just to say, well, Colombia is a dangerous place to live. Colombia has a longstanding legacy of serious abuses; and despite some positive rhetoric by the Santos administration, we have yet to see a tangible improvement.

The recently agreed-to Labor Action Plan includes language to prevent and punish abuses against labor leaders and trade unionists, but it is not legally binding or included in the FTA before us today. We need to see results before granting preferential trade treatment.

Under this agreement, if violence and impunity continue, the U.S. will have no mechanism for holding the Colombian Government accountable to the promises in the Labor Action Plan.

Mr. Speaker, the fact is that human rights abuses are not just a thing of the past in Colombia. Recently published statistics show that Colombia is still the deadliest place in the world to be a trade unionist, with 51 murders in 2010, 25 trade unionists have been murdered so far in 2011, and 16 since this Labor Action Plan went into effect. And this cycle of violence is going to continue because the Colombian Government has made little progress toward prosecuting perpetrators and ending impunity.

The bottom line is this: The Labor Action Plan and the Colombia FTA reward promises, not progress. Mr. Speaker, the consideration of any trade deal with Colombia is inappropriate until we see tangible and sustained results. As AFL–CIO President Richard Trumka has said, and think about this, he said, ''We have no doubt that if 51 CEOs had been murdered in Colombia last year the deal would be on a very slow track indeed.''

I strongly urge my colleagues to join me in opposing this rule and the three underlying trade agreements.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds to say that my friend from Illinois is absolutely right: Colombia is not a safe place. But we have seen an 85 percent reduction since 2002 in the murder rate among trade unionists. It's not perfect and it still is a very dangerous place, but that is progress.

I'd also like to say to my friend from Worcester—and I appreciate the fact that he didn't say it—Mr. Gomez is still supportive of the Colombia-U.S. free trade agreement that he mentioned in his remarks. And I think that he voiced frustration over the implementation of agreements. That's something that takes place in a free society. That's something we see here regularly and there regularly. Implementation of this will help with that enforcement.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this point it is my privilege to yield 2 minutes to the gentleman from Michigan, the ranking Democrat on the Ways and Means Committee, Mr. LEVIN.

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

□ 1820

Mr. LEVIN. The Bush administration negotiated three seriously flawed FTAs. The key flaw in the South Korea FTA was that it violated a fundamental principle of sound, overall trade policy: two-way trade. It locked in one-way trade for Korea in the automotive sector, the source of three-quarters of the American trade deficit with Korea. Last year, urged by congressional Democrats, the Obama administration negotiated specific provisions opening up the Korean market for automotive products made in America.

These vital changes would not have happened if, as the Republicans continually insisted, the FTA had passed as originally negotiated. The Panama FTA as originally negotiated by the Bush administration failed to carry out another key provision of sound trade policy, incorporating international standards on worker rights. Congressional Democrats and the Obama administration successfully worked with the Panamanian Government to correct these flaws, and it also took the necessary concrete steps to change its role as a tax haven.

The Colombia FTA, as originally negotiated, fell far short of addressing the longstanding concerns about the specific challenges in Colombia to worker rights and the persistence of violence and impunity. The Obama administration and the new Santos administration undertook the important steps of discussions on these issues, culminating in an action plan relating to labor rights. Unfortunately, there remains serious shortcomings in the plan's implementation. What's more, giving in to congressional Republican insistence, there is completely lacking any link in the implementation bill to the action plan, necessary to assure its present implementation and future enforcement actions under the FTA.

In view of those conditions, I oppose the Colombia FTA.

Mr. DREIER. Mr. Speaker, may I inquire of my good friend and Rules Committee colleague, the gentleman from Worcester, how many speakers he has remaining on his side?

Mr. MCGOVERN. We have the gentleman from Washington (Mr. MCDERMOTT), and then I will close.

Mr. DREIER. I have a couple of speakers. How much time is remaining on each side, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from California has 7¼ minutes remaining. The gentleman from Massachusetts has 4¼ minutes remaining.

Mr. MCGOVERN. Then I will reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I mentioned the bipartisan nature of this, and to stress that, and being the only one who will yield time to Democrats who are in support of these agreements, I am happy to yield 2½ minutes to my very good friend and a man with whom I have spent time in Colombia on numerous occasions and will in just a few weeks, the gentleman from Carmel, California, a Peace Corps volunteer who served four decades ago in Colombia and knows about it as well as anyone, Mr. FARR.

Mr. FARR. Thank you, Mr. Chairman, for yielding. I look forward to this debate.

As was said, I lived in Colombia, and I have a different perspective than a lot of people. First of all, I think we have to put in perspective that the Latin American market is important to the United States. If you take Brazil, Mexico, and Colombia, just three countries, they equal the entire European trade, and they exceed the trade with Japan and China. It's a very important market.

Colombia is a country that you have heard a lot about, particularly on crime. And as you remember, there is big, big drug production and a lot of crime, particularly paramilitaries who have killed a lot of labor leaders. But what has not been stated is that Colombia is one of the few countries in the world that keeps track of crimes against people who happen to be unionists, not necessarily that they are killed because they are unionists, but because they are killed and they happen to be a member of a union. So they have this data. We don't do that in the United States.

Colombia has set up a separate ministry just to handle labor crimes and put those judges, prosecutors, investigators, and everybody in place in every single one of the departments or states in Colombia. We don't do that in the United States.

Colombia has created a protection system for unionists, including people who want to form unions, who want to advocate for unions, teachers, and retirees of unions who may be threatened because of their activity in unions. We don't do that in the United States. They have all set up a hotline, full disclosure, and you can do that anonymously. You can either email in or you can call in anonymously to the government reporting any labor violations. We don't do that in a national way here in the United States. So there are a lot of issues here that we ought to recognize when we're talking about Colombia.

But I think most of all we've got to talk about this in terms of American jobs. We sell a lot of things that we make here in America to Colombia. Let's take Caterpillar, for example. Canada has just adopted a free trade agreement. Europe is about to adopt a free trade agreement with Colombia. And we're not going to have one. That means our goods are going to be more expensive in Colombia. They're not going to buy from us. We're going to lose the market share. Caterpillar will be out of business. They'll be buying that heavy equipment from Europe, they'll be buying it from Brazil, and they'll be buying it from Canada—countries that have entered into a free trade agreement.

Let's preserve American jobs and let's think about American jobs. This is a huge exporter. In my district alone, it's the number one country in Latin America that we export produce to. So it's an important country to us.

Let the debate begin. The debate can't begin without passing the rule.

Mr. MCGOVERN. I would like to yield 2 minutes to the gentleman from Washington from the Committee on Ways and Means, Mr. MCDERMOTT.

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, in my district, one out of three or maybe one out of four people make their job some way in relationship to foreign trade, either directly through the seaport or through the companies that operate in my district, or the agricultural sector of eastern Washington. Now, all of us in Seattle know that trade is not bad if it's done right, and that's really the issue that we're debating here tonight under this rule which I support.

Two of the agreements that we have before us, Korea and Panama, are examples of doing it right. The Bush administration went in and signed agreements that were flawed, and, in fact, were held up, and then were renegotiated and are, in my opinion, a good place for the trade issue for these two countries. We rejected those flawed agreements because we wanted to do it right.

Now with these new rewritten agreements, we have some real change. In Panama's case, it is no longer a tax haven. It was the best tax haven on the face of the Earth before. Now we have a trade agreement, we have an implemented tax agreement that will make it transparent and no longer will that happen.

Unfortunately, Colombia is a glass that you could hold up and say, is it half full or half empty? There clearly have been problems, for many of us who have been resistant to this for a long time, and I will resist that particular one tonight because, and most importantly, Colombia has moved. They've made beautiful speeches. Speeches don't change anything. My old friend, Ronald Reagan, who I admired greatly, said ''trust but verify.'' And when the Republicans refused to put into this trade agreement that the work action plan would be included, they sent the message ''we're not serious.'' And that's why you're going to get so much opposition.

I urge the adoption of the rule, and we'll debate the issues later.

Mr. DREIER. At this time I'm happy to yield 2 minutes to a very, very strong free trader, a bold and courageous friend from New York City, Mr. MEEKS.

Mr. MEEKS. Mr. Speaker, I feel a sense of urgency about passage of the FTAs before us. Urgency because while we have been waiting on the passage of the agreements, South Korea has

moved forward on trade with Europe, and Colombia and Panama are moving forward on several bilaterals of their own with Canada, China, and others.

And trade is never just about economics. It's also about our relationships with other nations, our allies. It's about strengthening the rule of law, and it's about deepening ties. A recent report by the Council on Foreign Relations said it well, ''Trade has been and remains a major strategic instrument of American foreign policy. It binds together countries in a broad and deep economic network that constitutes a bulwark against conflict.'' But let me also talk specifically about the Colombia free trade agreement.

□ 1830

Many of my colleagues have talked today about the violent past in Colombia and of the remaining vestiges of that past. Having traveled extensively in Colombia over the last decade, I can tell you personally that Colombia is not what it used to be. It's far from it. Even if it is not where it wants to be just yet, there has been major progress in Colombia, and this has been with a tremendous amount of cooperation with and between our great nations. The agreement with Colombia certainly has its many economic benefits for America. We are leveling the playing field for American business.

Beyond that, what I want to emphasize right now is a role that the agreement plays in strengthening the rule of law, specifically as it relates to labor. The agreed-upon action plan between the Obama administration and the Santos administration brings about important changes that labor groups in Colombia have sought to solidify for years. In fact, several labor organizations in Colombia made public statements about the importance of the action plan. One of Colombia's major labor federations lauded the action plan, signifying that, if one of the results of the FTA is the advancement of labor and is an increase in the guarantees to exercise freedom of association, then the FTAs are welcome. Moreover, the federation and others have stated that this action plan will continue to fight against impunity.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. I yield the gentleman an additional 15 seconds.

Mr. MEEKS. I am pleased to say that just last month, the Obama administration announced that Colombia has fully complied with its commitments under the Labor Action Plan that was set for completion in mid-September. At the same time, the State Department also notified that Colombia is meeting statutory criteria relating to human rights that call for the obligation of U.S. assistance funds for the Colombian Armed Forces.

Let's pass this agreement.

Mr. McGOVERN. Mr. Speaker, Congress was right in refusing to take up the Colombia FTA when it was signed in 2006. Supporters of the FTA now talk about those years as Colombia's dark past, but they supported the FTA then just as they do now. The House was right to block the FTA in 2008. Supporters then extolled the virtues of the Uribe government, but Colombia's new Attorney General has revealed mind-boggling corruption in every agency of Uribe's government. Criminal acts were the norm.

I believe the Santos government is Colombia's best chance to bring about much needed reforms and institutional change. I want him to succeed, but goodwill is not enough. We have had promises before. We need time to see if good intentions result in concrete change on labor and human rights.

This is Tito Diaz. He was the mayor of El Roble in Sucre. In 2003, he denounced the links between public officials and paramilitaries. For this, he was tortured and murdered. His body was found strung up like a crucifix and shot 11 times—his fingernails ripped out, his knees bludgeoned, and his mayor's I.D. card taped to his forehead.

His son, Juan David, carried on his father's work, leading the victims' movement in Sucre. He survived four assassination attempts but finally fled the country. Others took his place. Since 2006, five more victims' rights leaders in Sucre have been murdered—two this year.

This is the reality for Colombia's human rights defenders, 29 of whom have been killed this year; 51 priests murdered in the past decade, six so far this year. In this violent reality, Colombian workers attempt to exercise their rights.

I ask my colleagues to think about the lives of all the brave labor leaders, human rights defenders, religious and community leaders. Do not turn your backs on them. Demand concrete change on the ground before approving the Colombia FTA. You know that that is the right thing to do. If the United States of America stands for anything, we ought to stand out loud and four-squared for human rights. Let's remember that as we deliberate on the Colombia FTA. It is just wrong to rationalize, or explain away, the human rights situation in Colombia. We are better than that. We should demand more on behalf of the workers and the human rights defenders in Colombia.

Vote ''no'' on the rule, and vote ''no'' on the Colombia FTA.

A BRIEF HISTORY OF THE VICTIMS' RIGHTS MOVEMENT (MOVICE) IN THE DEPARTMENT OF SUCRE (COLOMBIA)

EUDALDO ''TITO'' DIAZ

1. Biographical Note on Eudaldo ''Tito'' Diaz

Summary

Eudaldo ''Tito'' Diaz was the mayor of El Roble municipality in Sucre Department, Colombia. He was killed for denouncing the links between public officials and paramilitary death squads. On the 5th of April 2003, Mr. Diaz was disappeared, tortured for five days and murdered. His body was found, strung up like a crucifix. He had been shot eleven times, his fingernails ripped out and his knees bludgeoned. On his forehead, the assassins had placed his mayor's identity card, as a warning to others who would speak out against the paramilitaries and public officials who supported them.

Background

Eudaldo ''Tito'' Diaz was the mayor of El Roble municipality in Sucre Department, Colombia. He was killed for denouncing the links between public officials and paramilitary death squads. After speaking out, he was sacked and his security detail was withdrawn. He knew that his actions carried a high price: ''they are going to kill me'' he said, at a televised public meeting on February 1, 2003, at which he spoke out about the corruption and threats. The meeting was attended by former president Uribe and then governor of Sucre, Salvador Arana Sus, whom Mr. Diaz had publicly denounced. Two months later, on April 5, 2003, Mr. Diaz was called to a meeting by governor Arana, colonel Norman León Arango (the former Police Chief of Sucre), Álvaro García Romero (former Senator, sentenced for his role in the Chengue massacre and for his links to paramilitaries), Jaime Gil Ortega (former Inspector General of Sucre), Guillermo Merlano Martinez (former Inspector General of Sucre) and Eric Morris Taboada (former governor of Sucre during 1997–2001, sentenced for his links with paramilitary groups). On his way to that meeting, Mr. Diaz was disappeared, tortured for five days and murdered. On April 10th, his body was found, strung up like a crucifix. He had been shot eleven times, his fingernails ripped out and his knees bludgeoned. The ulcer in his stomach showed that he had been deprived of food and water. On his forehead, the assassins had placed his mayor's identity card, as a warning to others who would speak out against the paramilitaries and politicians who supported them.

Mr. Diaz' son, Juan David, carried on his father's work. He has survived four assassination attempts and received over 20 death threats. The day his father was killed, he received his first death threat. Soon after, governor Arana was named ambassador to Chile by president Uribe. Mr. Arana is currently serving a 40-year sentence for Mr. Diaz' murder. At least 12 of the witnesses in the case have been killed.

2. Prosecutions for Assassination of Eudaldo ''Tito'' Diaz

Salvador Arana Sus, former governor of Sucre, sentenced to 40 years for forced disappearance, aggravated homicide with political motives, and promotion of illegal armed groups. He had been appointed by former president Uribe as ambassador to Chile 2003–2005.

Ángel Miguel Berrocal Doria alias ''El Cocha,'' a paramilitary, sentenced to 37 years for homicide.

Rodrigo Antonio Mercado Pelufo, alias ''Cadena,'' head of the paramilitary group Héroes de los Montes de Maria, sentenced in absentia to 40 years for aggravated homicide and simple kidnapping.

Emiro José Correa alias ''Convivir'' and José Tomas Torres alias ''Orbitel,'' known paramilitaries who allegedly carried out governor Sus' instruction to kill Mr. Diaz, were absolved in 2011. Diana Luz Martínez, former director of the La Vega prison, who allegedly enabled the paramilitaries to leave the prison where they were detained in order to carry out the assassination, was absolved of all charges.

The paramilitaries Edelmiro Anaya, alias ''El Chino,'' Carlos Verbel Vitola, alias ''Caliche,'' Wilson Anderson Atencia, alias ''El Gafa'' and Jhon Ospino, alias ''Jhon'' are also under investigation. Coronel Norman León Arango, then police chief of Sucre, has been formally linked to the assassination.

3. Members of MOVICE Assassinated (Nationwide)

Thirteen members of MOVICE have been assassinated since the movement was created in 2005. Five of those were in the Department of Sucre:

1. Garibaldi Berrio Bautista, MOVICE Sucre, 10 April 2007
2. Jose Dionisio Lozano Torralvo, MOVICE Sucre, 12 August 2007
3. Carlos Burbano, MOVICE Caqueta, 8 March 2008
4. Luis Mayusa Prada, MOVICE Arauca, 8 August 2008
5. Walberto Hoyos, MOVICE Choco, 14 October 2008
6. Carlos Rodolfo Cabrera, MOVICE Arauca, 28 November 2008
7. Carmenza Gomez Romero, MOVICE Bogota, 4 February 2009
8. Jhonny Hurtado, MOVICE Meta, 15 March 2010
9. Nilson Ramirez, MOVICE Meta, 7 May 2010
10. Rogelio Martinez, MOVICE Sucre, 18 May 2010
11. Oscar Maussa, MOVICE Choco, 24 November 2010
12. Eder Verbel Rocha, MOVICE Sucre, 23 March 2011
13. Ana Fabricia Cordoba, MOVICE Antioquia, 7 June 2011

I yield back the balance of my time.

Mr. DREIER. I yield myself the balance of my time.

I'd like to get the debate back to where it was. We have before us four pending issues. We have trade agreements with Colombia, Panama, South Korea, and we have the very important trade adjustment assistance.

Mr. Speaker, our fellow Americans are hurting. Job creation and economic growth is something that Democrats and Republicans alike are talking about. I was listening to the words of one of the protest leaders up in New York. This guy was saying that the protests are about economic and social justice, and he said working class Americans can no longer be ignored.

Now, this measure that is before us, according to the International Trade Commission, will create 250,000 new jobs here in the United States of America. I argue that, if we had had these agreements in place, the pain that so many of our fellow Americans are feeling at this moment would not be as great as it has been because, for half a decade, these agreements have been languishing, waiting to be considered.

The last two speakers I yielded to happen to be Democrats. I am very proud of having worked closely together with SAM FARR and GREGORY MEEKS on these agreements. There are lots of other people who have been involved and who have worked tirelessly for years. Over the last two decades, I've had a working group that I started with former Ways and Means Committee Chairman Bill Archer, going all the way up now to working with DAVE CAMP and KEVIN BRADY and WALLY HERGER and others. There have been many people who have been involved in working with this. Democrats have joined with our bipartisan trade working group because there are Democrats and Republicans who want us to get back to the bipartisan approach to our global leadership role. They want to open up markets around the world for the United States of America; and with the passage of these three agreements, we're going to have access to $2 trillion of economic activity and to 97 million consumers.

Mr. Speaker, we need to support this rule. We're going to have debate going into this evening, and we're going to have debate throughout the day tomorrow. Let's support the rule.

With that, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 281, nays 128, not voting 24, as follows:

[Roll No. 771]

YEAS—281

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Benishek
Berg
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (CA)
Davis (KY)
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Himes
Hirono
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
LoBiondo
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCotter
McDermott
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Olson
Owens
Palazzo
Paulsen
Pearce
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Rush
Ryan (WI)
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—128

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Bishop (NY)
Boswell
Brady (PA)
Braley (IA)
Capps
Capuano
Carnahan
Carson (IN)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conyers
Costello
Courtney
Critz
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Fattah
Filner
Fudge
Garamendi
Gonzalez
Green, Al
Hahn
Heinrich
Higgins
Hochul
Holden
Holt
Honda
Israel
Jackson Lee (TX)
Jones
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
Larson (CT)
Lee (CA)
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maloney
Markey
McCarthy (NY)
McCollum
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Murphy (CT)
Nadler
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rahall
Reyes
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Scott (VA)
Scott, David
Serrano
Sherman
Shuler
Slaughter
Speier
Stark
Sutton
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOT VOTING—24

Bachmann
Brown (FL)
Burton (IN)
Frank (MA)
Giffords
Granger
Graves (MO)
Green, Gene
Grijalva
Hinchey
Hinojosa
Kind
Napolitano
Nunnelee
Paul
Pence
Perlmutter
Polis
Richardson
Sánchez, Linda T.
Visclosky
Walsh (IL)
Wasserman Schultz
Wilson (FL)

□ 1900

Mr. CUMMINGS, Ms. TSONGAS, and Messrs. GARAMENDI, COHEN, and CROWLEY changed their vote from ''yea'' to ''nay.''

Ms. ZOE LOFGREN of California and Messrs. DANIEL E. LUNGREN of California and SMITH of New Jersey changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 771, had I been present, I would have voted ''nay.''

EPA REGULATORY RELIEF ACT OF 2011

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2250.

□ 1900

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, with Mr. THORNBERRY (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 3 printed in the CONGRESSIONAL RECORD by the gentlewoman from Texas (Ms. JACKSON LEE) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 11 by Mr. WAXMAN of California.

Amendment No. 18 by Mr. CONNOLLY of Virginia.

Amendment No. 7 by Mr. MARKEY of Massachusetts.

Amendment No. 2 by Ms. EDWARDS of Maryland.

Amendment No. 1 by Ms. SCHAKOWSKY of Illinois.

Amendment No. 12 by Mr. ELLISON of Minnesota.

Amendment No. 19 by Mr. WELCH of Vermont.

Amendment No. 3 by Ms. JACKSON LEE of Texas.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 11 OFFERED BY MR. WAXMAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 254, not voting 15, as follows:

[Roll No. 772]

AYES—164

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—254

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—15

Bachmann
Brown (FL)
Giffords
Graves (MO)
Hinojosa
Kind
Napolitano
Nunnelee
Paul
Polis
Sánchez, Linda T.
Visclosky
Walsh (IL)
Wasserman Schultz
Wilson (FL)

□ 1919

Mr. BARTLETT changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 250, not voting 15, as follows:

[Roll No. 773]

AYES—168

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—250

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—15

Bachmann
Brown (FL)
Giffords
Graves (MO)
Hinojosa
Kind
Napolitano
Nunnelee
Paul
Polis
Sánchez, Linda T.
Visclosky
Walsh (IL)
Wasserman Schultz
Wilson (FL)

□ 1923

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 166, noes 252, not voting 15, as follows:

[Roll No. 774]

AYES—166

Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—252

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter

Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—15

Bachmann
Brown (FL)
Giffords
Graves (MO)
Hinojosa
Kind
Napolitano
Nunnelee
Paul
Polis
Sánchez, Linda T.
Visclosky
Walsh (IL)
Wasserman Schultz
Wilson (FL)

□ 1928

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MS. EDWARDS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Maryland (Ms. EDWARDS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 157, noes 260, not voting 16, as follows:

[Roll No. 775]

AYES—157

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—260

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—16

Bachmann
Brown (FL)
Franks (AZ)
Giffords
Graves (MO)
Hinojosa
Kind
Napolitano
Nunnelee
Paul
Polis
Sánchez, Linda T.
Visclosky
Walsh (IL)
Wasserman Schultz
Wilson (FL)

□ 1931

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MS. SCHAKOWSKY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 249, not voting 15, as follows:

[Roll No. 776]

AYES—169

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Burton (IN)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch

Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—249

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—15

Bachmann
Brown (FL)
Giffords
Graves (MO)
Hinojosa
Kind
Napolitano
Nunnelee
Paul
Polis
Sánchez, Linda T.
Visclosky
Walsh (IL)
Wasserman Schultz
Wilson (FL)

□ 1934

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. ELLISON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. ELLISON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 154, noes 261, not voting 18, as follows:

[Roll No. 777]

AYES—154

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—261

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita

Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—18

Bachmann
Brown (FL)
Costa
Cuellar
Giffords
Graves (MO)
Hahn
Hinojosa
Kind
Napolitano
Nunnelee
Paul
Polis
Sánchez, Linda T.
Visclosky
Walsh (IL)
Wasserman Schultz
Wilson (FL)

□ 1938

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 19 OFFERED BY MR. WELCH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. WELCH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 249, not voting 15, as follows:

[Roll No. 778]

AYES—169

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Burton (IN)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Waters
Watt
Waxman
Welch
Wolf
Woolsey
Yarmuth

NOES—249

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—15

Bachmann
Brown (FL)
Giffords
Graves (MO)
Hinojosa
Kind
Napolitano
Nunnelee
Paul
Polis
Sánchez, Linda T.
Visclosky
Walsh (IL)
Wasserman Schultz
Wilson (FL)

□ 1941

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR (Mr. SMITH of Nebraska). The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 262, not voting 15, as follows:

[Roll No. 779]

AYES—156

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky

Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—262

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
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Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
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Rigell
Rivera
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Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
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Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—15

Bachmann
Brown (FL)
Giffords
Graves (MO)
Hinojosa
Kind
Napolitano
Nunnelee
Paul
Polis
Sánchez, Linda T.
Visclosky
Walsh (IL)
Wasserman Schultz
Wilson (FL)

□ 1946

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. GARDNER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KINGSTON) having assumed the chair, Mr. SMITH of Nebraska, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

PROVIDING SURVIVING MILITARY SPOUSES WITH MORTGAGE PROTECTION

Mr. RUNYAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1263) to amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1263

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

SECTION 1. EXPANSION OF PROTECTIONS RELATING TO MORTGAGES AND MORTGAGE FORECLOSURES FOR SURVIVING SPOUSES.

(a) PROTECTION FOR SURVIVING SPOUSE.—Section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended by adding at the end the following new subsection:

''(e) PROTECTION FOR SURVIVING SPOUSE.—During the five-year period beginning on the date of the enactment of this subsection, with respect to a servicemember who dies while in military service and whose death is service-connected, this section shall apply to the surviving spouse of the servicemember if such spouse is the successor in interest to property covered under subsection (a).''.

(b) EFFECTIVE DATE.—Subsection (e) of section 303 of such Act, as added by subsection (a), shall apply to a surviving spouse of a servicemember whose death is on or after the date of the enactment of this Act.

SEC. 2. REQUIREMENTS FOR LENDING INSTITUTIONS THAT ARE CREDITORS FOR OBLIGATIONS AND LIABILITIES COVERED BY THE SERVICEMEMBERS CIVIL RELIEF ACT.

Section 207 of the Servicemembers Civil Relief Act is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) LENDING INSTITUTION REQUIREMENTS.—

''(1) COMPLIANCE OFFICERS.—Each lending institution subject to the requirements of this section shall designate an employee of the institution as a compliance officer who is responsible for ensuring the institution's compliance with this section and for distributing information to servicemembers whose obligations and liabilities are covered by this section.

''(2) TOLL-FREE TELEPHONE NUMBER.—During any fiscal year, a lending institution subject to the requirements of this section that had annual assets for the preceding fiscal year of $10,000,000,000 or more shall maintain a toll-free telephone number and shall make such telephone number available on the primary Internet Web site of the institution.''.

SEC. 3. EXTENSION OF PERIOD OF PROTECTIONS FOR SERVICEMEMBERS AGAINST MORTGAGE FORECLOSURES.

(a) EXTENDED PERIOD OF PROTECTIONS.—

(1) STAY OF PROCEEDINGS AND PERIOD OF ADJUSTMENT OF OBLIGATIONS RELATING TO REAL OR PERSONAL PROPERTY.—Section 303(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 533(b)) is amended by striking ''within 9 months'' and inserting ''within 12 months''.

(2) PERIOD OF RELIEF FROM SALE, FORECLOSURE, OR SEIZURE.—Section 303(c) of such Act (50 U.S.C. App. 533(c)) is amended by striking ''within 9 months'' and inserting ''within 12 months''.

(3) SUNSET.— The amendments made by paragraphs (1) and (2) shall expire on December 31, 2017. Effective January 1, 2018, the provisions of subsections (b) and (c) of section 303 of the Servicemembers Civil Relief Act, as in effect on the day before the date of the enactment of the Housing and Economic Recovery Act of 2008 (Public Law 110–289), are hereby revived.

(b) REPEAL OF SUPERCEDED PROVISION.—Subsection (c) of section 2203 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289; 50 U.S.C. App. 533 note) is amended to read as follows:

''(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. RUNYAN) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. RUNYAN. I yield myself such time as I may consume.

Mr. Speaker, one of the top duties of the Committee on Veterans' Affairs is to help enforce and improve the Servicemembers Civil Relief Act, or SCRA, as it is designed to help ease economic and legal burdens on military personnel who are on active duty status. The SCRA is intended to postpone, suspend, or relieve certain civil obligations during a servicemember's period of active duty. It accomplishes this, in part, by regulating certain legal actions against military personnel.

H.R. 1263, as amended, makes several changes to strengthen the current protections. So in order to discuss these improvements, it is my pleasure to yield such time as he may consume to the chairman of the Subcommittee on Economic Opportunity, the gentleman from Indiana, MARLIN STUTZMAN.

Mr. STUTZMAN. I thank the gentleman from New Jersey for yielding.

I also want to thank Ranking Member Mr. FILNER and Mr. BRALEY for helping us move this important piece of legislation to improve the Servicemembers Civil Relief Act, or SCRA.

Earlier this year, allegations surfaced of mortgage-related violations of the SCRA by JPMorgan Chase Bank and other lending institutions. These allegations alleged that these institutions were unlawfully foreclosing on servicemembers' homes and charging interest rates above the 6 percent cap required by SCRA.

□ 1950

On February 9, 2011, the full committee held an oversight hearing to review these allegations and received testimony from Captain Jonathon Rowles, United States Marine Corps, and Mrs. Julia Rowles about the trouble that they had with JPMorgan Chase when they tried to assert their rights under SCRA. They commented that when they called the toll-free number provided by the bank, their employees were woefully inadequate in their knowledge of SCRA and there didn't seem to be anyone in charge to ensure that the bank was complying with the rules.

In response to this hearing and the committee's continued oversight of SCRA abuses, section 2 of this bill clarifies requirements for banks to comply with SCRA provisions related to foreclosures and maximum interest rates. The section requires all lending institutions affected by SCRA to employ and/or designate an SCRA compliance officer. This will make it clear that all banks and other lending institutions must take SCRA seriously and have at least one person responsible to ensure their institution's compliance. The section further requires banks that have annual assets of $10 billion to have a toll-free hotline for servicemembers to call and ask questions about their mortgage and SCRA. I want to thank Mr. JOHNSON of Ohio for originally proposing this provision in H.R. 2329.

Section 1 and section 3 of the bill expand foreclosure protections under SCRA for servicemembers and surviving spouses. The section prohibits foreclosure within 12 months of a servicemember coming off active duty or for a surviving spouse 12 months following the servicemember's death on active duty or as a result of a service-connected injury.

When a servicemember separates from the armed services, they need sufficient time to establish good economic footing to be successful. Some military families experience difficulties—often related to owning a home where the servicemember is stationed—in the transition from the military to the civilian world. By providing this expansion, we will be providing more time and options for the estimated 9,000 servicemembers who face foreclosure every year. These are important protections that help our servicemembers and their families who have already given so much in defense of our country and for our freedoms.

Once again, I thank the chairman of the VA Committee and the ranking member for moving this bill forward, and I urge all Members to support H.R. 1263, as amended.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

We know how JPMorgan Chase and other banks overcharged thousands of veterans and then improperly foreclosed on dozens of families, the most notable case being of Captain Jonathon Rowles and his family who testified very movingly before our committee.

Now in the news, we have information that some of the biggest banks and mortgage companies have defrauded veterans and taxpayers out of hundreds of millions of dollars by charging illegal fees in veterans' home refinancing loans, just, of course, to add to their problems. I think some of those folks who did that did it knowingly, they did it against the law, and they ought to be in jail today.

But when a servicemember separates from the armed services, they need sufficient time to establish good economic footing to be successful. We know that at times, military families have had a difficult time making a transition from the military to the civilian world; therefore, we ought to provide enough time for them to work with their lender, get a new loan, if necessary, or, in a worst-case scenario, sell their home. A home is often a veteran's largest financial asset, and they should have an opportunity to capitalize on their equity and avoid a negative mark on their credit history when they have the means to do so with their own home.

Mr. Speaker, this is why my bill here will extend mortgage foreclosure protection to 1 year for those who are separating from service, and it extends those protections to our servicemembers' widows. The bill also includes a requirement for lending institutions with over $10 billion in assets to have a compliance officer and a toll-free number for veterans to call. We should require lending institutions to be informed about the protections for our military and to have a number that they can call for information and help with their loan.

I would now like to yield such time as he may consume to the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. Mr. Speaker, in May of this year, I introduced the Protecting Veterans' Homes Act after reading in the news and hearing in the Veterans' Affairs Committee that recently returned soldiers were facing foreclosure on their homes. And I thank the chairman of our Economic Opportunity Subcommittee for his inspiring words about this problem.

I rise today to talk about the responsibility this government has to protect our heroes who have recently returned from Afghanistan and Iraq. I am pleased that today the Protecting Veterans' Homes Act is being considered as part of this bill. We had a legislative hearing on this bill in the Veterans' Affairs Subcommittee on Economic Opportunity on July 7, where I have the honor to serve as ranking member, and at that time we heard from the American Legion, the Reserve Officers Association, the Reserve Enlisted Association, Paralyzed Veterans of America, the VFW, Iraq and Afghanistan Veterans of America, and the Gold Star Wives of America. All acknowledged the need to protect returning servicemembers and veterans from foreclosure, and all have endorsed this legislation.

This bipartisan bill will help servicemembers who return from combat and are facing foreclosure stay in their homes and ensure that surviving military spouses have additional protections that prevent foreclosure on their homes. Furthermore, this bill establishes that lending institutions have compliance officers to provide information to veterans and servicemembers about foreclosure protections available to them.

The Protecting Veterans' Homes Act would protect veterans from being foreclosed upon by banks and would give those soldiers, like the Iowa National Guard soldiers returning from Afghanistan, the peace of mind knowing that they will have more opportunities to protect themselves from unwanted foreclosures. Too often, these soldiers return from combat only to face new challenges here at home. Whether it's due to an injury or a financial crisis caused by long deployments and time off from their civilian jobs, our veterans deserve to know that we're standing up for them, and this bill will make sure they have time to get back on their feet.

Currently, similar protections are set to expire in December of 2012. The Protecting Veterans' Homes Act would make these protections permanent and would extend the grace period from 9 months to a full year for servicemembers and veterans returning from deployments. This will allow them to work with their lenders, secure new loans, secure employment, get over a family tragedy, deal with a serious family health issue, or, in a worst-case scenario, be able to sell their home and avoid possible foreclosure, bankruptcy, or damage to their credit rating. That's why this bill is so important, and I ask all Members to support it.

Mr. FILNER. Madam Speaker, I have no further requests for time, I would urge support of the bill, and I yield back the balance of my time.

GENERAL LEAVE

Mr. RUNYAN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 1263.

The SPEAKER pro tempore (Ms. FOXX). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RUNYAN. I encourage all Members to support H.R. 1263, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. RUNYAN) that the House suspend the rules and pass the bill, H.R. 1263, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures, and for other purposes.''.

A motion to reconsider was laid on the table.

□ 2000

PROVIDING HONORARY STATUS TO RESERVE MILITARY MEMBERS

Mr. RUNYAN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1025) to amend title 38, United States Code, to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1025

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

SECTION 1. PROVISION OF STATUS UNDER LAW BY HONORING CERTAIN MEMBERS OF THE RESERVE COMPONENTS AS VETERANS.

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 107 the following new section:

''§ 107A. Honoring as veterans certain persons who performed service in the reserve components

''Any person who is entitled under chapter 1223 of title 10 to retired pay for nonregular service or, but for age, would be entitled under such chapter to retired pay for nonregular service shall be honored as a veteran but shall not be entitled to any benefit by reason of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 107 the following new item:

''107A. Honoring as veterans certain persons who performed service in the reserve components.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. RUNYAN) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. RUNYAN. I yield myself such time as I may consume.

Madam Speaker, H.R. 1025 recognizes those retired from the National Guard and Reserve component of the United States Armed Forces by honoring them with the status of veterans under law.

Representative WALZ of Minnesota, the bill's chief sponsor, recently commented that ''failure to recognize those who have served 20 years or more in the Reserve and National Guard as veterans represents a gross injustice.''

These are men and women who showed devotion and dedication, serving their Nation in uniform for an entire career of 20 years or more in the Reserve and National Guard. These servicemembers wore the same uniform as active duty servicemembers, were subject to the same code of military justice, received the same training, and were available for call-up to active duty service at any time.

H.R. 1025 confers honorary veteran's status on the individuals who are entitled to retirement pay for nonregular service or who would be entitled to retirement pay but for age. In addition, this bill ensures those who receive the honorary recognition as veterans conferred in the bill would not be entitled to any statutory benefit under title 38 or any other title of United States Code for reason of such recognition alone.

I would now like to yield such time as he may consume to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Madam Speaker, I strongly urge my colleagues to support H.R. 1025. I join my colleague, the gentleman from Minnesota, in introducing this bill. My colleagues, you may not be aware that a member of the Guard and Reserve can complete an entire career without earning the title of veteran of the armed forces of the United States if they have never served on Federal active duty for other than training purposes.

As a result, National Guard members protecting our skies and airports, or protecting our Southern border—technically under State orders—may one day retire from the Guard but not qualify to be classified as a veteran of our Armed Forces.

Our military increasingly depends on the National Guard and Reserve to keep our country safe. Men and women who served our country faithfully for decades deserve full recognition as veterans, even if they were never deployed overseas.

Current law does not consider Guard and Reserve members to be veterans unless they were deployed for more than 30 days. The policy excludes many who deployed for long periods of time, carried out critical support roles during times of war and peace, engaged in frequent and often dangerous training exercises, and stood ready to risk their lives to protect our Nation during military careers that spanned decades.

This legislation recognizes the service and sacrifice of National Guard and Reserve retirees and grants them the full honor of being called veterans, which they've earned. I urge my colleagues to support this legislation, which is a matter of honor and fairness for our citizens soldiers.

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

The bill before us, H.R. 1025, as noted sponsored by Congressman WALZ of Minnesota, would ensure that deserving men and women of our National Guard and Reserve receive the honor and distinction of being called veterans. It seems a simple thing, and yet it is denied them.

Representative WALZ introduced this bill in the last Congress. I'm disappointed to say it didn't clear the Senate, and so we'll have to try again. Our Guard and Reserve comprise a large component of those called to serve in our current wars, and these changing dynamics need to be incorporated into our policies. I think this bill strikes the desired balance. I am in full support of the bill.

I would now yield such time as he may consume to the author of the bill, Congressman WALZ, to explain it in more detail.

Mr. WALZ of Minnesota. I thank the ranking member for yielding me this time, as well as being a staunch supporter of this and, of course, other legislation to secure the rights and benefits for our veterans.

I would also like to thank the gentleman from New Jersey for his unwavering support on this and other bills, and appreciate all of the things that are moving today.

I say a special thank you to Chairman MILLER and the majority leader and the majority whip who changed the schedule around to allow this bill to be debated tonight after Representatives ROE, BENISHEK, DESJARLAIS, DENHAM, and I returned from Afghanistan, visiting our warriors downrange defending freedom and putting their lives on the line and doing it in such a professional manner, and standing there and not being able to tell the difference between a Navy, a Marine, or an Army National Guard or Reservist, all of those services working together in unity for this.

I'm proud to sponsor this piece of legislation, the Honor America's Guard and Reserve Act. The veterans' community has prioritized this for a long time. About the honor that you heard my good friend and the lead Republican sponsor on this from Iowa, Mr. LATHAM, talk about, it's about that honor and dignity and a country respecting that.

These are folks who serve in so many ways, responding to national emergencies. But, most importantly, I think, standing ready to be deployed at a moment's notice as a deterrent to aggression. They stood there during the Cold War, many of these people for 20 years, serving this Nation, training the current warriors who are downrange. And yet we will honor them with military retired pay, medical care through

Tricare, we'll even bury them in a veterans' cemetery. But under current law, that member of that reserve component, if they weren't called up under title 10 for more than 179 days, the honor we will not bestow upon them is the right to call themselves veterans, and that truly is a gross injustice. I believe it's an oversight to them, and its an oversight to their families who understood the respect they had. I think it is basic common sense. A reservist can be buried in a Federal cemetery. They should have the right—and what this bestows upon them, no money, no extra benefits, but when the flag comes by on Veterans Day, they can render a hand salute in taking part when that national anthem is played. It is about honor.

It may not seem important to some, but for those who wear the uniform subject to the Uniform Code of Military Justice, received the same training, and spent 20 years away from their families and had the ability to be called up, this lack of recognition is a gross injustice. H.R. 1025 will finally correct this in a straightforward way, including the Guard and Reserve retiree in the definition of the term ''veteran.'' It will ensure they're no longer regulated to second-class status.

As I've said, the sole purpose is to grant veteran's status to those who've been denied it to this point. In light of this fact, let me be absolutely clear: it's about honor. It's not about monetary benefits or material privilege. Both the Congressional Research Service as well as the Department of Veterans Affairs concluded this legislation will provide no additional benefits; instead, it is a tribute to their service. It has been reinforced by the Congressional Budget Office which says it has a zero cost to taxpayers. It's a simple bill. It simply states that those members of the Guard who've served for all of their time, stood ready to be deployed for whatever reason at a moment's notice, have earned the right to be considered veterans.

I would like to point out this legislation is supported by the Military Coalition and the National Military Veterans Alliance, which together represent more than 4 million active-duty servicemember veterans and their families.

I'd like to thank everyone who has engaged in this. It's been a long process. We've got a companion version in the Senate, Madam Speaker, and the time is right to bestow this honor on those who have given so much. So with that, I encourage my colleagues to use this as an opportunity to right an injustice, to stand tall with our Guard and Reserve soldiers, to set this right and allow them to proudly, by this Veterans Day, be able to render their hand salute to our flag.

Mr. RUNYAN. I yield such time as he may consume to the gentleman from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Madam Speaker, I want to thank my friend, Mr. WALZ, for his leadership on this very important issue which is long overdue. I think both sides of the aisle feel this is an injustice. It's gone on far too long. When you take the oath to uphold the Constitution, you put on the service uniform of our country, you serve your obligation and are honorably discharged. You are a veteran. You're as much a veteran as I am, who served on active duty.

Just a few hours ago, Congressman WALZ and others who he mentioned were in Landstuhl, Germany, before we flew home, and saw National Guardsmen, who may not be able to be called veterans, flying planes home to bring our wounded warriors home.

I knew that this legislation was coming up tonight, and I felt compelled, after meeting these young men and women who are doing an incredible job to protect our wounded warriors and protect our country, they be offered this status of veterans. This bill rights a long-standing wrong. I urge very strong support of this much-needed legislation.

□ 2010

Mr. FILNER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. RUNYAN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 1025.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RUNYAN. I once again encourage all Members to support H.R. 1025, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. RUNYAN) that the House suspend the rules and pass the bill, H.R. 1025.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 2020

UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

Mr. BRADY of Texas. Madam Speaker, pursuant to House Resolution 425, I call up the bill (H.R. 3078) to implement the United States-Colombia Trade Promotion Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 425, the bill is considered read.

The text of the bill is as follows:

H.R. 3078

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''United States–Colombia Trade Promotion Agreement Implementation Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the Agreement.
Sec. 102. Relationship of the Agreement to United States and State law.
Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Arbitration of claims.
Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.
Sec. 202. Additional duties on certain agricultural goods.
Sec. 203. Rules of origin.
Sec. 204. Customs user fees.
Sec. 205. Disclosure of incorrect information; false certifications of origin; denial of preferential tariff treatment.
Sec. 206. Reliquidation of entries.
Sec. 207. Recordkeeping requirements.
Sec. 208. Enforcement relating to trade in textile or apparel goods.
Sec. 209. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefitting From the Agreement

Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

Sec. 321. Commencement of action for relief.
Sec. 322. Determination and provision of relief.
Sec. 323. Period of relief.
Sec. 324. Articles exempt from relief.
Sec. 325. Rate after termination of import relief.
Sec. 326. Termination of relief authority.
Sec. 327. Compensation authority.
Sec. 328. Confidential business information.

Subtitle C—Cases Under Title II of the Trade Act of 1974

Sec. 331. Findings and action on Colombian articles.

TITLE IV—PROCUREMENT

Sec. 401. Eligible products.

TITLE V—EXTENSION OF ANDEAN TRADE PREFERENCE ACT

Sec. 501. Extension of Andean Trade Preference Act.

TITLE VI—OFFSETS

Sec. 601. Elimination of certain NAFTA customs fees exemption.
Sec. 602. Extension of customs user fees.
Sec. 603. Time for payment of corporate estimated taxes.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the free trade agreement between the United States and

Colombia entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States and Colombia for their mutual benefit;

(3) to establish free trade between the United States and Colombia through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of the Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the United States–Colombia Trade Promotion Agreement approved by Congress under section 101(a)(1).

(2) COMMISSION.—The term ''Commission'' means the United States International Trade Commission.

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

(4) TEXTILE OR APPAREL GOOD.—The term ''textile or apparel good'' means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)), other than a good listed in Annex 3-C of the Agreement.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States–Colombia Trade Promotion Agreement entered into on November 22, 2006, with the Government of Colombia, as amended on June 28, 2007, by the United States and Colombia, and submitted to Congress on October 3, 2011; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on October 3, 2011.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Colombia has taken measures necessary to comply with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Colombia providing for the entry into force, on or after January 1, 2012, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term ''State law'' includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date on which the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date on which the Agreement enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction contained in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date on which the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met, has expired; and

(4) the President has consulted with the committees referred to in paragraph (2) regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 21 of the Agreement. The office shall not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2011 to the Department of Commerce up to $262,500 for the establishment and operations of the office established or designated under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 21 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 10.16.1(a)(i)(C) or article 10.16.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b) and title V, this Act and the amendments made by this Act take effect on the date on which the Agreement enters into force.

(b) EXCEPTIONS.—

(1) IN GENERAL.—Sections 1 through 3, this title, and title VI take effect on the date of the enactment of this Act.

(2) CERTAIN AMENDATORY PROVISIONS.—The amendments made by sections 204, 205, 207, and 401 of this Act take effect on the date of the enactment of this Act and apply with respect to Colombia on the date on which the Agreement enters into force.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement terminates, this Act (other than this subsection and titles V and VI) and the amendments made by this Act (other than the amendments made by titles V and VI) shall cease to have effect.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, and 3.3.13, and Annex 2.3, of the Agreement.

(2) EFFECT ON GSP STATUS.—Notwithstanding section 502(a)(1) of the Trade Act of

1974 (19 U.S.C. 2462(a)(1)), the President shall, on the date on which the Agreement enters into force, terminate the designation of Colombia as a beneficiary developing country for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.).

(3) EFFECT ON ATPA STATUS.—Notwithstanding section 203(a)(1) of the Andean Trade Preference Act (19 U.S.C. 3202(a)(1)), the President shall, on the date on which the Agreement enters into force, terminate the designation of Colombia as a beneficiary country for purposes of that Act.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Colombia regarding the staging of any duty treatment set forth in Annex 2.3 of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Colombia provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Schedule of the United States to Annex 2.3 of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

(d) TARIFF RATE QUOTAS.—In implementing the tariff rate quotas set forth in Appendix I to the General Notes to the Schedule of the United States to Annex 2.3 of the Agreement, the President shall take such action as may be necessary to ensure that imports of agricultural goods do not disrupt the orderly marketing of commodities in the United States.

SEC. 202. ADDITIONAL DUTIES ON CERTAIN AGRICULTURAL GOODS.

(a) DEFINITIONS.—In this section:

(1) APPLICABLE NTR (MFN) RATE OF DUTY.—The term ''applicable NTR (MFN) rate of duty'' means, with respect to a safeguard good, a rate of duty equal to the lowest of—

(A) the base rate in the Schedule of the United States to Annex 2.3 of the Agreement;

(B) the column 1 general rate of duty that would, on the day before the date on which the Agreement enters into force, apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good; or

(C) the column 1 general rate of duty that would, at the time the additional duty is imposed under subsection (b), apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good.

(2) SCHEDULE RATE OF DUTY.—The term ''schedule rate of duty'' means, with respect to a safeguard good, the rate of duty for that good that is set forth in the Schedule of the United States to Annex 2.3 of the Agreement.

(3) SAFEGUARD GOOD.—The term ''safeguard good'' means a good—

(A) that is included in the Schedule of the United States to Annex 2.18 of the Agreement;

(B) that qualifies as an originating good under section 203, except that operations performed in or material obtained from the United States shall be considered as if the operations were performed in, or the material was obtained from, a country that is not a party to the Agreement; and

(C) for which a claim for preferential tariff treatment under the Agreement has been made.

(4) YEAR 1 OF THE AGREEMENT.—The term ''year 1 of the Agreement'' means the period beginning on the date, in a calendar year, on which the Agreement enters into force and ending on December 31 of that calendar year.

(5) YEARS OTHER THAN YEAR 1 OF THE AGREEMENT.—Any reference to a year of the Agreement subsequent to year 1 of the Agreement shall be deemed to be a reference to the corresponding calendar year in which the Agreement is in force.

(b) ADDITIONAL DUTIES ON SAFEGUARD GOODS.—

(1) IN GENERAL.—In addition to any duty proclaimed under subsection (a) or (b) of section 201, the Secretary of the Treasury shall assess a duty, in the amount determined under paragraph (2), on a safeguard good imported into the United States in a calendar year if the Secretary determines that, prior to such importation, the total volume of that safeguard good that is imported into the United States in that calendar year exceeds 140 percent of the volume that is provided for that safeguard good in the corresponding year in the applicable table contained in Appendix I of the General Notes to the Schedule of the United States to Annex 2.3 of the Agreement. For purposes of this subsection, year 1 in the table means year 1 of the Agreement.

(2) CALCULATION OF ADDITIONAL DUTY.—The additional duty on a safeguard good under this subsection shall be—

(A) in year 1 of the Agreement through year 4 of the Agreement, an amount equal to 100 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty;

(B) in year 5 of the Agreement through year 7 of the Agreement, an amount equal to 75 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(C) in year 8 of the Agreement through year 9 of the Agreement, an amount equal to 50 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty.

(3) NOTICE.—Not later than 60 days after the date on which the Secretary of the Treasury first assesses an additional duty in a calendar year on a good under this subsection, the Secretary shall notify the Government of Colombia in writing of such action and shall provide to that Government data supporting the assessment of the additional duty.

(c) EXCEPTIONS.—No additional duty shall be assessed on a good under subsection (b) if, at the time of entry, the good is subject to import relief under—

(1) subtitle A of title III of this Act; or

(2) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(d) TERMINATION.—The assessment of an additional duty on a good under subsection (b) shall cease to apply to that good on the date on which duty-free treatment must be provided to that good under the Schedule of the United States to Annex 2.3 of the Agreement.

SEC. 203. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a chapter, heading, or subheading, such reference shall be a reference to a chapter, heading, or subheading of the HTS.

(3) COST OR VALUE.—Any cost or value referred to in this section shall be recorded and maintained in accordance with the generally accepted accounting principles applicable in the territory of the country in which the good is produced (whether Colombia or the United States).

(b) ORIGINATING GOODS.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, except as otherwise provided in this section, a good is an originating good if—

(1) the good is a good wholly obtained or produced entirely in the territory of Colombia, the United States, or both;

(2) the good—

(A) is produced entirely in the territory of Colombia, the United States, or both, and—

(i) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in Annex 3-A or Annex 4.1 of the Agreement; or

(ii) the good otherwise satisfies any applicable regional value-content or other requirements specified in Annex 3-A or Annex 4.1 of the Agreement; and

(B) satisfies all other applicable requirements of this section; or

(3) the good is produced entirely in the territory of Colombia, the United States, or both, exclusively from materials described in paragraph (1) or (2).

(c) REGIONAL VALUE-CONTENT.—

(1) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of a good referred to in Annex 4.1 of the Agreement, except for goods to which paragraph (4) applies, shall be calculated by the importer, exporter, or producer of the good, on the basis of the build-down method described in paragraph (2) or the build-up method described in paragraph (3).

(2) BUILD-DOWN METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-down method:

$$RVC = \frac{AV - VNM}{AV} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term ''RVC'' means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term ''AV'' means the adjusted value of the good.

(iii) VNM.—The term ''VNM'' means the value of nonoriginating materials that are acquired and used by the producer in the production of the good, but does not include the value of a material that is self-produced.

(3) BUILD-UP METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-up method:

$$RVC = \frac{VOM}{AV} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term ''RVC'' means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term ''AV'' means the adjusted value of the good.

(iii) VOM.—The term ''VOM'' means the value of originating materials that are acquired or self-produced, and used by the producer in the production of the good.

(4) SPECIAL RULE FOR CERTAIN AUTOMOTIVE GOODS.—

(A) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of an automotive good referred to in Annex 4.1 of the Agreement shall be calculated by the importer, exporter, or producer of the good, on the basis of the following net cost method:

$$RVC = \frac{NC - VNM}{NC} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) AUTOMOTIVE GOOD.—The term ''automotive good'' means a good provided for in any of subheadings 8407.31 through 8407.34, subheading 8408.20, heading 8409, or any of headings 8701 through 8708.

(ii) RVC.—The term ''RVC'' means the regional value-content of the automotive good, expressed as a percentage.

(iii) NC.—The term ''NC'' means the net cost of the automotive good.

(iv) VNM.—The term ''VNM'' means the value of nonoriginating materials that are acquired and used by the producer in the production of the automotive good, but does not include the value of a material that is self-produced.

(C) MOTOR VEHICLES.—

(i) BASIS OF CALCULATION.—For purposes of determining the regional value-content under subparagraph (A) for an automotive good that is a motor vehicle provided for in any of headings 8701 through 8705, an importer, exporter, or producer may average the amounts calculated under the net cost formula contained in subparagraph (A), over the producer's fiscal year—

(I) with respect to all motor vehicles in any one of the categories described in clause (ii); or

(II) with respect to all motor vehicles in any such category that are exported to the territory of the United States or Colombia.

(ii) CATEGORIES.—A category is described in this clause if it—

(I) is the same model line of motor vehicles, is in the same class of motor vehicles, and is produced in the same plant in the territory of Colombia or the United States, as the good described in clause (i) for which regional value-content is being calculated;

(II) is the same class of motor vehicles, and is produced in the same plant in the territory of Colombia or the United States, as the good described in clause (i) for which regional value-content is being calculated; or

(III) is the same model line of motor vehicles produced in the territory of Colombia or the United States as the good described in clause (i) for which regional value-content is being calculated.

(D) OTHER AUTOMOTIVE GOODS.—For purposes of determining the regional value-content under subparagraph (A) for automotive materials provided for in any of subheadings 8407.31 through 8407.34, in subheading 8408.20, or in heading 8409, 8706, 8707, or 8708, that are produced in the same plant, an importer, exporter, or producer may—

(i) average the amounts calculated under the net cost formula contained in subparagraph (A) over—

(I) the fiscal year of the motor vehicle producer to whom the automotive goods are sold,

(II) any quarter or month, or

(III) the fiscal year of the producer of such goods,

if the goods were produced during the fiscal year, quarter, or month that is the basis for the calculation;

(ii) determine the average referred to in clause (i) separately for such goods sold to 1 or more motor vehicle producers; or

(iii) make a separate determination under clause (i) or (ii) for such goods that are exported to the territory of Colombia or the United States.

(E) CALCULATING NET COST.—The importer, exporter, or producer of an automotive good shall, consistent with the provisions regarding allocation of costs provided for in generally accepted accounting principles, determine the net cost of the automotive good under subparagraph (B) by—

(i) calculating the total cost incurred with respect to all goods produced by the producer of the automotive good, subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost of all such goods, and then reasonably allocating the resulting net cost of those goods to the automotive good;

(ii) calculating the total cost incurred with respect to all goods produced by that producer, reasonably allocating the total cost to the automotive good, and then subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the portion of the total cost allocated to the automotive good; or

(iii) reasonably allocating each cost that forms part of the total cost incurred with respect to the automotive good so that the aggregate of these costs does not include any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, or nonallowable interest costs.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—For the purpose of calculating the regional value-content of a good under subsection (c), and for purposes of applying the de minimis rules under subsection (f), the value of a material is—

(A) in the case of a material that is imported by the producer of the good, the adjusted value of the material;

(B) in the case of a material acquired in the territory in which the good is produced, the value, determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), as set forth in regulations promulgated by the Secretary of the Treasury providing for the application of such Articles in the absence of an importation by the producer; or

(C) in the case of a material that is self-produced, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit equivalent to the profit added in the normal course of trade.

(2) FURTHER ADJUSTMENTS TO THE VALUE OF MATERIALS.—

(A) ORIGINATING MATERIAL.—The following expenses, if not included in the value of an originating material calculated under paragraph (1), may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Colombia, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Colombia, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(B) NONORIGINATING MATERIAL.—The following expenses, if included in the value of a nonoriginating material calculated under paragraph (1), may be deducted from the value of the nonoriginating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Colombia, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Colombia, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(iv) The cost of originating materials used in the production of the nonoriginating material in the territory of Colombia, the United States, or both.

(e) ACCUMULATION.—

(1) ORIGINATING MATERIALS USED IN PRODUCTION OF GOODS OF THE OTHER COUNTRY.—Originating materials from the territory of Colombia or the United States that are used in the production of a good in the territory of the other country shall be considered to originate in the territory of such other country.

(2) MULTIPLE PRODUCERS.—A good that is produced in the territory of Colombia, the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(f) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a good that does not undergo a change in tariff classification pursuant to Annex 4.1 of the Agreement is an originating good if—

(A)(i) the value of all nonoriginating materials that—

(I) are used in the production of the good, and

(II) do not undergo the applicable change in tariff classification (set forth in Annex 4.1 of the Agreement),

does not exceed 10 percent of the adjusted value of the good;

(ii) the good meets all other applicable requirements of this section; and

(iii) the value of such nonoriginating materials is included in the value of nonoriginating materials for any applicable regional value-content requirement for the good; or

(B) the good meets the requirements set forth in paragraph 2 of Annex 4.6 of the Agreement.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the following:

(A) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90, that is used in the production of a good provided for in chapter 4.

(B) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90, that is used in the production of any of the following goods:

(i) Infant preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.10.

(ii) Mixes and doughs, containing over 25 percent by weight of butterfat, not put up for retail sale, provided for in subheading 1901.20.

(iii) Dairy preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90.

(iv) Goods provided for in heading 2105.

(v) Beverages containing milk provided for in subheading 2202.90.

(vi) Animal feeds containing over 10 percent by weight of milk solids provided for in subheading 2309.90.

(C) A nonoriginating material provided for in heading 0805, or any of subheadings 2009.11

through 2009.39, that is used in the production of a good provided for in any of subheadings 2009.11 through 2009.39, or in fruit or vegetable juice of any single fruit or vegetable, fortified with minerals or vitamins, concentrated or unconcentrated, provided for in subheading 2106.90 or 2202.90.

(D) A nonoriginating material provided for in heading 0901 or 2101 that is used in the production of a good provided for in heading 0901 or 2101.

(E) A nonoriginating material provided for in chapter 15 that is used in the production of a good provided for in any of headings 1501 through 1508, or any of headings 1511 through 1515.

(F) A nonoriginating material provided for in heading 1701 that is used in the production of a good provided for in any of headings 1701 through 1703.

(G) A nonoriginating material provided for in chapter 17 that is used in the production of a good provided for in subheading 1806.10.

(H) Except as provided in subparagraphs (A) through (G) and Annex 4.1 of the Agreement, a nonoriginating material used in the production of a good provided for in any of chapters 1 through 24, unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this section.

(I) A nonoriginating material that is a textile or apparel good.

(3) TEXTILE OR APPAREL GOODS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification, set forth in Annex 3-A of the Agreement, shall be considered to be an originating good if—

(i) the total weight of all such fibers or yarns in that component is not more than 10 percent of the total weight of that component; or

(ii) the yarns are those described in section 204(b)(3)(B)(vi)(IV) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)(B)(vi)(IV)) (as in effect on February 12, 2011).

(B) CERTAIN TEXTILE OR APPAREL GOODS.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Colombia, the United States, or both.

(C) YARN, FABRIC, OR FIBER.—For purposes of this paragraph, in the case of a good that is a yarn, fabric, or fiber, the term ''component of the good that determines the tariff classification of the good'' means all of the fibers in the good.

(g) FUNGIBLE GOODS AND MATERIALS.—

(1) IN GENERAL.—

(A) CLAIM FOR PREFERENTIAL TARIFF TREATMENT.—A person claiming that a fungible good or fungible material is an originating good may base the claim either on the physical segregation of the fungible good or fungible material or by using an inventory management method with respect to the fungible good or fungible material.

(B) INVENTORY MANAGEMENT METHOD.—In this subsection, the term ''inventory management method'' means—

(i) averaging;

(ii) ''last-in, first-out'';

(iii) ''first-in, first-out''; or

(iv) any other method—

(I) recognized in the generally accepted accounting principles of the country in which the production is performed (whether Colombia or the United States); or

(II) otherwise accepted by that country.

(2) ELECTION OF INVENTORY METHOD.—A person selecting an inventory management method under paragraph (1) for a particular fungible good or fungible material shall continue to use that method for that fungible good or fungible material throughout the fiscal year of such person.

(h) ACCESSORIES, SPARE PARTS, OR TOOLS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), accessories, spare parts, or tools delivered with a good that form part of the good's standard accessories, spare parts, or tools shall—

(A) be treated as originating goods if the good is an originating good; and

(B) be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set forth in Annex 4.1 of the Agreement.

(2) CONDITIONS.—Paragraph (1) shall apply only if—

(A) the accessories, spare parts, or tools are classified with and not invoiced separately from the good, regardless of whether such accessories, spare parts, or tools are specified or are separately identified in the invoice for the good; and

(B) the quantities and value of the accessories, spare parts, or tools are customary for the good.

(3) REGIONAL VALUE CONTENT.—If the good is subject to a regional value-content requirement, the value of the accessories, spare parts, or tools shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(i) PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set forth in Annex 3-A or Annex 4.1 of the Agreement, and, if the good is subject to a regional value-content requirement, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(j) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—Packing materials and containers for shipment shall be disregarded in determining whether a good is an originating good.

(k) INDIRECT MATERIALS.—An indirect material shall be treated as an originating material without regard to where it is produced.

(l) TRANSIT AND TRANSHIPMENT.—A good that has undergone production necessary to qualify as an originating good under subsection (b) shall not be considered to be an originating good if, subsequent to that production, the good—

(1) undergoes further production or any other operation outside the territory of Colombia or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of Colombia or the United States; or

(2) does not remain under the control of customs authorities in the territory of a country other than Colombia or the United States.

(m) GOODS CLASSIFIABLE AS GOODS PUT UP IN SETS.—Notwithstanding the rules set forth in Annex 3-A and Annex 4.1 of the Agreement, goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless—

(1) each of the goods in the set is an originating good; or

(2) the total value of the nonoriginating goods in the set does not exceed—

(A) in the case of textile or apparel goods, 10 percent of the adjusted value of the set; or

(B) in the case of goods, other than textile or apparel goods, 15 percent of the adjusted value of the set.

(n) DEFINITIONS.—In this section:

(1) ADJUSTED VALUE.—The term ''adjusted value'' means the value determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), adjusted, if necessary, to exclude any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the merchandise from the country of exportation to the place of importation.

(2) CLASS OF MOTOR VEHICLES.—The term ''class of motor vehicles'' means any one of the following categories of motor vehicles:

(A) Motor vehicles provided for in subheading 8701.20, 8704.10, 8704.22, 8704.23, 8704.32, or 8704.90, or heading 8705 or 8706, or motor vehicles for the transport of 16 or more persons provided for in subheading 8702.10 or 8702.90.

(B) Motor vehicles provided for in subheading 8701.10 or any of subheadings 8701.30 through 8701.90.

(C) Motor vehicles for the transport of 15 or fewer persons provided for in subheading 8702.10 or 8702.90, or motor vehicles provided for in subheading 8704.21 or 8704.31.

(D) Motor vehicles provided for in any of subheadings 8703.21 through 8703.90.

(3) FUNGIBLE GOOD OR FUNGIBLE MATERIAL.—The term ''fungible good'' or ''fungible material'' means a good or material, as the case may be, that is interchangeable with another good or material for commercial purposes and the properties of which are essentially identical to such other good or material.

(4) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The term ''generally accepted accounting principles''—

(A) means the recognized consensus or substantial authoritative support given in the territory of Colombia or the United States, as the case may be, with respect to the recording of revenues, expenses, costs, assets, and liabilities, the disclosure of information, and the preparation of financial statements; and

(B) may encompass broad guidelines for general application as well as detailed standards, practices, and procedures.

(5) GOOD WHOLLY OBTAINED OR PRODUCED ENTIRELY IN THE TERRITORY OF COLOMBIA, THE UNITED STATES, OR BOTH.—The term ''good wholly obtained or produced entirely in the territory of Colombia, the United States, or both'' means any of the following:

(A) Plants and plant products harvested or gathered in the territory of Colombia, the United States, or both.

(B) Live animals born and raised in the territory of Colombia, the United States, or both.

(C) Goods obtained in the territory of Colombia, the United States, or both from live animals.

(D) Goods obtained from hunting, trapping, fishing, or aquaculture conducted in the territory of Colombia, the United States, or both.

(E) Minerals and other natural resources not included in subparagraphs (A) through (D) that are extracted or taken from the territory of Colombia, the United States, or both.

(F) Fish, shellfish, and other marine life taken from the sea, seabed, or subsoil outside the territory of Colombia or the United States by—

(i) a vessel that is registered or recorded with Colombia and flying the flag of Colombia; or

(ii) a vessel that is documented under the laws of the United States.

(G) Goods produced on board a factory ship from goods referred to in subparagraph (F), if such factory ship—

(i) is registered or recorded with Colombia and flies the flag of Colombia; or

(ii) is a vessel that is documented under the laws of the United States.

(H)(i) Goods taken by Colombia or a person of Colombia from the seabed or subsoil outside the territorial waters of Colombia, if Colombia has rights to exploit such seabed or subsoil.

(ii) Goods taken by the United States or a person of the United States from the seabed or subsoil outside the territorial waters of the United States, if the United States has rights to exploit such seabed or subsoil.

(I) Goods taken from outer space, if the goods are obtained by Colombia or the United States or a person of Colombia or the United States and not processed in the territory of a country other than Colombia or the United States.

(J) Waste and scrap derived from—

(i) manufacturing or processing operations in the territory of Colombia, the United States, or both; or

(ii) used goods collected in the territory of Colombia, the United States, or both, if such goods are fit only for the recovery of raw materials.

(K) Recovered goods derived in the territory of Colombia, the United States, or both, from used goods, and used in the territory of Colombia, the United States, or both, in the production of remanufactured goods.

(L) Goods, at any stage of production, produced in the territory of Colombia, the United States, or both, exclusively from—

(i) goods referred to in any of subparagraphs (A) through (J); or

(ii) the derivatives of goods referred to in clause (i).

(6) IDENTICAL GOODS.—The term ''identical goods'' means goods that are the same in all respects relevant to the rule of origin that qualifies the goods as originating goods.

(7) INDIRECT MATERIAL.—The term ''indirect material'' means a good used in the production, testing, or inspection of another good but not physically incorporated into that other good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of another good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment or buildings;

(D) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment or buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other good that is not incorporated into the other good but the use of which in the production of the other good can reasonably be demonstrated to be a part of that production.

(8) MATERIAL.—The term ''material'' means a good that is used in the production of another good, including a part or an ingredient.

(9) MATERIAL THAT IS SELF-PRODUCED.—The term ''material that is self-produced'' means an originating material that is produced by a producer of a good and used in the production of that good.

(10) MODEL LINE OF MOTOR VEHICLES.—The term ''model line of motor vehicles'' means a group of motor vehicles having the same platform or model name.

(11) NET COST.—The term ''net cost'' means total cost minus sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost.

(12) NONALLOWABLE INTEREST COSTS.—The term ''nonallowable interest costs'' means interest costs incurred by a producer that exceed 700 basis points above the applicable official interest rate for comparable maturities of the country in which the producer is located.

(13) NONORIGINATING GOOD OR NONORIGINATING MATERIAL.—The term ''nonoriginating good'' or ''nonoriginating material'' means a good or material, as the case may be, that does not qualify as originating under this section.

(14) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—The term ''packing materials and containers for shipment'' means goods used to protect another good during its transportation and does not include the packaging materials and containers in which the other good is packaged for retail sale.

(15) PREFERENTIAL TARIFF TREATMENT.—The term ''preferential tariff treatment'' means the customs duty rate, and the treatment under article 2.10.4 of the Agreement, that are applicable to an originating good pursuant to the Agreement.

(16) PRODUCER.—The term ''producer'' means a person who engages in the production of a good in the territory of Colombia or the United States.

(17) PRODUCTION.—The term ''production'' means growing, mining, harvesting, fishing, raising, trapping, hunting, manufacturing, processing, assembling, or disassembling a good.

(18) REASONABLY ALLOCATE.—The term ''reasonably allocate'' means to apportion in a manner that would be appropriate under generally accepted accounting principles.

(19) RECOVERED GOODS.—The term ''recovered goods'' means materials in the form of individual parts that are the result of—

(A) the disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing that is necessary for improvement to sound working condition of such individual parts.

(20) REMANUFACTURED GOOD.—The term ''remanufactured good'' means an industrial good assembled in the territory of Colombia or the United States, or both, that is classified under chapter 84, 85, 87, or 90 or heading 9402, other than a good classified under heading 8418 or 8516, and that—

(A) is entirely or partially comprised of recovered goods; and

(B) has a similar life expectancy and enjoys a factory warranty similar to such a good that is new.

(21) TOTAL COST.—

(A) IN GENERAL.—The term ''total cost''—

(i) means all product costs, period costs, and other costs for a good incurred in the territory of Colombia, the United States, or both; and

(ii) does not include profits that are earned by the producer, regardless of whether they are retained by the producer or paid out to other persons as dividends, or taxes paid on those profits, including capital gains taxes.

(B) OTHER DEFINITIONS.—In this paragraph:

(i) PRODUCT COSTS.—The term ''product costs'' means costs that are associated with the production of a good and include the value of materials, direct labor costs, and direct overhead.

(ii) PERIOD COSTS.—The term ''period costs'' means costs, other than product costs, that are expensed in the period in which they are incurred, such as selling expenses and general and administrative expenses.

(iii) OTHER COSTS.—The term ''other costs'' means all costs recorded on the books of the producer that are not product costs or period costs, such as interest.

(22) USED.—The term ''used'' means utilized or consumed in the production of goods.

(o) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set forth in Annex 3-A and Annex 4.1 of the Agreement; and

(B) any additional subordinate category that is necessary to carry out this title consistent with the Agreement.

(2) FABRICS AND YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN THE UNITED STATES.—The President is authorized to proclaim that a fabric or yarn is added to the list in Annex 3-B of the Agreement in an unrestricted quantity, as provided in article 3.3.5(e) of the Agreement.

(3) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 (as included in Annex 3-A of the Agreement).

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim before the end of the 1-year period beginning on the date on which the Agreement enters into force, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 (as included in Annex 3-A of the Agreement).

(4) FABRICS, YARNS, OR FIBERS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN COLOMBIA AND THE UNITED STATES.—

(A) IN GENERAL.—Notwithstanding paragraph (3)(A), the list of fabrics, yarns, and fibers set forth in Annex 3-B of the Agreement may be modified as provided for in this paragraph.

(B) DEFINITIONS.—In this paragraph:

(i) INTERESTED ENTITY.—The term ''interested entity'' means the Government of Colombia, a potential or actual purchaser of a textile or apparel good, or a potential or actual supplier of a textile or apparel good.

(ii) DAY; DAYS.—All references to ''day'' and ''days'' exclude Saturdays, Sundays, and legal holidays observed by the Government of the United States.

(C) REQUESTS TO ADD FABRICS, YARNS, OR FIBERS.—

(i) IN GENERAL.—An interested entity may request the President to determine that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Colombia and the United States and to add that fabric, yarn, or fiber to the list in Annex 3-B of the Agreement in a restricted or unrestricted quantity.

(ii) DETERMINATION.—After receiving a request under clause (i), the President may determine whether—

(I) the fabric, yarn, or fiber is available in commercial quantities in a timely manner in Colombia or the United States; or

(II) any interested entity objects to the request.

(iii) PROCLAMATION AUTHORITY.—The President may, within the time periods specified in clause (iv), proclaim that the fabric, yarn,

or fiber that is the subject of the request is added to the list in Annex 3-B of the Agreement in an unrestricted quantity, or in any restricted quantity that the President may establish, if the President has determined under clause (ii) that—

(I) the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Colombia and the United States; or

(II) no interested entity has objected to the request.

(iv) TIME PERIODS.—The time periods within which the President may issue a proclamation under clause (iii) are—

(I) not later than 30 days after the date on which a request is submitted under clause (i); or

(II) not later than 44 days after the request is submitted, if the President determines, within 30 days after the date on which the request is submitted, that the President does not have sufficient information to make a determination under clause (ii).

(v) EFFECTIVE DATE.—Notwithstanding section 103(a)(2), a proclamation made under clause (iii) shall take effect on the date on which the text of the proclamation is published in the Federal Register.

(vi) SUBSEQUENT ACTION.—Not later than 6 months after proclaiming under clause (iii) that a fabric, yarn, or fiber is added to the list in Annex 3-B of the Agreement in a restricted quantity, the President may eliminate the restriction if the President determines that the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Colombia and the United States.

(D) DEEMED APPROVAL OF REQUEST.—If, after an interested entity submits a request under subparagraph (C)(i), the President does not, within the applicable time period specified in subparagraph (C)(iv), make a determination under subparagraph (C)(ii) regarding the request, the fabric, yarn, or fiber that is the subject of the request shall be considered to be added, in an unrestricted quantity, to the list in Annex 3-B of the Agreement beginning—

(i) 45 days after the date on which the request is submitted; or

(ii) 60 days after the date on which the request is submitted, if the President made a determination under subparagraph (C)(iv)(II).

(E) REQUESTS TO RESTRICT OR REMOVE FABRICS, YARNS, OR FIBERS.—

(i) IN GENERAL.—Subject to clause (ii), an interested entity may request the President to restrict the quantity of, or remove from the list in Annex 3-B of the Agreement, any fabric, yarn, or fiber—

(I) that has been added to that list in an unrestricted quantity pursuant to paragraph (2) or subparagraph (C)(iii) or (D) of this paragraph; or

(II) with respect to which the President has eliminated a restriction under subparagraph (C)(vi).

(ii) TIME PERIOD FOR SUBMISSION.—An interested entity may submit a request under clause (i) at any time beginning on the date that is 6 months after the date of the action described in subclause (I) or (II) of that clause.

(iii) PROCLAMATION AUTHORITY.—Not later than 30 days after the date on which a request under clause (i) is submitted, the President may proclaim an action provided for under clause (i) if the President determines that the fabric, yarn, or fiber that is the subject of the request is available in commercial quantities in a timely manner in Colombia or the United States.

(iv) EFFECTIVE DATE.—A proclamation issued under clause (iii) may not take effect earlier than the date that is 6 months after the date on which the text of the proclamation is published in the Federal Register.

(F) PROCEDURES.—The President shall establish procedures—

(i) governing the submission of a request under subparagraphs (C) and (E); and

(ii) providing an opportunity for interested entities to submit comments and supporting evidence before the President makes a determination under subparagraph (C) (ii) or (vi) or (E)(iii).

SEC. 204. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by adding after paragraph (19), the following:

''(20) No fee may be charged under subsection (a) (9) or (10) with respect to goods that qualify as originating goods under section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.''.

SEC. 205. DISCLOSURE OF INCORRECT INFORMATION; FALSE CERTIFICATIONS OF ORIGIN; DENIAL OF PREFERENTIAL TARIFF TREATMENT.

(a) DISCLOSURE OF INCORRECT INFORMATION.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (12) as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph:

''(12) PRIOR DISCLOSURE REGARDING CLAIMS UNDER THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.—An importer shall not be subject to penalties under subsection (a) for making an incorrect claim that a good qualifies as an originating good under section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act if the importer, in accordance with regulations issued by the Secretary of the Treasury, promptly and voluntarily makes a corrected declaration and pays any duties owing with respect to that good.''; and

(2) by adding at the end the following new subsection:

''(k) FALSE CERTIFICATIONS OF ORIGIN UNDER THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), it is unlawful for any person to certify falsely, by fraud, gross negligence, or negligence, in a CTPA certification of origin (as defined in section 508 of this Act) that a good exported from the United States qualifies as an originating good under the rules of origin provided for in section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act. The procedures and penalties of this section that apply to a violation of subsection (a) also apply to a violation of this subsection.

''(2) PROMPT AND VOLUNTARY DISCLOSURE OF INCORRECT INFORMATION.—No penalty shall be imposed under this subsection if, promptly after an exporter or producer that issued a CTPA certification of origin has reason to believe that such certification contains or is based on incorrect information, the exporter or producer voluntarily provides written notice of such incorrect information to every person to whom the certification was issued.

''(3) EXCEPTION.—A person shall not be considered to have violated paragraph (1) if—

''(A) the information was correct at the time it was provided in a CTPA certification of origin but was later rendered incorrect due to a change in circumstances; and

''(B) the person promptly and voluntarily provides written notice of the change in circumstances to all persons to whom the person provided the certification.''.

(b) DENIAL OF PREFERENTIAL TARIFF TREATMENT.—Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) is amended by adding at the end the following new subsection:

''(k) DENIAL OF PREFERENTIAL TARIFF TREATMENT UNDER THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.—If U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement of the Department of Homeland Security finds indications of a pattern of conduct by an importer, exporter, or producer of false or unsupported representations that goods qualify under the rules of origin provided for in section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act, U.S. Customs and Border Protection, in accordance with regulations issued by the Secretary of the Treasury, may suspend preferential tariff treatment under the United States-Colombia Trade Promotion Agreement to entries of identical goods covered by subsequent representations by that importer, exporter, or producer until U.S. Customs and Border Protection determines that representations of that person are in conformity with such section 203.''.

SEC. 206. RELIQUIDATION OF ENTRIES.

Section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended in the matter preceding paragraph (1)—

(1) by striking ''or''; and

(2) by striking ''for which'' and inserting '', or section 203 of the United States-Colombia Trade Promotion Agreement Implementation Act for which''.

SEC. 207. RECORDKEEPING REQUIREMENTS.

Section 508 of the Tariff Act of 1930 (19 U.S.C. 1508) is amended—

(1) by redesignating subsection (j) as subsection (k);

(2) by inserting after subsection (i) the following new subsection:

''(j) CERTIFICATIONS OF ORIGIN FOR GOODS EXPORTED UNDER THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.—

''(1) DEFINITIONS.—In this subsection:

''(A) RECORDS AND SUPPORTING DOCUMENTS.—The term 'records and supporting documents' means, with respect to an exported good under paragraph (2), records and documents related to the origin of the good, including—

''(i) the purchase, cost, and value of, and payment for, the good;

''(ii) the purchase, cost, and value of, and payment for, all materials, including indirect materials, used in the production of the good; and

''(iii) the production of the good in the form in which it was exported.

''(B) CTPA CERTIFICATION OF ORIGIN.—The term 'CTPA certification of origin' means the certification established under article 4.15 of the United States-Colombia Trade Promotion Agreement that a good qualifies as an originating good under such Agreement.

''(2) EXPORTS TO COLOMBIA.—Any person who completes and issues a CTPA certification of origin for a good exported from the United States shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the certification or copies thereof).

''(3) RETENTION PERIOD.—The person who issues a CTPA certification of origin shall keep the records and supporting documents relating to that certification of origin for a period of at least 5 years after the date on which the certification is issued.''; and

(3) in subsection (k), as so redesignated by striking ''(h), or (i)'' and inserting ''(h), (i), or (j)''.

SEC. 208. ENFORCEMENT RELATING TO TRADE IN TEXTILE OR APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the Government of Colombia to conduct a verification pursuant to article 3.2 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination of the Secretary that—

(A) an exporter or producer in Colombia is complying with applicable customs laws, regulations, and procedures regarding trade in textile or apparel goods, or

(B) a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 203, or

(ii) is a good of Colombia,

is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary of the Treasury determines that there is insufficient information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to support that claim;

(2) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines that the person has provided incorrect information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that a person has provided incorrect information to support that claim;

(3) detention of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to determine the country of origin of any such good; and

(4) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that the person has provided incorrect information as to the country of origin of any such good.

(c) ACTION ON COMPLETION OF A VERIFICATION.—On completion of a verification under subsection (a)(1), the President may direct the Secretary of the Treasury to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make the determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (c) includes—

(1) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary of the Treasury determines that there is insufficient information to support, or that the person has provided incorrect information to support, any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to support, or that a person has provided incorrect information to support, that claim; and

(2) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to determine, or that the person has provided incorrect information as to, the country of origin of any such good.

(e) PUBLICATION OF NAME OF PERSON.—In accordance with article 3.2.6 of the Agreement, the Secretary of the Treasury may publish the name of any person that the Secretary has determined—

(1) is engaged in circumvention of applicable laws, regulations, or procedures affecting trade in textile or apparel goods; or

(2) has failed to demonstrate that it produces, or is capable of producing, textile or apparel goods.

SEC. 209. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (n) of section 203;

(2) the amendment made by section 204; and

(3) any proclamation issued under section 203(o).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) COLOMBIAN ARTICLE.—The term ''Colombian article'' means an article that qualifies as an originating good under section 203(b).

(2) COLOMBIAN TEXTILE OR APPAREL ARTICLE.—The term ''Colombian textile or apparel article'' means a textile or apparel good (as defined in section 3(4)) that is a Colombian article.

Subtitle A—Relief From Imports Benefitting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Colombian article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Colombian article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Colombian article if, after the date on which the Agreement enters into force, import relief has been provided with respect to that Colombian article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—

(1) IN GENERAL.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(2) LIMITATION ON RELIEF.—The import relief recommended by the Commission under this subsection shall be limited to the relief described in section 313(c).

(3) VOTING; SEPARATE VIEWS.—Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination referred to in paragraph (1) and any finding or recommendation referred to in paragraph (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public the report (with the exception of information which the Commission determines to be confidential) and shall publish a summary of the report in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives a report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 2.3 of the Agreement in the duty imposed on the article.

(B) An increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization (described in article 8.2.2 of the Agreement) of such relief at regular intervals during the period of its application.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), any import relief that the President provides under this section may not be in effect for more than 2 years.

(2) EXTENSION.—

(A) IN GENERAL.—Subject to subparagraph (C), the President, after receiving a determination from the Commission under subparagraph (B) that is affirmative, or which the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), may extend the effective period of any import relief provided under this section by up to 2 years, if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—

(i) INVESTIGATION.—Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date that is 9 months, and not later than the date that is 6 months, before the date on which any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) NOTICE AND HEARING.—The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) REPORT.—The Commission shall submit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(C) PERIOD OF IMPORT RELIEF.—Any import relief provided under this section, including any extensions thereof, may not, in the aggregate, be in effect for more than 4 years.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article—

(1) the rate of duty on that article after such termination and on or before December 31 of the year in which such termination occurs shall be the rate that, according to the Schedule of the United States to Annex 2.3 of the Agreement, would have been in effect 1 year after the provision of relief under subsection (a); and

(2) the rate of duty for that article after December 31 of the year in which such termination occurs shall be, at the discretion of the President, either—

(A) the applicable rate of duty for that article set forth in the Schedule of the United States to Annex 2.3 of the Agreement; or

(B) the rate of duty resulting from the elimination of the tariff in equal annual stages ending on the date set forth in the Schedule of the United States to Annex 2.3 of the Agreement for the elimination of the tariff.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on—

(1) any article that is subject to import relief under—

(A) subtitle B; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); or

(2) any article on which an additional duty assessed under section 202(b) is in effect.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Subject to subsection (b), no import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) EXCEPTION.—If an article for which relief is provided under this subtitle is an article for which the period for tariff elimination, set forth in the Schedule of the United States to Annex 2.3 of the Agreement, is greater than 10 years, no relief under this subtitle may be provided for that article after the date on which that period ends.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking ''and''; and

(2) by inserting before the period at the end '', and title III of the United States-Colombia Trade Promotion Agreement Implementation Act''.

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request for action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall publish in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the elimination of a duty under the Agreement, a Colombian textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits and losses, and investment, no one of which is necessarily decisive; and

(B) shall not consider changes in consumer preference or changes in technology in the United States as factors supporting a determination of serious damage or actual threat thereof.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as provided in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this

subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), the import relief that the President provides under section 322(b) may not be in effect for more than 2 years.

(b) EXTENSION.—

(1) IN GENERAL.—Subject to paragraph (2), the President may extend the effective period of any import relief provided under this subtitle for a period of not more than 1 year, if the President determines that—

(A) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(B) there is evidence that the industry is making a positive adjustment to import competition.

(2) LIMITATION.—Any relief provided under this subtitle, including any extensions thereof, may not, in the aggregate, be in effect for more than 3 years.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to an article if—

(1) import relief previously has been provided under this subtitle with respect to that article; or

(2) the article is subject to import relief under—

(A) subtitle A; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

On the date on which import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect but for the provision of such relief.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 5 years after the date on which the Agreement enters into force.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 328. CONFIDENTIAL BUSINESS INFORMATION.

The President may not release information received in connection with an investigation or determination under this subtitle which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the President, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information, the party shall also provide a nonconfidential version of the information in which the confidential business information is summarized or, if necessary, deleted.

Subtitle C—Cases Under Title II of the Trade Act of 1974

SEC. 331. FINDINGS AND ACTION ON COLOMBIAN ARTICLES.

(a) EFFECT OF IMPORTS.—If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the Colombian article are a substantial cause of serious injury or threat thereof.

(b) PRESIDENTIAL DETERMINATION REGARDING COLOMBIAN ARTICLES.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the President may exclude from the action Colombian articles with respect to which the Commission has made a negative finding under subsection (a).

TITLE IV—PROCUREMENT

SEC. 401. ELIGIBLE PRODUCTS.

Section 308(4)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)) is amended—

(1) by striking ''or'' at the end of clause (vii);

(2) by striking the period at the end of clause (viii) and inserting ''; or''; and

(3) by adding at the end the following new clause:

''(ix) a party to the United States-Colombia Trade Promotion Agreement, a product or service of that country or instrumentality which is covered under that agreement for procurement by the United States.''.

TITLE V—EXTENSION OF ANDEAN TRADE PREFERENCE ACT

SEC. 501. EXTENSION OF ANDEAN TRADE PREFERENCE ACT.

(a) EXTENSION.—Section 208(a) of the Andean Trade Preference Act (19 U.S.C. 3206(a)) is amended—

(1) in paragraph (1)(A), by striking ''February 12, 2011'' and inserting ''July 31, 2013''; and

(2) in paragraph (2), by striking ''February 12, 2011'' and inserting ''July 31, 2013''.

(b) TREATMENT OF CERTAIN APPAREL ARTICLES.—Section 204(b)(3) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)) is amended—

(1) in subparagraph (B)—

(A) in clause (iii)—

(i) in subclause (II), by striking ''8 succeeding 1-year periods'' and inserting ''10 succeeding 1-year periods''; and

(ii) in subclause (III)(bb), by striking ''and for the succeeding 3-year period'' and inserting ''and for the succeeding 5-year period''; and

(B) in clause (v)(II), by striking ''7 succeeding 1-year periods'' and inserting ''9 succeeding 1-year periods''; and

(2) in subparagraph (E)(ii)(II), by striking ''February 12, 2011'' and inserting ''July 31, 2013''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to articles entered on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(A) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to subparagraph (B), any entry of an article to which duty-free treatment or other preferential treatment under the Andean Trade Preference Act would have applied if the entry had been made on February 12, 2011, that was made—

(i) after February 12, 2011, and

(ii) before the 15th day after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on the date that is 15 days after the date of the enactment of this Act.

(B) REQUESTS.—A liquidation or reliquidation may be made under subparagraph (A) with respect to an entry only if a request therefor is filed with U.S. Customs and Border Protection not later than 180 days after the date of the enactment of this Act that contains sufficient information to enable U.S. Customs and Border Protection—

(i) to locate the entry; or

(ii) to reconstruct the entry if it cannot be located.

(C) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry of an article under subparagraph (A) shall be paid, without interest, not later than 90 days after the date of the liquidation or reliquidation (as the case may be).

(3) DEFINITION.—As used in this subsection, the term ''entry'' includes a withdrawal from warehouse for consumption.

TITLE VI—OFFSETS

SEC. 601. ELIMINATION OF CERTAIN NAFTA CUSTOMS FEES EXEMPTION.

(a) IN GENERAL.—Section 13031(b)(1)(A)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(1)(A)(i)) is amended to read as follows:

''(i) the arrival of any passenger whose journey—

''(I) originated in a territory or possession of the United States; or

''(II) originated in the United States and was limited to territories and possessions of the United States;''.

(b) USE OF FEES.—The fees collected as a result of the amendment made by this section shall be deposited in the Customs User Fee Account, shall be available for reimbursement of customs services and inspections costs, and shall be available only to the extent provided in appropriations Acts.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to passengers arriving from Canada, Mexico, or an adjacent island on or after the date that is 15 days after the date of the enactment of this Act.

SEC. 602. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by adding at the end the following:

''(C)(i) Notwithstanding subparagraph (A), fees may be charged under paragraphs (9) and (10) of subsection (a) during the period beginning on August 3, 2021, and ending on September 30, 2021.

''(ii) Notwithstanding subparagraph (B)(i), fees may be charged under paragraphs (1) through (8) of subsection (a) during the period beginning on December 9, 2020, and ending on August 31, 2021.''.

SEC. 603. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, in the case of a corporation with assets of not less than $1,000,000,000 (determined as of the end of the preceding taxable year)—

(1) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2016 shall be increased by 0.50 percent of such amount (determined without regard to any increase in such amount not contained in such Code); and

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

The SPEAKER pro tempore. The gentleman from Texas (Mr. BRADY) and

the gentleman from Michigan (Mr. LEVIN) each will control 45 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BRADY of Texas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BRADY of Texas. Madam Speaker, at this time I reserve the balance of my time.

Mr. LEVIN. It is now my privilege to yield 4 minutes to the gentleman from Washington (Mr. MCDERMOTT), the ranking member on Trade.

Mr. MCDERMOTT. Madam Speaker, tonight the fat is in the fire. We're starting with the tough one up front, and I rise in opposition to the Colombia free trade agreement.

I believe that trade can have transformative effects on a society and its economy. I've seen it firsthand in Seattle, where one out of three or one out of four people make their living directly from trade. I've seen it in southern Africa. I helped write the AGOA Act, and I've seen the effects that it has had there. When trade is done right, it creates opportunities, it generates jobs, and it lifts people up the economic ladder—if it is done right.

Now, I don't come to this with any kind of ideological knee jerk. I am one who believes that you need to go and look. And I've been to Colombia on several different occasions, once with Commerce Secretary Gutierrez. We went out to community meetings. We sat down and listened to people talk. President Uribe had a community meeting, and we saw what was going on. I've been to Medellin, which was one of the most dangerous cities in Central America—in fact, in the world. And one day when one of the drug lords was taken out, the people of Medellin said, No mas, no more. We don't want anymore.

Colombia has come a long way from the image that people have of that country, but there still are problems—too many remaining—and the efforts to address them have not been really activated. Now, the labor problems are really grave. Last year, more union leaders were killed in Colombia than the rest of the world combined. Nearly every murder has been gotten away with. No one has been arrested, no prosecution, nothing.

Now, effective organizing would save lives in Colombia just like it has in the rest of the world, but Colombian laws compound this culture of impunity by making it easy to deny workers their basic rights. Imagine what it does to a worker thinking about joining a union to improve his lot or her lot. No wonder only 4.4 percent of Colombia's labor force dares to unionize.

Democrats have been clear from the very start that this situation needs to be addressed—for the sake of the working people in Colombia, for the safety of Colombian workers and their families, and for the working people here in the United States, because the working community around the world is all one, really. What happens to workers in one area has an effect in other areas. And if we allow people to take jobs where the cheapest labor is or where there are no rules or no anything, we then damage our own workers. And that's part of the problem in this whole issue as we discuss it here tonight.

Now, to be sure, we've made some important victories in trying to renegotiate this agreement. After the Bush administration had written these agreements, we said no. And then we took over in the House, and Mr. RANGEL and Mr. LEVIN negotiated the ''May 10'' agreement with the President of the United States. That included minimum internationally recognized labor standards, and it was a crucial step.

The renegotiation of the U.S.-Colombia free trade agreement has also a produced a Labor Action Plan, which was another part of the development of what was going on with Colombia.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCDERMOTT. I will save a little of this for tomorrow because we're going to debate on this again tomorrow.

Mr. BRADY of Texas. Madam Speaker, I yield the balance of my time to the chairman of the committee, Mr. CAMP, and I ask unanimous consent that he may control the time.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan will control the time.

There was no objection.

Mr. CAMP. I yield myself such time as I may consume.

Madam Speaker, today is a good day. Many of us have been working for years for the opportunity to approve our pending trade agreements with Colombia, Panama, and South Korea. We have called on the President throughout his term to submit all three agreements to Congress, but opposition among some Democrats led many to believe that we would have to settle for just one or two of the agreements. Today, we have all three pending agreements before us. Approving them will resuscitate the U.S. trade agenda, create U.S. jobs, and help get our economy moving again.

The U.S. International Trade Commission has estimated that the three agreements will increase U.S. exports by at least $13 billion. By the President's own estimation, that could generate 250,000 new jobs. The ITC has also determined that these agreements will increase U.S. gross domestic product by at least $10 billion, a stimulus that doesn't cost a single dime in government spending.

This agreement disproportionately benefits the U.S. because it rectifies the current imbalance in U.S.-Colombian trade. Last year, Colombian exporters paid virtually no tariffs when they shipped goods here, but our exporters paid an average of over 11 percent. The agreement removes that imbalance by eliminating Colombian duties. The need is urgent: Our exporters have paid nearly $4 billion in unnecessary duties since this agreement was signed.

We know from experience that these agreements will yield benefits. Between 2000 and 2010, total U.S. exports increased by just over 60 percent, but our exports to countries with which we have trade agreements increased by over 90 percent. Our exports to Peru, for example, more than doubled since passage of the U.S.-Peru trade agreement, from $2.7 billion in 2006 to $6.1 billion in 2010. That's $2.4 billion more than the ITC had forecast.

In the face of this major economic opportunity, delay has been costly. Major economies whose workers and exporters compete directly with ours have moved aggressively to sign and implement trade agreements with Colombia, undermining our competitive edge. Our workers and job-creating exporters are falling behind, losing export market share that took years to build. For example, the U.S. share of Colombia's corn, wheat, and soybean imports fell from 71 percent in 2008 to 27 percent in 2010 after Argentina's exporters gained preferential access to the Colombian market. And after Canada's trade agreement with Colombia went into effect on August 15, Colombia's largest wheat importer dropped U.S. suppliers in favor of Canadian wheat. Adding insult to injury, Canada signed its trade agreement with Colombia 2 years after we signed our agreement with Colombia.

In short, we owe it to U.S. workers and exporters to approve this agreement now and to press the President for prompt implementation.

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It's not only considerable economic benefits that are at stake. The delay in implementing these agreements has left strong allies out in the cold. Colombia, for example, currently sits with the United States on the U.N. Security Council and chairs its Iran sanctions committee.

Colombian troops have served alongside U.S. troops at war, and Colombia has been training militaries and police around the world in counter-narcotics and counter-insurgency. As five former commanders of U.S. Southern Command have said: ''This agreement will meet our duty to stand shoulder-to-shoulder with Colombians as they have stood by the United States as friends and allies.''

I urge my colleagues to join me in approving this important agreement, and I reserve the balance of my time.

Mr. LEVIN. I am now privileged to yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL), a very distinguished member of our committee.

Mr. PASCRELL. Madam Speaker, I want to challenge just about everything that my very good friend Mr. CAMP laid before this House.

First, let's talk about the numbers. The updated report that Mr. CAMP referred to in terms of the number of jobs that would be created by this Colombian deal contains a very specific disclaimer that it is not an official estimate.

Additionally, both—any reports estimate that the overall trade deficit will increase. An increasing trade deficit cannot lead to job creation. It's never happened. It will not happen.

And you throw numbers in front of people and you know what? You better know what you're talking about. In fact, given the projected changes, the growth of the United States trade deficit with Colombia will displace 83,000 jobs in the United States of America by 2015, for a net loss of an additional 55,000 jobs. Those are the numbers. I didn't make them up.

So when you think that anytime you're going to parade a trade deal in front of us—and I voted for Peru because I thought it was a great step forward—and think that we're just going to have to believe, anybody's going to have to believe on either side of the aisle that what you're saying is really what the truth is, you're done, you're over. The American people don't accept it. Four to one they don't accept these trade deals that have diminished us.

But the worst part of the Colombia deal is this: since the new President, Mr. Santos, we've had 38 union people killed, family men, teachers, lawyers, shot in the back of the head, wired up on a tree. And one indictment.

You want to bring the Colombian trade deal here—here we go—and make us believe that you're not only going to create jobs, but that these victims are going to be no more. Well, you had an opportunity.

Here's the numbers, Madam Speaker. Here are the numbers, very clear, very succinct. From 2007 to 2010, 51 murders last year, no convictions. Of the 94 percent of the cases, 130 human rights defenders were detained in 2010.

This is an aberration, this is wrong, and the American people aren't going to take it anymore.

Mr. CAMP. Madam Speaker, I yield 3 minutes to my distinguished colleague on the Ways and Means Committee, the chairman of the Trade Subcommittee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Thank you, Chairman CAMP, for your leadership on trade and, really, your critical role of working across the aisle and with this administration to finally bring this free trade agreement and others to the floor.

The world's changed. It's not enough to simply sell American or to buy American anymore. We have to sell American. We have to go out in every corner of this world and sell American products and services and agricultural products. But when we do, we find too much of the world was tilted against us. Too many countries have an America need not apply sign. But these trade agreements change that. They tear that sign down; and with our best trading allies, they level the playing field and create two-way trade, where it's not just sales into America, we get the chance to sell our products and compete for new customers in their country, and that's critical because so much of the world's consumers live outside of America.

This Colombia agreement is critical because, one, Colombia is such a critical ally of ours. As a country, they've made remarkable progress on human rights, labor rights, democracy and rule of law. They fought terrorism to a halt. They've created a much safer country than a decade ago. And, in fact, if they were a company, we would call them the turn-around of the decade.

Colombia is a trusted ally. More important, they're a dynamic economy that wants to trade first with the United States, and that's what this agreement does. It opens the door for over $1 billion of new sales from America into Colombia. It increases our economy by $2.5 billion. It creates new standards that allow, not just our agricultural community, not just our manufacturing community to sell two-way, but creates the standard so that our financial and telecommunications and energy management and accounting, and a whole list of other services, can sell on a standard equal to equal, plug in together so that we can both compete and buy and sell as equal trading partners.

It's critical, too, that we not allow America to fall farther behind. It has been, as Chairman CAMP said, nearly 5 years since this agreement has been signed. President Bush signed, I think, a very strong agreement. President Obama, to his credit, continued to work with both sides of the aisle, I think, to put on some preconditions that have been very important to our Democrat Members and to labor.

This agreement has strong bipartisan support, has strong economic support, and is critical for a national security ally like Colombia that we wait no longer; that Congress stand up, Republicans and Democrats together, to pass a bipartisan jobs bill that creates two-way trade, creates real jobs, and strengthens our security relationship with a remarkable ally in our hemisphere.

I strongly support this agreement, and I urge its passage.

Madam Speaker, I am very pleased that we have finally reached this important moment. Next month we will mark five years since the United States and Colombia signed the United States-Colombia Trade Promotion Agreement. U.S. workers and job-creating exporters have had to wait for far too long for the President to submit this promising agreement to Congress, but it has now reached the floor—and I look forward to a bipartisan vote to approve the agreement.

This agreement, like our other trade agreements, will create well-paid American jobs without any government spending. I like to call our trade agreements "Sell American" agreements because they lower other countries' barriers to American goods and services. More U.S. exports translate into more U.S. jobs. With over 90 percent of consumers living outside our borders, we must look to other markets in order to sell more of our goods and services.

The U.S. International Trade Commission estimates that the Colombia trade agreement alone will increase U.S. goods exports by $1.1 billion and expand U.S. gross domestic product by $2.5 billion. This agreement is all upside for us. Last year, Colombian exporters to the United States paid an average tariff of less than one percent because, under the Andean Trade Preference Act, most Colombian goods entered duty-free. In contrast, U.S. exporters to Colombia paid an average tariff of over eleven percent last year—and now this agreement will eliminate Colombian tariffs on most U.S. exports.

As co-chairman of the Congressional Services Caucus, I should also note that this trade agreement with Colombia will reduce non-tariff and regulatory barriers and provide expanded market access and increased protections for U.S. services exporters. For example, Colombia estimates that its public infrastructure spending will exceed $55 billion this decade—and our world-class construction, energy, engineering, and other services firms will now have a leg-up in pursuing that work, which will generate substantial economic growth and jobs back home.

The United States has been sitting on the sidelines for far too long. Now we finally have the opportunity to get back in the game, so I ask my colleagues to join me in voting to approve the United States-Colombia Trade Promotion Agreement, as well as our other two pending agreements.

Mr. LEVIN. It is now my pleasure to yield 1 minute to the distinguished Representative from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank my dear friend Mr. LEVIN for yielding.

It's time for America to negotiate fair trade agreements that create jobs in America and are based on a rule of law, respect for life and liberty before profits for the few.

I rise in opposition to this Colombia deal. It's just another NAFTA-like trade accord that too often are job-killers, people-killers and democracy-killers. This administration promised an agreement with Colombia would not be moved forward until the violence and targeted killings of union leaders and religious leaders stopped.

This is a picture of Father Jose Restrepo, who was found murdered along a roadside in rural Colombia, gunned down as he traveled through the countryside. The week before his murder, Father Restrepo had traveled to Bogota, the capital city there, to raise concerns of his community about the impact of a giant open pit gold mine. Father is one of six Catholic priests killed this year alone in Colombia, in addition to 22 union leaders that have been killed there just since January.

What kind of a deal is this with a nation that has had dozens and dozens and dozens since 2010, 51 people murdered for their trade union activities in Colombia alone?

What is wrong with our country that we cannot stand up for democracy, for human rights, and for job creation in this country?

Mr. CAMP. Madam Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) has 38 minutes, and the gentleman from Michigan (Mr. LEVIN) has 37½ minutes remaining.

Mr. CAMP. At this time I yield 2 minutes to the gentleman from California (Mr. HERGER), a distinguished member of the Ways and Means Committee.

□ 2040

Mr. HERGER. Madam Speaker, the trade agreements before us represent a major opportunity for American small businesses and workers. By leveling the playing field for U.S. goods and services entering Colombia, Panama, and South Korea, these agreements will provide a significant boost to our economy and create an estimated 250,000 new jobs. They are commonsense, win-win agreements for the American people. Here's why. Removing tariffs and other barriers to U.S. exports means that our U.S. products become more competitive in foreign markets, which in turn generates more sales and more business for our farmers, ranchers, manufacturers, and service providers.

Passing these agreements will mean more jobs, more economic growth, and more opportunities both on and off the farm for the men and women in my northern California congressional district and the rest of our Nation. Perhaps best of all, these trade agreements will provide real, permanent economic stimulus at no cost to the American taxpayers. They represent fundamentally sound economics—getting government-imposed barriers out of the way and letting American business and workers do what they do best.

As the former ranking Republican on the Ways and Means Subcommittee on Trade, I have joined many others in urging support for these agreements. While I believe this week should have come a lot sooner, these are real job bills, and I urge my colleagues to support all three.

Mr. LEVIN. I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I rise in opposition to the three free trade pacts up for consideration this week. It's essential that we work to keep jobs here in the United States, and I believe the trade agreements with South Korea, Colombia, and Panama will cost U.S. jobs. We should be doing everything we can to create jobs and advance economic opportunity here at home.

These trade pacts are modeled on the NAFTA agreement, and the results will be the same. In the last decade alone, we've lost 55,000 manufacturing plants and 6 million jobs with NAFTA in place. We don't want to repeat the ill effects of NAFTA. The essential issue at hand, Madam Speaker, is that trade deals between a large economy and a smaller economy naturally benefit the smaller economy, in this case South Korea, Colombia, and Panama. The economies of these countries are a fraction of the size of the U.S. economy, and they will stand to benefit greatly by exporting their goods here while, I fear, U.S. exports will not have the same advantage.

Madam Speaker, we should be focusing on passing the American Jobs Act, which provides incentives to businesses to hire new workers in the United States, and not passing free trade pacts that will further encourage U.S. companies to move jobs overseas.

Mr. CAMP. Madam Speaker, I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentleman from Louisiana, Dr. BOUSTANY.

Mr. BOUSTANY. Madam Speaker, Colombia is a key ally of the United States and the third-largest export market in Latin America for U.S. goods and services, and that's despite having tariff barriers in place.

This agreement was negotiated in good faith years ago. Basically, American credibility is on the line—our credibility as to whether or not we will follow through with our commitments. After years of delay, U.S. businesses, farmers, and ranchers have been losing market share because of the inability to move forward on this agreement. In 2008, U.S. agricultural producers had 71 percent of that market. By 2010, we were down to 27 percent, and we're still dropping. And that's because other countries who have fulfilled agreements with Colombia, after we have already negotiated this, have gained that market share. They have picked up the market share we have lost.

Passing this agreement is a very important step in reversing this onerous trend for our farmers, our ranchers, and our businesses in this country. Colombia is currently the tenth-largest export market in my home State of Louisiana, and it stands to grow as a result.

Pass this agreement.

Mr. LEVIN. I yield 1 minute to the gentlelady from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Speaker, today with unemployment in the United States at over 9 percent and the middle class under siege, we're considering a Colombian trade bill that would cost, according to the Economic Policy Institute, 55,000 jobs. That makes absolutely no sense.

It's bad enough to ship U.S. jobs overseas, but particularly to a country that leads the world in deadly violence against union members. In Colombia, to band together in solidarity with your fellow workers is to take your life into your own hands. Twenty-three trade unionists have been murdered so far this year, including one teacher—a teacher—who was hanged with barbed wire. Last year, 51 such murders. As the AFL–CIO put it, ''if 51 CEOs had been murdered in Colombia, this deal would be on a very slow track indeed.''

Let's reject these trade agreements, and let's put America back to work with a big, bold jobs plan for the American people.

Mr. CAMP. Madam Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. GERLACH), a member of the Ways and Means Committee.

Mr. GERLACH. I thank the gentleman.

Madam Speaker, I rise this evening in support of the Colombia free trade agreement, and, indeed, all three free trade agreements, the most significant trade package for our country in more than a decade. These trade pacts with Colombia, South Korea, and Panama are significant. They will unlock new opportunities and markets for Pennsylvania companies to sell their products overseas, and that means more jobs.

By leveling the playing field and eliminating burdensome tariffs, these agreements will improve our ability to sell American-made products overseas. Specifically, in Pennsylvania, these agreements will be a boon for the Commonwealth's farmers and provide new opportunities in other key export sectors of Pennsylvania, including primary metal producers. Tariffs on more than 90 percent of primary metals, such as steel, titanium, aluminum, and zinc will be eliminated immediately.

Once the free trade agreement with South Korea is fully implemented, more than 70 percent of all Pennsylvania exports will be duty-free. And similar trade opportunities exist in the Colombia and Panama free trade agreements as well.

As we continue to lose market share in these regions, Pennsylvanians, and indeed all Americans, simply cannot afford another delay in these agreements. Pass them now.

Mr. LEVIN. I yield 1½ minutes to a very active Member on these issues, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Madam Speaker, the Colombia FTA is bad for American workers, bad for jobs, and bad for Colombian workers, small farmers, and human rights defenders. Colombia is still a country in conflict that affects thousands every year. We know Colombia is the deadliest place in the world to be a trade unionist, but it also suffers from over 4 million internally displaced, second only to Sudan. Over 1 million Colombians are refugees in neighboring countries. They are fleeing terrifying, crippling violence from paramilitaries, guerrillas, and even Colombia's own army. And after these people leave, drug traffickers, criminals, and wealthy interests come in and they take over.

This FTA will only increase that vicious cycle. Nearly every study done asserts that the FTA will push even more small farmers off their land. They will either be forced to join the ranks of the displaced, grow coca or join the guerrillas or paramilitaries just to feed their families. They won't be buying American goods, Madam Speaker.

And when Colombian workers have no rights, then there's no level playing field for American workers, and that costs jobs. This FTA is set up to help the rich get richer and the poor get poorer. It's the last thing Colombia's workers, farmers, and human rights defenders need.

Finally, Madam Speaker, let me ask my colleagues in this Chamber, do human rights matter anymore? If so, we should not be debating this FTA today. We should be waiting until we see real, honest-to-goodness results on the ground in terms of improvements of human rights. When it comes to human rights, Madam Speaker, the United States of America should not be a cheap date. We should stand firm, and we should be unabashed in our support for human rights.

Madam Speaker, that is why I urge all my colleagues to vote ''no'' on this FTA agreement.

[From Pittsburgh Post-Gazette, Oct. 10, 2011]

FREE TRADE: THE BIG LIE—WE SHOULD STOP MAKING TRADE AGREEMENTS THAT HURT WORKERS

(By Daniel Kovalik)

On March 10, 2010, former President Bill Clinton made this stunning confession to the Senate Foreign Relations Committee regarding his free trade policies in Haiti:

''It may have been good for some of my farmers in Arkansas, but it has not worked. It was a mistake. I had to live every day with the consequences of the loss of capacity to produce a rice crop in Haiti to feed those people because of what I did; nobody else.''

Even more surprisingly, Mr. Clinton, one of the founding fathers of the modern free trade agreement, admitted that this type of trade policy ''failed everywhere it's been tried. . . .'' Truer words have never been spoken. And yet, even in the face of such a confession, and in the face of incontrovertible facts, the U.S. Congress is poised to pass not just one, but three new free trade agreements—with Colombia, South Korea and Panama—of the very type that Mr. Clinton now loses sleep over.

So, what are the facts?

Let's start with the mother of all free trade agreements—the North American Free Trade Agreement—the one which Mr. Clinton had promised would create jobs in the United States but which presidential candidates Hillary Clinton and Barack Obama ran from in 2008, claiming that it needed fixing. And fixing it surely needs. According to the Economic Policy Institute, nearly 900,000 (mostly high-paying) U.S. jobs were lost to NAFTA between 1993 and 2002 alone.

Meanwhile, Mexico has fared even worse. Indeed, the same devastation Mr. Clinton's policies wrought in Haiti have been experienced in Mexico. Thus, the agricultural provisions of NAFTA—almost identical to those contained in the Colombia Free Trade Agreement now being considered—cost the livelihood and land of 1.3 million small farmers in Mexico.

Where did these small farmers go? Many are being forced to emigrate to the United States. Indeed, while small farmers make up a relatively small percentage of the Mexican population, they make up around 40 percent of Mexicans immigrating into the United States. Still others have been pushed into the illicit drug trade—the very drug trade the United States purports to fight there.

Meanwhile, the good industrial jobs lost in the United States under NAFTA never translated into good jobs in Mexico. Rather, NAFTA created low-paying, dangerous and environmentally damaging industries on the other side of the border which have devastated Mexican workers and their communities. One only need look at Juarez, Mexico—the city that was to be a model of development under NAFTA and which instead is experiencing violence at wartime levels, with 4,300 civilians murdered in the last two years out of a population of 2 million.

Again, it was NAFTA and the ''free trade'' principles it embodied which have done this, which have transformed Mexico into the near failed state it is today.

This now brings us to the Colombia FTA—the one I know most about and which represents the biggest concern for labor and human rights advocates.

When running for office, President Obama took a principled stance against the Colombia FTA, echoing the concerns of labor that we shouldn't enter into a free trade agreement with Colombia in light of its abysmal labor and human rights situation. As Mr. Obama explained, ''We have to stand for human rights and we have to make sure that violence isn't being perpetrated against workers who are just trying to organize for their rights.''

The rationale behind this stance continues to this day, with 51 unionists killed in Colombia in 2010 and 23 killed so far this year, allowing Colombia to retain its dubious distinction as the most dangerous country in the world in which to be a trade unionist. In addition to unionists, human rights defenders, indigenous and Afro-Colombian leaders, and Catholic priests defending the poor are also targeted in Colombia. This year alone, six Catholic priests have been murdered in Colombia.

Meanwhile, according to Colombia's own prosecutor general, right-wing paramilitaries aligned with the Colombian state have murdered more than 170,000 civilians over the past 15 years. Of these, around 50,000 have ''disappeared.'' Yet this is a country to which the United States may give special trade preferences.

The Colombia FTA, while costing the United States an estimated 55,000 net jobs, according to the Economic Policy Institute, would wreak further havoc in Colombia. The agricultural policies that devastated Haiti and Mexico—those allowing the United States to dump cheap, subsidized food into those countries—would be applied to Colombia. This would lead to the impoverishment and dislocation of hundreds of thousands of small farmers in Colombia, many of whom would join the ranks of the 5 million internally displaced persons in Colombia—the largest internally displaced population in the world.

In short, free trade has never worked as promised and it will not work now. But sadly, like the false prophets of a bad religion, those holding the reins of power in the United States continue to push ''free trade'' policies despite all the evidence that they have failed. These false prophets exhort us to believe in the magical force of the ''invisible hand'' of the ''free market'' to save us, all the while giving real and visible aid to corporations and Wall Street banks even as they tell working people to keep tightening their belts. It is time that these lies and these bad economic and trade policies be rejected.

□ 2050

Mr. CAMP. Madam Speaker, I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. I stand in strong support of this trade agreement that will open up U.S. production to over 40 million consumers close to our shores.

While the national economic and strategic impact of the Colombia agreement is very important, obviously the increased marketing opportunity for Nebraska is tremendous as well. Specifically for agriculture, the agreement with Colombia will lead to gains for Nebraska's major commodities, such as soybeans and wheat.

Currently, all U.S. ag exports to Colombia face tariffs. Upon implementation of the agreement, three-quarters of Colombia's tariff lines will become duty free for U.S. exports. Specifically, Colombia places an 80 percent tariff on U.S. beef imports today, making it one of the highest tariffs on U.S. beef in the world. This agreement changes that.

Colombia has also lifted unscientific restrictions. Colombia will recognize the equivalence of the U.S. food safety system for meat, poultry, and processed foods—a significant victory for U.S. livestock producers. I want to make sure Nebraska products and producers make the most of the opportunities provided by international sales to increased exports.

Mr. LEVIN. I yield 1 minute to the gentlelady from California (Ms. LEE).

Ms. LEE of California. Madam Speaker, I rise in opposition to the Colombia free trade agreement.

I support trade that is fair: trade that protects labor rights, trade that protects the environment, and trade that creates American jobs. Unfortunately, these trade agreements before us this week fail at all three. Labor leaders continue to be murdered in Colombia simply for standing up for basic rights, and the Colombian Government has failed to act.

How in the world can those who support these deals turn a blind eye to the thousands of Colombians killed by right-wing death squads? Are we really rewarding these death squads with this agreement?

Also, free trade agreements are supposed to open up foreign markets and create more good-paying American jobs. Instead, these agreements will only increase our trade deficits and cost over 190,000 American jobs. We cannot create American jobs by doing more of the same. We have to put American workers first and stop shipping jobs overseas.

In addition to being fair, these trade agreements must be free; and until they are, I cannot support the Colombia free trade agreement.

Mr. CAMP. Madam Speaker, I yield 1 minute to the distinguished chair of the Foreign Relations Committee, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank my good friend, the chairman of the committee, for yielding.

I am just astounded, but I am very pleased to hear my good friends from the other side speak so eloquently about support for human rights and support for labor leaders and workers' rights. Yet some of these folks are the very same ones who want to lift those sanctions against Communist, totalitarian Cuba, where labor unions are outlawed, where workers have no rights, and where human rights are not respected at all. I don't think the Castro brothers can even spell ''human rights'' in either language.

But on to the point of human rights and free trade and dignity for workers in Colombia, I am so pleased that, finally, we are going to pass this agreement.

In south Florida, Colombia is already south Florida's second largest trading partner. Our two largest economic engines are the Port of Miami and the Miami International Airport, both of which will benefit tremendously from the increase in trade with a free, democratic Colombia.

So I welcome this, and I hope that this newfound love for human rights and trade and labor unions will extend to my native homeland of Cuba one day.

Madam Speaker, I rise in strong support of the U.S.-Colombia Free Trade Agreement.

After having waited for years since this agreement was first signed the time has finally come for Congress to vote to approve it.

This agreement is, good for Colombia but is even better for the United States.

According to the International Trade Commission, the U.S.-Colombia Free Trade Agreement will expand exports of U.S. goods by more than $1 billion dollars every year which will allow businesses to create thousands of new jobs for those Americans who are struggling to find one.

In South Florida, Colombia is already our second largest trading partner.

Our two largest economic engines are the Port of Miami and Miami International Airport, both of which will benefit tremendously from the increase in trade with Colombia.

In 2010, Colombia was the 10th largest trading partner with the Port of Miami, with bilateral trade worth $6.8 billion.

And 96 percent of the flowers that are sent to the U.S. from Colombia come through Miami International Airport, which helps support tens of thousands of jobs related to the airport and several aviation industries.

These figures will grow rapidly once this agreement has been approved.

But there is more at stake here than increased trade.

Colombia has been a strong democracy and a steadfast ally in a region where U.S. interests are under assault.

We have jointly battled narco-terrorists, leftist guerrillas, and the aggressive actions of Venezuelan strongman Hugo Chavez.

This agreement will strengthen that vital partnership between our two nations and demonstrate to our friends and enemies alike that the U.S. intends to remain a strong presence in the region.

Madam Speaker, it is time to put American interests first instead of the partisan political considerations that have delayed this agreement for years.

I strongly encourage my colleagues to vote yes on the U.S.-Colombia Free Trade Agreement and allow our businesses to finally begin creating the jobs that so many Americans are searching for.

Mr. LEVIN. It is now my pleasure to yield 1 minute to the very distinguished gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman from Michigan for yielding.

The only thing I have agreed with so far in tonight's debate from the other side is that America's credibility is on the line. I really do believe that. We've had 2,697 trade unionists killed over the past two decades in Colombia, and 94 percent of these murders go unprosecuted.

I was an ironworker at the General Motors plant when we signed NAFTA. Mexico, of course, was 4 percent of the U.S. economy, and not long after that they closed the plant that I was working at and moved it over the border to Mexico. Colombia is 3 percent of the U.S. economy, not even 3 percent. This is all about shifting American jobs down to Colombia. That's what this is all about. Give me a break. The reason we have 9 percent unemployment in this country is that we keep shipping jobs overseas. When you find yourself in a ditch, it's time to stop digging, okay? This is a bad deal. We should be ashamed of ourselves.

Mr. CAMP. I yield 1 minute to the distinguished gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Madam Speaker, I rise in support of all three market-opening agreements.

Over the past 3 years, the United States posted a surplus of over $70 billion in manufactured goods with our free trade agreement partners. These three free trade agreements that we're discussing have the potential to generate more exports to create or sustain 250,000 jobs.

Last year, the Brookings Institute released a study that the Rockford, Illinois, metropolitan area, with a population of 350,000, exported a whopping $3.3 billion in 2008, making Rockford the most export-intensive city in all of Illinois. Over 16,000 jobs in the Rockford area are directly related to these exports.

With the passage of these three free trade agreements, we can have even more exports coming from northern Illinois to the rest of the world.

Mr. LEVIN. This is a somewhat unusual structure here. Each of us is going to take 15 minutes of our total allotment. I want to talk to Mr. CAMP.

I think we have used all but 2 of our minutes. I want to use those 2 minutes to close the 15 minutes, but I'm not quite sure where you are on your 15 minutes.

Mr. CAMP. I have two more speakers at 1 minute each; so my plan is to have those be the conclusion of my time.

Mr. LEVIN. So why don't you call on one. Then I'll take mine, and then you'll have one more person.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) has 31 minutes remaining.

Mr. CAMP. Madam Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. RIVERA).

Mr. RIVERA. The Colombia free trade agreement represents a critical juncture in our trade relations. It does so because it's about economic security, but it's also about national security.

It's about economic security because the Colombia free trade agreement means jobs—thousands of jobs for America. In my community and for our national economy in particular, international commerce is important to creating those jobs. It's also about national security because the Colombia free trade agreement will send a message to our allies, and just as importantly, it will send a message to our enemies. All of Latin America and, indeed, the world will be watching to see if we are going to stand up with our allies—those who are fighting for democracy and who are fighting against narcoterror.

Vote ''yes'' on this trade agreement, and stand up for our best ally in Latin America, Colombia. Vote ''yes'' on this agreement, and stand up for jobs in America.

Madam Speaker, we have come to a crucial point in the free trade debate.

The world is watching.

Our best friends and allies in Latin America are watching.

Madam Speaker, our enemies are watching.

The choice that is presented to us with these trade agreements could not be any clearer. Are we going to stand with our allies? Or are we going to continue turning our back to them? The choice is an easy one to make, and the stakes could not be any higher.

Madam Speaker, just as American ingenuity has made our nation the model for developed economies for decades, in an ever more globalized economy, free trade is integral to promoting economic growth, to creating American jobs, and to raising the standard of living in the United States and abroad. At the same time, Colombia is our best and strongest ally in Latin America and the oldest functioning democracy in the region. The Colombian people have a passion to be free and full partners in the global economy and have shown great enthusiasm about trading with the United States. As someone who represents the largest Colombian-American community in the country, I know this first hand.

I have seen what the Colombian people have been through over the past two decades and the improvements that have been made in that country.

Madam Speaker, Colombia has become a model for success in the region.

Colombia is a nation that looks to the United States as its role model and has worked to emulate us in its own legislative, judicial, and social structures. What's more, today Colombia is a nation of people determined to crush the drug trade and break free from the bonds of their difficult past to reclaim their homeland.

American aid to Colombia has made it possible for Colombia to upgrade its social infrastructure and improve its schools, health care, and labor laws. There is no more important task before us right now that will help the Colombian people achieve further advancement, than to quickly pass the Colombia Free Trade Agreement.

So, Madam Speaker, what does passage of these free trade agreements show to the world?

It shows that we will stand by our allies.

It shows what the United States values. It shows that we value human rights. It shows that we value democracy. It shows that we value liberty.

Colombia has achieved, and continues to achieve, all of those things. Colombia's democracy has withstood terrorism. It has withstood civil war. And Colombia is a pillar of freedom in the region. The more trade and economic benefits the Colombian people receive, the less difficult it becomes for the Colombian government to destroy terrorism and put an end to the illicit drug trade in their country.

Madam Speaker, the bottom line is that trade, and this agreement, will create opportunity in Colombia as well as in the United States. This agreement will mean better, high quality jobs for Colombian citizens. It will mean better, high quality jobs for our own citizens; a much-needed boost in this struggling economy.

Madam Speaker, let's send a message to our enemies. Let's send a message to our best friends and allies in Latin America. Let's send a message to the world.

Let's send the message that America rewards its allies. Let's send the message that America wants to do business with another country that values freedom and democracy. And let's send a message that America will not let political gamesmanship continue to get in the way of improving our nation's economy.

In the 112th Congress, both Democrats and Republicans are united and ready to approve the Colombia Free Trade Agreement.

Madam Speaker, it's time to pass the Colombia Free Trade Agreement.

□ 2100

Mr. LEVIN. I yield myself 2 minutes.

We have three FTAs before us. Each one of those should be taken on their own. And let me express my strong views about the Colombia FTA based on my three trips there. Trade is about more than tariffs or the flow of goods. As important as they are, it's about people. And where workers have no rights, increased trade with another country can work against us and can work against the other country. Colombia, in that regard, has presented a special case. A violation of basic rights has gone on for decades, and not only those violations of laws but violation of persons, violence, and death.

The Santos administration came to power and said it wanted to do it differently. Our two governments sat down and worked on an agreement on worker rights. It was a step forward, but there is a serious set of problems. First of all, the implementation of that in important instances has been spotty, especially as to the vehement misuse of cooperatives in Colombia and so-called collective PACs. And, secondly, there was an absolute resistance, refusal on the part of the Republican majority to have any reference in the action plan to the implementation bill. That is a serious, serious flaw. For that reason, I am very much opposed to this agreement.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 3078 is postponed.

UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

Mr. CAMP. Madam Speaker, pursuant to House Resolution 425, I call up the bill (H.R. 3079) to implement the United States-Panama Trade Promotion Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 425, the bill is considered read.

The text of the bill is as follows:

H.R. 3079

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''United States–Panama Trade Promotion Agreement Implementation Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the Agreement.
Sec. 102. Relationship of the Agreement to United States and State law.
Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 105. Administration of dispute settlement proceedings.
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Sec. 331. Findings and action on Panamanian articles.

TITLE IV—MISCELLANEOUS

Sec. 401. Eligible products.
Sec. 402. Modification to the Caribbean Basin Economic Recovery Act.

TITLE V—OFFSETS

Sec. 501. Extension of customs user fees.
Sec. 502. Time for payment of corporate estimated taxes.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the free trade agreement between the United States and Panama entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States and Panama for their mutual benefit;

(3) to establish free trade between the United States and Panama through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of the Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the United States–Panama Trade Promotion Agreement approved by Congress under section 101(a)(1).

(2) COMMISSION.—The term ''Commission'' means the United States International Trade Commission.

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

(4) TEXTILE OR APPAREL GOOD.—The term ''textile or apparel good'' means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)), other than a good listed in Annex 3.30 of the Agreement.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States–Panama Trade Promotion Agreement entered into on June 28, 2007, with the Government of Panama and submitted to Congress on October 3, 2011; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on October 3, 2011.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Panama has taken

measures necessary to comply with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Panama providing for the entry into force, on or after January 1, 2012, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term ''State law'' includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date on which the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date on which the Agreement enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction contained in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met, has expired; and

(4) the President has consulted with the committees referred to in paragraph (2) regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 20 of the Agreement. The office shall not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2011 to the Department of Commerce up to $150,000 for the establishment and operations of the office established or designated under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 20 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 10.16.1(a)(i)(C) or article 10.16.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), this Act and the amendments made by this Act take effect on the date on which the Agreement enters into force.

(b) EXCEPTIONS.—

(1) IN GENERAL.—Sections 1 through 3, this title, and title V take effect on the date of the enactment of this Act.

(2) CERTAIN AMENDATORY PROVISIONS.—The amendments made by sections 204, 205, 207, and 401 of this Act take effect on the date of the enactment of this Act and apply with respect to Panama on the date on which the Agreement enters into force.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement terminates, this Act (other than this subsection and title V) and the amendments made by this Act (other than the amendments made by title V) shall cease to have effect.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 3.3, 3.5, 3.6, 3.26, 3.27, 3.28, and 3.29, and Annex 3.3, of the Agreement.

(2) EFFECT ON GSP STATUS.—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall, on the date on which the Agreement enters into force, terminate the designation of Panama as a beneficiary developing country for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.).

(3) EFFECT ON CBERA STATUS.—

(A) IN GENERAL.—Notwithstanding section 212(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)), the President shall, on the date on which the Agreement enters into force, terminate the designation of Panama as a beneficiary country for purposes of that Act.

(B) EXCEPTION.—Notwithstanding subparagraph (A), Panama shall be considered a beneficiary country under section 212(a) of the Caribbean Basin Economic Recovery Act, for purposes of—

(i) sections 771(7)(G)(ii)(III) and 771(7)(H) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(G)(ii)(III) and 1677(7)(H));

(ii) the duty-free treatment provided under paragraph 4 of the General Notes to the Schedule of the United States to Annex 3.3 of the Agreement; and

(iii) section 274(h)(6)(B) of the Internal Revenue Code of 1986.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Panama regarding the staging of any duty treatment set forth in Annex 3.3 of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Panama provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Schedule of the United States to Annex 3.3 of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

(d) TARIFF RATE QUOTAS.—In implementing the tariff rate quotas set forth in Appendix I to the General Notes to the Schedule of the United States to Annex 3.3 of the Agreement,

the President shall take such action as may be necessary to ensure that imports of agricultural goods do not disrupt the orderly marketing of commodities in the United States.

SEC. 202. ADDITIONAL DUTIES ON CERTAIN AGRICULTURAL GOODS.

(a) DEFINITIONS.—In this section:

(1) APPLICABLE NTR (MFN) RATE OF DUTY.—The term ''applicable NTR (MFN) rate of duty'' means, with respect to a safeguard good, a rate of duty equal to the lowest of—

(A) the base rate in the Schedule of the United States to Annex 3.3 of the Agreement;

(B) the column 1 general rate of duty that would, on the day before the date on which the Agreement enters into force, apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good; or

(C) the column 1 general rate of duty that would, at the time the additional duty is imposed under subsection (b), apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good.

(2) SAFEGUARD GOOD.—The term ''safeguard good'' means a good—

(A) that is included in the Schedule of the United States to Annex 3.17 of the Agreement;

(B) that qualifies as an originating good under section 203; and

(C) for which a claim for preferential tariff treatment under the Agreement has been made.

(3) SCHEDULE RATE OF DUTY.—The term ''schedule rate of duty'' means, with respect to a safeguard good, the rate of duty for that good that is set forth in the Schedule of the United States to Annex 3.3 of the Agreement.

(4) TRIGGER LEVEL.—

(A) IN GENERAL.—The term ''trigger level'' means—

(i) in the case of a safeguard good classified under subheading 0201.10.50, 0201.20.80, 0201.30.80, 0202.10.50, 0202.20.80, or 0202.30.80 of the HTS—

(I) in year 1 of the Agreement, 330 metric tons; and

(II) in year 2 of the Agreement through year 14 of the Agreement, a quantity equal to 110 percent of the trigger level for that safeguard good for the preceding calendar year; and

(ii) in the case of any other safeguard good, 115 percent of the quantity that is provided for that safeguard good in the corresponding calendar year in the applicable table contained in Appendix I to the General Notes to the Schedule of the United States to Annex 3.3 of the Agreement.

(B) RELATIONSHIP TO TABLE.—For purposes of subparagraph (A)(ii), year 1 in the applicable table contained in Appendix I to the General Notes to the Schedule of the United States to Annex 3.3 of the Agreement corresponds to year 1 of the Agreement.

(5) YEAR 1 OF THE AGREEMENT.—The term ''year 1 of the Agreement'' means the period beginning on the date, in a calendar year, on which the Agreement enters into force and ending on December 31 of that calendar year.

(6) YEARS OTHER THAN YEAR 1 OF THE AGREEMENT.—Any reference to a year of the Agreement subsequent to year 1 of the Agreement shall be deemed to be a reference to the corresponding calendar year in which the Agreement is in force.

(b) ADDITIONAL DUTIES ON SAFEGUARD GOODS.—

(1) IN GENERAL.—In addition to any duty proclaimed under subsection (a) or (b) of section 201, the Secretary of the Treasury shall assess a duty, in the amount determined under paragraph (2), on a safeguard good imported into the United States in a calendar year if the Secretary determines that, prior to such importation, the total volume of that safeguard good that is imported into the United States in that calendar year exceeds the trigger level for that good for that calendar year.

(2) CALCULATION OF ADDITIONAL DUTY.—The additional duty on a safeguard good under this subsection shall be—

(A) in the case of a good classified under subheading 0201.10.50, 0201.20.80, 0201.30.80, 0202.10.50, 0202.20.80, or 0202.30.80 of the HTS—

(i) in year 1 of the Agreement through year 6 of the Agreement, an amount equal to 100 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(ii) in year 7 of the Agreement through year 14 of the Agreement, an amount equal to 50 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty;

(B) in the case of a good classified under subheading 0406.10.08, 0406.10.88, 0406.20.91, 0406.30.91, 0406.90.97, or 2105.00.20 of the HTS—

(i) in year 1 of the Agreement through year 11 of the Agreement, an amount equal to 100 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(ii) in year 12 of the Agreement through year 14 of the Agreement, an amount equal to 50 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(C) in the case of any other safeguard good—

(i) in year 1 of the Agreement through year 13 of the Agreement, an amount equal to 100 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(ii) in year 14 of the Agreement through year 16 of the Agreement, an amount equal to 50 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty.

(3) NOTICE.—Not later than 60 days after the date on which the Secretary of the Treasury first assesses an additional duty in a calendar year on a good under this subsection, the Secretary shall notify the Government of Panama in writing of such action and shall provide to that Government data supporting the assessment of the additional duty.

(c) EXCEPTIONS.—No additional duty shall be assessed on a good under subsection (b) if, at the time of entry, the good is subject to import relief under—

(1) subtitle A of title III of this Act; or

(2) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(d) TERMINATION.—The assessment of an additional duty on a good under subsection (b) shall cease to apply to that good on the date on which duty-free treatment must be provided to that good under the Schedule of the United States to Annex 3.3 of the Agreement.

SEC. 203. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a chapter, heading, or subheading, such reference shall be a reference to a chapter, heading, or subheading of the HTS.

(3) COST OR VALUE.—Any cost or value referred to in this section shall be recorded and maintained in accordance with the generally accepted accounting principles applicable in the territory of the country in which the good is produced (whether Panama or the United States).

(b) ORIGINATING GOODS.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, except as otherwise provided in this section, a good is an originating good if—

(1) the good is a good wholly obtained or produced entirely in the territory of Panama, the United States, or both;

(2) the good—

(A) is produced entirely in the territory of Panama, the United States, or both, and—

(i) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in Annex 4.1 of the Agreement; or

(ii) the good otherwise satisfies any applicable regional value-content or other requirements specified in Annex 4.1 of the Agreement; and

(B) satisfies all other applicable requirements of this section; or

(3) the good is produced entirely in the territory of Panama, the United States, or both, exclusively from materials described in paragraph (1) or (2).

(c) REGIONAL VALUE-CONTENT.—

(1) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of a good referred to in Annex 4.1 of the Agreement, except for goods to which paragraph (4) applies, shall be calculated by the importer, exporter, or producer of the good, on the basis of the build-down method described in paragraph (2) or the build-up method described in paragraph (3).

(2) BUILD-DOWN METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-down method:

$$RVC = \frac{AV - VNM}{AV} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term ''RVC'' means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term ''AV'' means the adjusted value of the good.

(iii) VNM.—The term ''VNM'' means the value of nonoriginating materials that are acquired and used by the producer in the production of the good, but does not include the value of a material that is self-produced.

(3) BUILD-UP METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-up method:

$$RVC = \frac{VOM}{AV} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term ''RVC'' means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term ''AV'' means the adjusted value of the good.

(iii) VOM.—The term ''VOM'' means the value of originating materials that are acquired or self-produced, and used by the producer in the production of the good.

(4) SPECIAL RULE FOR CERTAIN AUTOMOTIVE GOODS.—

(A) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of an automotive good referred to in Annex 4.1 of the Agreement may be calculated by the importer, exporter, or producer of the good on the basis of the build-down method described in paragraph (2), the build-up method described in paragraph (3), or the following net cost method:

$$RVC = \frac{NC - VNM}{NC} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) AUTOMOTIVE GOOD.—The term ''automotive good'' means a good provided for in

any of subheadings 8407.31 through 8407.34, subheading 8408.20, heading 8409, or any of headings 8701 through 8708.

(ii) RVC.—The term ''RVC'' means the regional value-content of the automotive good, expressed as a percentage.

(iii) NC.—The term ''NC'' means the net cost of the automotive good.

(iv) VNM.—The term ''VNM'' means the value of nonoriginating materials that are acquired and used by the producer in the production of the automotive good, but does not include the value of a material that is self-produced.

(C) MOTOR VEHICLES.—

(i) BASIS OF CALCULATION.—For purposes of determining the regional value-content under subparagraph (A) for an automotive good that is a motor vehicle provided for in any of headings 8701 through 8705, an importer, exporter, or producer may average the amounts calculated under the net cost formula contained in subparagraph (A), over the producer's fiscal year—

(I) with respect to all motor vehicles in any one of the categories described in clause (ii); or

(II) with respect to all motor vehicles in any such category that are exported to the territory of Panama or the United States.

(ii) CATEGORIES.—A category is described in this clause if it—

(I) is the same model line of motor vehicles, is in the same class of motor vehicles, and is produced in the same plant in the territory of Panama or the United States, as the good described in clause (i) for which regional value-content is being calculated;

(II) is the same class of motor vehicles, and is produced in the same plant in the territory of Panama or the United States, as the good described in clause (i) for which regional value-content is being calculated; or

(III) is the same model line of motor vehicles produced in the territory of Panama or the United States as the good described in clause (i) for which regional value-content is being calculated.

(D) OTHER AUTOMOTIVE GOODS.—For purposes of determining the regional value-content under subparagraph (A) for automotive materials provided for in any of subheadings 8407.31 through 8407.34, in subheading 8408.20, or in heading 8409, 8706, 8707, or 8708, that are produced in the same plant, an importer, exporter, or producer may—

(i) average the amounts calculated under the net cost formula contained in subparagraph (A) over—

(I) the fiscal year of the motor vehicle producer to whom the automotive goods are sold,

(II) any quarter or month, or

(III) the fiscal year of the producer of such goods,

if the goods were produced during the fiscal year, quarter, or month that is the basis for the calculation;

(ii) determine the average referred to in clause (i) separately for such goods sold to 1 or more motor vehicle producers; or

(iii) make a separate determination under clause (i) or (ii) for such goods that are exported to the territory of Panama or the United States.

(E) CALCULATING NET COST.—The importer, exporter, or producer of an automotive good shall, consistent with the provisions regarding allocation of costs provided for in generally accepted accounting principles, determine the net cost of the automotive good under subparagraph (B) by—

(i) calculating the total cost incurred with respect to all goods produced by the producer of the automotive good, subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost of all such goods, and then reasonably allocating the resulting net cost of those goods to the automotive good;

(ii) calculating the total cost incurred with respect to all goods produced by that producer, reasonably allocating the total cost to the automotive good, and then subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the portion of the total cost allocated to the automotive good; or

(iii) reasonably allocating each cost that forms part of the total cost incurred with respect to the automotive good so that the aggregate of these costs does not include any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, or nonallowable interest costs.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—For the purpose of calculating the regional value-content of a good under subsection (c), and for purposes of applying the de minimis rules under subsection (f), the value of a material is—

(A) in the case of a material that is imported by the producer of the good, the adjusted value of the material;

(B) in the case of a material acquired in the territory in which the good is produced, the value, determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), as set forth in regulations promulgated by the Secretary of the Treasury providing for the application of such Articles in the absence of an importation by the producer; or

(C) in the case of a material that is self-produced, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit equivalent to the profit added in the normal course of trade.

(2) FURTHER ADJUSTMENTS TO THE VALUE OF MATERIALS.—

(A) ORIGINATING MATERIAL.—The following expenses, if not included in the value of an originating material calculated under paragraph (1), may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Panama, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Panama, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(B) NONORIGINATING MATERIAL.—The following expenses, if included in the value of a nonoriginating material calculated under paragraph (1), may be deducted from the value of the nonoriginating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Panama, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Panama, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(iv) The cost of originating materials used in the production of the nonoriginating material in the territory of Panama, the United States, or both.

(e) ACCUMULATION.—

(1) ORIGINATING MATERIALS USED IN PRODUCTION OF GOODS OF THE OTHER COUNTRY.—Originating materials from the territory of Panama or the United States that are used in the production of a good in the territory of the other country shall be considered to originate in the territory of such other country.

(2) MULTIPLE PRODUCERS.—A good that is produced in the territory of Panama, the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(f) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a good that does not undergo a change in tariff classification pursuant to Annex 4.1 of the Agreement is an originating good if—

(A) the value of all nonoriginating materials that—

(i) are used in the production of the good, and

(ii) do not undergo the applicable change in tariff classification (set forth in Annex 4.1 of the Agreement),

does not exceed 10 percent of the adjusted value of the good;

(B) the good meets all other applicable requirements of this section; and

(C) the value of such nonoriginating materials is included in the value of nonoriginating materials for any applicable regional value-content requirement for the good.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the following:

(A) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90, that is used in the production of a good provided for in chapter 4.

(B) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90, that is used in the production of the following goods:

(i) Infant preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.10.

(ii) Mixes and doughs, containing over 25 percent by weight of butterfat, not put up for retail sale, provided for in subheading 1901.20.

(iii) Dairy preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90.

(iv) Goods provided for in heading 2105.

(v) Beverages containing milk provided for in subheading 2202.90.

(vi) Animal feeds containing over 10 percent by weight of milk solids provided for in subheading 2309.90.

(C) A nonoriginating material provided for in heading 0805, or any of subheadings 2009.11 through 2009.39, that is used in the production of a good provided for in any of subheadings 2009.11 through 2009.39, or in fruit or vegetable juice of any single fruit or vegetable, fortified with minerals or vitamins,

concentrated or unconcentrated, provided for in subheading 2106.90 or 2202.90.

(D) A nonoriginating material provided for in heading 0901 or 2101 that is used in the production of a good provided for in heading 0901 or 2101.

(E) A nonoriginating material provided for in heading 1006 that is used in the production of a good provided for in heading 1102 or 1103 or subheading 1904.90.

(F) A nonoriginating material provided for in chapter 15 that is used in the production of a good provided for in chapter 15.

(G) A nonoriginating material provided for in heading 1701 that is used in the production of a good provided for in any of headings 1701 through 1703.

(H) A nonoriginating material provided for in chapter 17 that is used in the production of a good provided for in subheading 1806.10.

(I) Except as provided in subparagraphs (A) through (H) and Annex 4.1 of the Agreement, a nonoriginating material used in the production of a good provided for in any of chapters 1 through 24, unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this section.

(3) TEXTILE OR APPAREL GOODS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification, set forth in Annex 4.1 of the Agreement, shall be considered to be an originating good if—

(i) the total weight of all such fibers or yarns in that component is not more than 10 percent of the total weight of that component; or

(ii) the yarns are those described in section 204(b)(3)(B)(vi)(IV) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)(B)(vi)(IV)) (as in effect on February 12, 2011).

(B) CERTAIN TEXTILE OR APPAREL GOODS.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed and finished in the territory of Panama, the United States, or both.

(C) FABRIC, YARN, OR FIBER.—For purposes of this paragraph, in the case of a good that is a fabric, yarn, or fiber, the term ''component of the good that determines the tariff classification of the good'' means all of the fibers in the good.

(g) FUNGIBLE GOODS AND MATERIALS.—

(1) IN GENERAL.—

(A) CLAIM FOR PREFERENTIAL TARIFF TREATMENT.—A person claiming that a fungible good or fungible material is an originating good may base the claim either on the physical segregation of the fungible good or fungible material or by using an inventory management method with respect to the fungible good or fungible material.

(B) INVENTORY MANAGEMENT METHOD.—In this subsection, the term ''inventory management method'' means—

(i) averaging;

(ii) ''last-in, first-out'';

(iii) ''first-in, first-out''; or

(iv) any other method—

(I) recognized in the generally accepted accounting principles of the country in which the production is performed (whether Panama or the United States); or

(II) otherwise accepted by that country.

(2) ELECTION OF INVENTORY METHOD.—A person selecting an inventory management method under paragraph (1) for a particular fungible good or fungible material shall continue to use that method for that fungible good or fungible material throughout the fiscal year of such person.

(h) ACCESSORIES, SPARE PARTS, OR TOOLS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), accessories, spare parts, or tools delivered with a good that form part of the good's standard accessories, spare parts, or tools shall—

(A) be treated as originating goods if the good is an originating good; and

(B) be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set forth in Annex 4.1 of the Agreement.

(2) CONDITIONS.—Paragraph (1) shall apply only if—

(A) the accessories, spare parts, or tools are classified with and not invoiced separately from the good, regardless of whether such accessories, spare parts, or tools are specified or are separately identified in the invoice for the good; and

(B) the quantities and value of the accessories, spare parts, or tools are customary for the good.

(3) REGIONAL VALUE-CONTENT.—If the good is subject to a regional value-content requirement, the value of the accessories, spare parts, or tools shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(i) PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set forth in Annex 4.1 of the Agreement, and, if the good is subject to a regional value-content requirement, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(j) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—Packing materials and containers for shipment shall be disregarded in determining whether a good is an originating good.

(k) INDIRECT MATERIALS.—An indirect material shall be treated as an originating material without regard to where it is produced.

(l) TRANSIT AND TRANSHIPMENT.—A good that has undergone production necessary to qualify as an originating good under subsection (b) shall not be considered to be an originating good if, subsequent to that production, the good—

(1) undergoes further production or any other operation outside the territory of Panama or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of Panama or the United States; or

(2) does not remain under the control of customs authorities in the territory of a country other than Panama or the United States.

(m) GOODS CLASSIFIABLE AS GOODS PUT UP IN SETS.—Notwithstanding the rules set forth in Annex 4.1 of the Agreement, goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless—

(1) each of the goods in the set is an originating good; or

(2) the total value of the nonoriginating goods in the set does not exceed—

(A) in the case of textile or apparel goods, 10 percent of the adjusted value of the set; or

(B) in the case of goods, other than textile or apparel goods, 15 percent of the adjusted value of the set.

(n) DEFINITIONS.—In this section:

(1) ADJUSTED VALUE.—The term ''adjusted value'' means the value determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), adjusted, if necessary, to exclude any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the merchandise from the country of exportation to the place of importation.

(2) CLASS OF MOTOR VEHICLES.—The term ''class of motor vehicles'' means any one of the following categories of motor vehicles:

(A) Motor vehicles provided for in subheading 8701.20, 8704.10, 8704.22, 8704.23, 8704.32, or 8704.90, or heading 8705 or 8706, or motor vehicles for the transport of 16 or more persons provided for in subheading 8702.10 or 8702.90.

(B) Motor vehicles provided for in subheading 8701.10 or any of subheadings 8701.30 through 8701.90.

(C) Motor vehicles for the transport of 15 or fewer persons provided for in subheading 8702.10 or 8702.90, or motor vehicles provided for in subheading 8704.21 or 8704.31.

(D) Motor vehicles provided for in any of subheadings 8703.21 through 8703.90.

(3) FUNGIBLE GOOD OR FUNGIBLE MATERIAL.—The term ''fungible good'' or ''fungible material'' means a good or material, as the case may be, that is interchangeable with another good or material for commercial purposes and the properties of which are essentially identical to such other good or material.

(4) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The term ''generally accepted accounting principles''—

(A) means the recognized consensus or substantial authoritative support given in the territory of Panama or the United States, as the case may be, with respect to the recording of revenues, expenses, costs, assets, and liabilities, the disclosure of information, and the preparation of financial statements; and

(B) may encompass broad guidelines for general application as well as detailed standards, practices, and procedures.

(5) GOOD WHOLLY OBTAINED OR PRODUCED ENTIRELY IN THE TERRITORY OF PANAMA, THE UNITED STATES, OR BOTH.—The term ''good wholly obtained or produced entirely in the territory of Panama, the United States, or both'' means any of the following:

(A) Plants and plant products harvested or gathered in the territory of Panama, the United States, or both.

(B) Live animals born and raised in the territory of Panama, the United States, or both.

(C) Goods obtained in the territory of Panama, the United States, or both from live animals.

(D) Goods obtained from hunting, trapping, fishing, or aquaculture conducted in the territory of Panama, the United States, or both.

(E) Minerals and other natural resources not included in subparagraphs (A) through (D) that are extracted or taken from the territory of Panama, the United States, or both.

(F) Fish, shellfish, and other marine life taken from the sea, seabed, or subsoil outside the territory of Panama or the United States by—

(i) a vessel that is registered or recorded with Panama and flying the flag of Panama; or

(ii) a vessel that is documented under the laws of the United States.

(G) Goods produced on board a factory ship from goods referred to in subparagraph (F), if such factory ship—

(i) is registered or recorded with Panama and flies the flag of Panama; or

(ii) is a vessel that is documented under the laws of the United States.

(H)(i) Goods taken by Panama or a person of Panama from the seabed or subsoil outside the territorial waters of Panama, if Panama has rights to exploit such seabed or subsoil.

(ii) Goods taken by the United States or a person of the United States from the seabed or subsoil outside the territorial waters of the United States, if the United States has rights to exploit such seabed or subsoil.

(I) Goods taken from outer space, if the goods are obtained by Panama or the United States or a person of Panama or the United States and not processed in the territory of a country other than Panama or the United States.

(J) Waste and scrap derived from—

(i) manufacturing or processing operations in the territory of Panama, the United States, or both; or

(ii) used goods collected in the territory of Panama, the United States, or both, if such goods are fit only for the recovery of raw materials.

(K) Recovered goods derived in the territory of Panama, the United States, or both from used goods, and used in the territory of Panama, the United States, or both, in the production of remanufactured goods.

(L) Goods, at any stage of production, produced in the territory of Panama, the United States, or both, exclusively from—

(i) goods referred to in any of subparagraphs (A) through (J), or

(ii) the derivatives of goods referred to in clause (i).

(6) IDENTICAL GOODS.—The term ''identical goods'' means goods that are the same in all respects relevant to the rule of origin that qualifies the goods as originating goods.

(7) INDIRECT MATERIAL.—The term ''indirect material'' means a good used in the production, testing, or inspection of another good but not physically incorporated into that other good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of another good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment or buildings;

(D) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment or buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other good that is not incorporated into the other good but the use of which in the production of the other good can reasonably be demonstrated to be a part of that production.

(8) MATERIAL.—The term ''material'' means a good that is used in the production of another good, including a part or an ingredient.

(9) MATERIAL THAT IS SELF-PRODUCED.—The term ''material that is self-produced'' means an originating material that is produced by a producer of a good and used in the production of that good.

(10) MODEL LINE OF MOTOR VEHICLES.—The term ''model line of motor vehicles'' means a group of motor vehicles having the same platform or model name.

(11) NET COST.—The term ''net cost'' means total cost minus sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost.

(12) NONALLOWABLE INTEREST COSTS.—The term ''nonallowable interest costs'' means interest costs incurred by a producer that exceed 700 basis points above the applicable official interest rate for comparable maturities of the country in which the producer is located.

(13) NONORIGINATING GOOD OR NONORIGINATING MATERIAL.—The term ''nonoriginating good'' or ''nonoriginating material'' means a good or material, as the case may be, that does not qualify as originating under this section.

(14) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—The term ''packing materials and containers for shipment'' means goods used to protect another good during its transportation and does not include the packaging materials and containers in which the other good is packaged for retail sale.

(15) PREFERENTIAL TARIFF TREATMENT.—The term ''preferential tariff treatment'' means the customs duty rate, and the treatment under article 3.10.4 of the Agreement, that are applicable to an originating good pursuant to the Agreement.

(16) PRODUCER.—The term ''producer'' means a person who engages in the production of a good in the territory of Panama or the United States.

(17) PRODUCTION.—The term ''production'' means growing, mining, harvesting, fishing, raising, trapping, hunting, manufacturing, processing, assembling, or disassembling a good.

(18) REASONABLY ALLOCATE.—The term ''reasonably allocate'' means to apportion in a manner that would be appropriate under generally accepted accounting principles.

(19) RECOVERED GOODS.—The term ''recovered goods'' means materials in the form of individual parts that are the result of—

(A) the disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing that is necessary for improvement to sound working condition of such individual parts.

(20) REMANUFACTURED GOOD.—The term ''remanufactured good'' means a good that is classified under chapter 84, 85, 87, or 90, or heading 9402, other than a good classified under heading 8418 or 8516, and that—

(A) is entirely or partially comprised of recovered goods; and

(B) has a similar life expectancy and enjoys a factory warranty similar to such a good that is new.

(21) TOTAL COST.—The term ''total cost'' means all product costs, period costs, and other costs for a good incurred in the territory of Panama, the United States, or both.

(22) USED.—The term ''used'' means utilized or consumed in the production of goods.

(o) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set forth in Annex 4.1 of the Agreement; and

(B) any additional subordinate category that is necessary to carry out this title consistent with the Agreement.

(2) FABRICS, YARNS, OR FIBERS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN THE UNITED STATES.—The President is authorized to proclaim that a fabric, yarn, or fiber is added to the list in Annex 3.25 of the Agreement in an unrestricted quantity, as provided in article 3.25.4(e) of the Agreement.

(3) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 (as included in Annex 4.1 of the Agreement).

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim before the end of the 1-year period beginning on the date on which the Agreement enters into force, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 (as included in Annex 4.1 of the Agreement).

(4) FABRICS, YARNS, OR FIBERS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN PANAMA AND THE UNITED STATES.—

(A) IN GENERAL.—Notwithstanding paragraph (3)(A), the list of fabrics, yarns, and fibers set forth in Annex 3.25 of the Agreement may be modified as provided for in this paragraph.

(B) DEFINITIONS.—In this paragraph:

(i) INTERESTED ENTITY.—The term ''interested entity'' means the Government of Panama, a potential or actual purchaser of a textile or apparel good, or a potential or actual supplier of a textile or apparel good.

(ii) DAY; DAYS.—All references to ''day'' and ''days'' exclude Saturdays, Sundays, and legal holidays observed by the Government of the United States.

(C) REQUESTS TO ADD FABRICS, YARNS, OR FIBERS.—

(i) IN GENERAL.—An interested entity may request the President to determine that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Panama and the United States and to add that fabric, yarn, or fiber to the list in Annex 3.25 of the Agreement in a restricted or unrestricted quantity.

(ii) DETERMINATIONS.—After receiving a request under clause (i), the President may determine whether—

(I) the fabric, yarn, or fiber is available in commercial quantities in a timely manner in Panama or the United States; or

(II) any interested entity objects to the request.

(iii) PROCLAMATION AUTHORITY.—The President may, within the time periods specified in clause (iv), proclaim that the fabric, yarn, or fiber that is the subject of the request is added to the list in Annex 3.25 of the Agreement in an unrestricted quantity, or in any restricted quantity that the President may establish, if the President has determined under clause (ii) that—

(I) the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in Panama and the United States; or

(II) no interested entity has objected to the request.

(iv) TIME PERIODS.—The time periods within which the President may issue a proclamation under clause (iii) are—

(I) not later than 30 days after the date on which a request is submitted under clause (i); or

(II) not later than 44 days after the request is submitted, if the President determines, within 30 days after the date on which the request is submitted, that the President does not have sufficient information to make a determination under clause (ii).

(v) EFFECTIVE DATE.—Notwithstanding section 103(a)(2), a proclamation made under clause (iii) shall take effect on the date on which the text of the proclamation is published in the Federal Register.

(vi) ELIMINATION OF RESTRICTION.—Not later than 6 months after proclaiming under clause (iii) that a fabric, yarn, or fiber is added to the list in Annex 3.25 of the Agreement in a restricted quantity, the President may eliminate the restriction if the President determines that the fabric, yarn, or

fiber is not available in commercial quantities in a timely manner in Panama and the United States.

(D) DEEMED APPROVAL OF REQUEST.—If, after an interested entity submits a request under subparagraph (C)(i), the President does not, within the applicable time period specified in subparagraph (C)(iv), make a determination under subparagraph (C)(ii) regarding the request, the fabric, yarn, or fiber that is the subject of the request shall be considered to be added, in an unrestricted quantity, to the list in Annex 3.25 of the Agreement beginning—

(i) 45 days after the date on which the request is submitted; or

(ii) 60 days after the date on which the request is submitted, if the President made a determination under subparagraph (C)(iv)(II).

(E) REQUESTS TO RESTRICT OR REMOVE FABRICS, YARNS, OR FIBERS.—

(i) IN GENERAL.—Subject to clause (ii), an interested entity may request the President to restrict the quantity of, or remove from the list in Annex 3.25 of the Agreement, any fabric, yarn, or fiber—

(I) that has been added to that list in an unrestricted quantity pursuant to paragraph (2) or subparagraph (C)(iii) or (D) of this paragraph; or

(II) with respect to which the President has eliminated a restriction under subparagraph (C)(vi).

(ii) TIME PERIOD FOR SUBMISSION.—An interested entity may submit a request under clause (i) at any time beginning on the date that is 6 months after the date of the action described in subclause (I) or (II) of that clause.

(iii) PROCLAMATION AUTHORITY.—Not later than 30 days after the date on which a request under clause (i) is submitted, the President may proclaim an action provided for under clause (i) if the President determines that the fabric, yarn, or fiber that is the subject of the request is available in commercial quantities in a timely manner in Panama or the United States.

(iv) EFFECTIVE DATE.—A proclamation issued under clause (iii) may not take effect earlier than the date that is 6 months after the date on which the text of the proclamation is published in the Federal Register.

(F) PROCEDURES.—The President shall establish procedures—

(i) governing the submission of a request under subparagraphs (C) and (E); and

(ii) providing an opportunity for interested entities to submit comments and supporting evidence before the President makes a determination under subparagraph (C) (ii) or (vi) or (E)(iii).

SEC. 204. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by adding after paragraph (20) the following:

''(21) No fee may be charged under subsection (a)(9) or (10) with respect to goods that qualify as originating goods under section 203 of the United States–Panama Trade Promotion Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.''.

SEC. 205. DISCLOSURE OF INCORRECT INFORMATION; FALSE CERTIFICATIONS OF ORIGIN; DENIAL OF PREFERENTIAL TARIFF TREATMENT.

(a) DISCLOSURE OF INCORRECT INFORMATION.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (13) as paragraph (14); and

(B) by inserting after paragraph (12) the following new paragraph:

''(13) PRIOR DISCLOSURE REGARDING CLAIMS UNDER THE UNITED STATES–PANAMA TRADE PROMOTION AGREEMENT.—An importer shall not be subject to penalties under subsection (a) for making an incorrect claim that a good qualifies as an originating good under section 203 of the United States–Panama Trade Promotion Agreement Implementation Act if the importer, in accordance with regulations issued by the Secretary of the Treasury, promptly and voluntarily makes a corrected declaration and pays any duties owing with respect to that good.''; and

(2) by adding at the end the following new subsection:

''(l) FALSE CERTIFICATIONS OF ORIGIN UNDER THE UNITED STATES–PANAMA TRADE PROMOTION AGREEMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), it is unlawful for any person to certify falsely, by fraud, gross negligence, or negligence, in a Panama TPA certification of origin (as defined in section 508 of this Act) that a good exported from the United States qualifies as an originating good under the rules of origin provided for in section 203 of the United States–Panama Trade Promotion Agreement Implementation Act. The procedures and penalties of this section that apply to a violation of subsection (a) also apply to a violation of this subsection.

''(2) PROMPT AND VOLUNTARY DISCLOSURE OF INCORRECT INFORMATION.—No penalty shall be imposed under this subsection if, promptly after an exporter or producer that issued a Panama TPA certification of origin has reason to believe that such certification contains or is based on incorrect information, the exporter or producer voluntarily provides written notice of such incorrect information to every person to whom the certification was issued.

''(3) EXCEPTION.—A person shall not be considered to have violated paragraph (1) if—

''(A) the information was correct at the time it was provided in a Panama TPA certification of origin but was later rendered incorrect due to a change in circumstances; and

''(B) the person promptly and voluntarily provides written notice of the change in circumstances to all persons to whom the person provided the certification.''.

(b) DENIAL OF PREFERENTIAL TARIFF TREATMENT.—Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) is amended by adding at the end the following new subsection:

''(l) DENIAL OF PREFERENTIAL TARIFF TREATMENT UNDER THE UNITED STATES–PANAMA TRADE PROMOTION AGREEMENT.—If U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement of the Department of Homeland Security finds indications of a pattern of conduct by an importer, exporter, or producer of false or unsupported representations that goods qualify under the rules of origin provided for in section 203 of the United States–Panama Trade Promotion Agreement Implementation Act, U.S. Customs and Border Protection, in accordance with regulations issued by the Secretary of the Treasury, may suspend preferential tariff treatment under the United States–Panama Trade Promotion Agreement to entries of identical goods covered by subsequent representations by that importer, exporter, or producer until U.S. Customs and Border Protection determines that representations of that person are in conformity with such section 203.''.

SEC. 206. RELIQUIDATION OF ENTRIES.

Section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended in the matter preceding paragraph (1)—

(1) by striking ''or''; and

(2) by striking ''for which'' and inserting '', or section 203 of the United States–Panama Trade Promotion Agreement Implementation Act for which''.

SEC. 207. RECORDKEEPING REQUIREMENTS.

Section 508 of the Tariff Act of 1930 (19 U.S.C. 1508) is amended—

(1) by redesignating subsection (k) as subsection (l);

(2) by inserting after subsection (j) the following new subsection:

''(k) CERTIFICATIONS OF ORIGIN FOR GOODS EXPORTED UNDER THE UNITED STATES–PANAMA TRADE PROMOTION AGREEMENT.—

''(1) DEFINITIONS.—In this subsection:

''(A) RECORDS AND SUPPORTING DOCUMENTS.—The term 'records and supporting documents' means, with respect to an exported good under paragraph (2), records and documents related to the origin of the good, including—

''(i) the purchase, cost, and value of, and payment for, the good;

''(ii) the purchase, cost, and value of, and payment for, all materials, including indirect materials, used in the production of the good; and

''(iii) the production of the good in the form in which it was exported.

''(B) PANAMA TPA CERTIFICATION OF ORIGIN.—The term 'Panama TPA certification of origin' means the certification established under article 4.15 of the United States–Panama Trade Promotion Agreement that a good qualifies as an originating good under such Agreement.

''(2) EXPORTS TO PANAMA.—Any person who completes and issues a Panama TPA certification of origin for a good exported from the United States shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the certification or copies thereof).

''(3) RETENTION PERIOD.—The person who issues a Panama TPA certification of origin shall keep the records and supporting documents relating to that certification of origin for a period of at least 5 years after the date on which the certification is issued.''; and

(3) in subsection (l), as so redesignated, by striking ''(i), or (j)'' and inserting ''(i), (j), or (k)''.

SEC. 208. ENFORCEMENT RELATING TO TRADE IN TEXTILE OR APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the Government of Panama to conduct a verification pursuant to article 3.21 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination of the Secretary that—

(A) an enterprise in Panama is complying with applicable customs laws, regulations, and procedures regarding trade in textile or apparel goods, or

(B) a claim that a textile or apparel good exported or produced by such enterprise—

(i) qualifies as an originating good under section 203, or

(ii) is a good of Panama,

is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of

a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary of the Treasury determines that there is insufficient information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to support that claim;

(2) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines that the person has provided incorrect information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that a person has provided incorrect information to support that claim;

(3) detention of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to determine the country of origin of any such good; and

(4) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that the person has provided incorrect information as to the country of origin of any such good.

(c) ACTION ON COMPLETION OF A VERIFICATION.—On completion of a verification under subsection (a), the President may direct the Secretary of the Treasury to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make the determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (c) includes—

(1) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary of the Treasury determines that there is insufficient information to support, or that the person has provided incorrect information to support, any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to support, or that a person has provided incorrect information to support, that claim; and

(2) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that there is insufficient information to determine, or that the person has provided incorrect information as to, the country of origin of any such good.

(e) PUBLICATION OF NAME OF PERSON.—In accordance with article 3.21.9 of the Agreement, the Secretary of the Treasury may publish the name of any person that the Secretary has determined—

(1) is engaged in intentional circumvention of applicable laws, regulations, or procedures affecting trade in textile or apparel goods; or

(2) has failed to demonstrate that it produces, or is capable of producing, the textile or apparel goods that are the subject of a verification under subsection (a)(1).

SEC. 209. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (n) of section 203;

(2) the amendment made by section 204; and

(3) any proclamation issued under section 203(o).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) PANAMANIAN ARTICLE.—The term ''Panamanian article'' means an article that qualifies as an originating good under section 203(b).

(2) PANAMANIAN TEXTILE OR APPAREL ARTICLE.—The term ''Panamanian textile or apparel article'' means a textile or apparel good (as defined in section 3(4)) that is a Panamanian article.

Subtitle A—Relief From Imports Benefitting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Panamanian article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Panamanian article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Panamanian article if, after the date on which the Agreement enters into force, import relief has been provided with respect to that Panamanian article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—

(1) IN GENERAL.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(2) LIMITATION ON RELIEF.—The import relief recommended by the Commission under this subsection shall be limited to the relief described in section 313(c).

(3) VOTING; SEPARATE VIEWS.—Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination referred to in paragraph (1) and any finding or recommendation referred to in paragraph (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public the report (with the exception of information which the Commission determines to be confidential) and shall publish a summary of the report in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives a report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C.

1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 3.3 of the Agreement in the duty imposed on the article.

(B) An increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization (described in article 8.2.3 of the Agreement) of such relief at regular intervals during the period of its application.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), any import relief that the President provides under this section may not, in the aggregate, be in effect for more than 4 years.

(2) EXTENSION.—

(A) IN GENERAL.—If the initial period for any import relief provided under this section is less than 4 years, the President, after receiving a determination from the Commission under subparagraph (B) that is affirmative, or which the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), may extend the effective period of any import relief provided under this section, subject to the limitation under paragraph (1), if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—

(i) INVESTIGATION.—Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date that is 9 months, and not later than the date that is 6 months, before the date on which any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) NOTICE AND HEARING.—The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) REPORT.—The Commission shall submit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article—

(1) the rate of duty on that article after such termination and on or before December 31 of the year in which such termination occurs shall be the rate that, according to the Schedule of the United States to Annex 3.3 of the Agreement, would have been in effect 1 year after the provision of relief under subsection (a); and

(2) the rate of duty for that article after December 31 of the year in which such termination occurs shall be, at the discretion of the President, either—

(A) the applicable rate of duty for that article set forth in the Schedule of the United States to Annex 3.3 of the Agreement; or

(B) the rate of duty resulting from the elimination of the tariff in equal annual stages ending on the date set forth in the Schedule of the United States to Annex 3.3 of the Agreement for the elimination of the tariff.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on—

(1) any article that is subject to import relief under—

(A) subtitle B; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); or

(2) any article on which an additional duty assessed under section 202(b) is in effect.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Subject to subsection (b), no import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) EXCEPTION.—If an article for which relief is provided under this subtitle is an article for which the period for tariff elimination, set forth in the Schedule of the United States to Annex 3.3 of the Agreement, is greater than 10 years, no relief under this subtitle may be provided for that article after the date on which that period ends.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking ''and''; and

(2) by inserting before the period at the end '', and title III of the United States–Panama Trade Promotion Agreement Implementation Act''.

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request for action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall publish in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the elimination of a duty under the Agreement, a Panamanian textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, no one of which is necessarily decisive; and

(B) shall not consider changes in consumer preference or changes in technology as factors supporting a determination of serious damage or actual threat thereof.

(3) DEADLINE FOR DETERMINATION.—The President shall make the determination under paragraph (1) not later than 30 days after the completion of any consultations held pursuant to article 3.24.4 of the Agreement.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as provided in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), any import relief that the President provides under section 322(b) may not, in the aggregate, be in effect for more than 3 years.

(b) EXTENSION.—If the initial period for any import relief provided under section 322 is less than 3 years, the President may extend the effective period of any import relief provided under that section, subject to the limitation set forth in subsection (a), if the President determines that—

(1) the import relief continues to be necessary to remedy or prevent serious damage

and to facilitate adjustment by the domestic industry to import competition; and

(2) there is evidence that the industry is making a positive adjustment to import competition.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to an article if—

(1) import relief previously has been provided under this subtitle with respect to that article; or

(2) the article is subject to import relief under—

(A) subtitle A; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

On the date on which import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect but for the provision of such relief.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 5 years after the date on which the Agreement enters into force.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 328. CONFIDENTIAL BUSINESS INFORMATION.

The President may not release information received in connection with an investigation or determination under this subtitle which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the President, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information, the party shall also provide a nonconfidential version of the information in which the confidential business information is summarized or, if necessary, deleted.

Subtitle C—Cases Under Title II of the Trade Act of 1974

SEC. 331. FINDINGS AND ACTION ON PANAMANIAN ARTICLES.

(a) EFFECT OF IMPORTS.—If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d))), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the Panamanian article are a substantial cause of serious injury or threat thereof.

(b) PRESIDENTIAL DETERMINATION REGARDING IMPORTS OF PANAMANIAN ARTICLES.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the President may exclude from the action Panamanian articles with respect to which the Commission has made a negative finding under subsection (a).

TITLE IV—MISCELLANEOUS

SEC. 401. ELIGIBLE PRODUCTS.

Section 308(4)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)) is amended—

(1) by striking ''or'' at the end of clause (viii);

(2) by striking the period at the end of clause (ix) and inserting ''; or''; and

(3) by adding at the end the following new clause:

''(x) a party to the United States–Panama Trade Promotion Agreement, a product or service of that country or instrumentality which is covered under that agreement for procurement by the United States.''.

SEC. 402. MODIFICATION TO THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

(a) IN GENERAL.—Section 212(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)) is amended by striking ''Panama'' from the list of countries eligible for designation as beneficiary countries.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date on which the President terminates the designation of Panama as a beneficiary country pursuant to section 201(a)(3) of this Act.

TITLE V—OFFSETS

SEC. 501. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by adding at the end the following:

''(D) Notwithstanding subparagraph (B)(i), fees may be charged under paragraphs (1) through (8) of subsection (a) during the period beginning on September 1, 2021, and ending on September 30, 2021.''.

SEC. 502. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, in the case of a corporation with assets of not less than $1,000,000,000 (determined as of the end of the preceding taxable year)—

(1) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2012 shall be increased by 0.25 percent of such amount (determined without regard to any increase in such amount not contained in such Code);

(2) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2016 shall be increased by 0.25 percent of such amount (determined without regard to any increase in such amount not contained in such Code); and

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

The SPEAKER pro tempore. The bill shall be debatable for 90 minutes, with 30 minutes controlled by the gentleman from Michigan (Mr. CAMP), 30 minutes controlled by the gentleman from Michigan (Mr. LEVIN), and 30 minutes controlled by the gentleman from Ohio (Mr. KUCINICH).

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. I yield myself such time as I may consume.

Madam Speaker, I urge rapid passage of this legislation to implement the U.S.-Panama Trade Promotion Agreement. This agreement enjoys broad bipartisan support, and it's clear why. It levels the trade playing field between the U.S. and Panama. It is good for U.S. companies, workers, and farmers; and it advances our national security and leadership in the Western Hemisphere.

Right now, Panama enjoys almost total duty-free access to the United States market because it is a beneficiary of various trade preference programs. Given the importance of a stable and prosperous Panama, giving Panama this market access is warranted. However, U.S. industrial and consumer products going to Panama face an average duty of 7 percent, and U.S. agricultural exports face an average tariff of 15 percent. Implementing this agreement will level the playing field for U.S. exporters by drastically reducing or ending Panama's tariff on U.S. goods. Most U.S. consumer and industrial products will immediately become duty-free, as will half of U.S. farm exports. Any remaining tariffs will decrease quickly thereafter.

Opening Panama's market will be a boon for U.S. companies, workers, and farmers. The Panamanian economy is rapidly growing and is expected to more than double by 2020. Panama is already one of the largest markets for some U.S. exporters and service firms. The importance of Panama will only grow for these firms and others as we gain greater access to this expanding economy. This is also true for our farmers, whose exports to Panama are expected to significantly increase under the agreement. Not only will American farmers benefit from lower tariffs into Panama, but they will also benefit from the removal of nontariff and regulatory barriers that discriminate against U.S. agricultural products. Best of all, the agreement will create new jobs and greater prosperity in the United States without adding to the deficit.

Finally, the benefits of the U.S.-Panama Trade Promotion Agreement are not only economic. The agreement is critical to fostering our commitment to Latin America, enhancing our leadership in the Western Hemisphere, and reaffirming our relationship with a close friend. Panama is obviously a vital ally in terms of port and maritime security. It is also an important partner in combating drug trafficking and terrorism. Of course there is also Panama's crown jewel, the canal. The United States is the largest user of the canal, and canal security is paramount to our national security and broadly to open sea routes. Panama's cooperation in maintaining the security of the canal has been vital to our security and the region.

Madam Speaker, for all of these reasons, the time to wait has passed. We urgently need to pass this important job-creating legislation and move forward on an aggressive trade agenda once again.

I urge all of my colleagues to support this bipartisan legislation, and I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I yield myself 1 minute.

As I said with regard to Colombia, each of these agreements should be taken on their own. The Panama FTA, as originally negotiated by the Bush administration, failed to address serious concerns about Panama's labor laws and status as a tax haven. It has been changed through the efforts of congressional Democrats and the Obama administration, and it now deserves our support.

Fully enforceable labor and environmental standards are included in the core of this agreement. Panama has brought its laws into full compliance with ILO standards. And late last year, Panama signed a tax exchange information agreement, and they have changed their laws to implement this agreement. Republicans negotiated a flawed agreement. It has been fixed. It now deserves our support.

I reserve the balance of my time.

Mr. KUCINICH. Madam Speaker, I yield myself such time as I may consume.

I rise in strong opposition to H.R. 3079, the United States-Panama Trade Promotion Agreement Implementation Act. With our Nation's unemployment continuing to hover around 9 percent, it is unconscionable that we are considering a NAFTA clone free trade agreement. This agreement would further facilitate the outsourcing of American jobs and undermine the rights of American workers. Proponents of free trade agreements like to purport that they're good for the American economy and will create jobs. But history is on the side of those of us who opposed NAFTA, CAFTA, and other damaging trade agreements over the last decade.

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Free trade agreements play a significant role in exacerbating the negative effects of globalization, including the rapid privatization of vital public resources that has resulted in the loss of domestic jobs and manufacturing industries and in significant decreases in labor and environmental standards.

In addition, free trade agreements result in significant job loss and privatization of labor-intensive industries for countries we enter into the trade agreements with. Unionizing in countries like Mexico and Colombia has resulted in death or imprisonment of union leaders. Every State in this country has been affected negatively by our destructive trade policies. The Economic Policy Institute estimates that nearly 700,000 U.S. jobs have been displaced since the passage of NAFTA in the 1990s. The majority of the jobs displaced, 60 percent were in the manufacturing sector. My home State of Ohio is one of the top 10 States with the most jobs displaced by NAFTA, having lost 34,900 jobs.

Our rapidly increasing trade deficits with countries like China have resulted in the loss of over 5 million jobs in the last decade. Of that 5 million, the State of Ohio has lost 103,000 jobs as a result of the increase of our trade deficit with China.

This is not a debate about being for trade or against trade, as some of my colleagues have framed it. This is a debate about learning from the free trade policies we pursued over the last decade that have proven to be significantly damaging to the American economy and American workers. The numbers speak for themselves. I urge my colleagues to oppose this agreement.

I reserve the balance of my time.

Mr. CAMP. I yield 2 minutes to the distinguished chairman of the Trade Subcommittee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Speaker, I rise in strong support of this bipartisan legislation to create jobs in America and to strengthen our relationship with a strong, long-standing ally in our hemisphere, Panama.

Why wouldn't we sign this sales agreement? Panama is a growing market; almost a 9 percent growth in their economy and in a major way in our backyard. They are an economy that matches up beautifully with America. Most of its economy is the services sector, like the United States, and it provides brand new markets, new customers, not just for manufacturing, not just for agriculture, as important as they are, but for our services sector, which is critical to so many communities across this country.

It's time to act now because we're falling behind. While America has been off the trade agenda, other countries have moved forward very aggressively. And Panama, recognizing its strategic importance and its economic growth, has signed similar sales agreements with Taiwan and Singapore, and with Europe and Canada, and many more are in line. Every day we wait, American manufacturers, American farmers, American technology companies lose out.

Finally, Panama has done so much to tackle issues, like labor rights. They have strong commitment to labor rights, having recently passed under President Martinelli almost a dozen laws strengthening labor rights in Panama.

And to address the issue of tax avoidance and tax havens, Panama has signed many agreements, including with the United States, to be transparent to the point where they are now recognized internationally as being as committed to open tax treaties and tax treatments as the United States is today.

Madam Speaker, there is no reason to wait. Implementing the Panama agreement will benefit our economy, it will benefit the Panamanian economy, and strengthen this crucial ally and keep America from falling further behind.

Mr. KUCINICH. Madam Speaker, since I came to Congress, I've worked together with Congresswoman KAPTUR in challenging these unfair trade agreements, and I am proud to yield 4 minutes to the gentlelady from Ohio for her presentation.

Ms. KAPTUR. I want to thank my good friend from Ohio for yielding me the time and for his steadfast opposition to these free trade agreements, and I rise in strong opposition to this proposed Panama Free Trade Agreement. Who in their right mind could believe any free trade agreements modeled on NAFTA would create jobs in our country?

I remember during the 1990s fighting the first NAFTA accord here, and Newt Gingrich saying at that time NAFTA would help the United States ''by increasing American jobs through world sales.'' Sure.

Here's what NAFTA yielded: a trillion dollars in accumulated trade deficit, and hundreds and hundreds of thousands of lost American jobs that moved from Cleveland and moved from Avon Lake and moved from Sandusky and moved from Toledo and moved from Madeira to other places in this world south of the border. Why don't we go back and fix this?

Now, let's be honest. Panama's entire GDP equals about 6 percent of the economy of the Washington, D.C., metropolitan area. So what could this Panama agreement actually be about? Well, letters we've received give us some insight into what it might be about. With Panama, we know the country has a long-standing money laundering problem and that it is a tax haven for corporations. How convenient.

In 2008, the Government Accountability Office included Panama on its 50-country tax haven list. Get the picture? Starting to clear some of the fog? We all know about some of these Cayman Island accounts. Well, why don't we add Panama right to the stack. Panama was long on the OECD's gray list of countries that failed to implement internationally agreed upon tax standards. These guys have got something really good going. But you know what? In this country it would be illegal.

According to Public Citizen, approximately 400,000 firms and numerous wealthy individuals use Panama's offshore financial services industry to dodge paying their taxes. I thought we were supposed to be for returning those tax dollars to the United States, not giving them another escape hatch. AFSCME has said that Panama has a history of failing to protect workers and enforce labor rights. And the Sierra Club points out that the Panama free trade agreement has the same investment chapters proposed in other trade agreements that allow foreign investors and corporations to directly challenge public interest laws for compensation before international tribunals, bypassing domestic courts. In other words, the rule of law gets shredded piece by piece by piece.

Why does America keep shooting itself in the foot? As the building and construction trades at the AFL–CIO have noted, the Panama proposed agreement, like all others, ''undermine the Buy America policies that reinvested our taxes in our communities.''

You know, it's really sad when an institution and an administration keeps doing the same thing over and over and over again that is hollowing out the jobs in the United States of America. We want to make it in America. We don't want to outsource more jobs, provide more tax havens, provide more escape hatches.

When you campaign and you try to represent the people in places like Ohio, as Congressman KUCINICH knows, we've tried so very hard, every time you create 100 jobs, they snatch away 300. And then they say to the workers: You know what, you're earning too much money; $14 an hour, you're going down to $9. You don't like that? Well, there's the door because there are 7,000 workers lined up for part-time jobs in places like northern Ohio.

This Congress had better wake up and renegotiate these trade deals that have cost the middle class across this country their ability to earn a living in America.

I thank the gentleman for yielding me the time and look forward to the continuing debate.

Mr. CAMP. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KINZINGER).

Mr. KINZINGER of Illinois. I thank the chairman for yielding.

America is talking so much now, and there's such a need right now for jobs. There is such a need. Over 9 percent of this country is begging every day for the opportunity to go out and work and earn a living. We have a middle class that is feeling the squeeze because we see disappearing manufacturing. And that's something I'm very concerned about.

In my district in Illinois, we have a very heavy manufacturing base, and when you look at that heavy manufacturing base and the fact that they produce a lot of goods that need to be exported, you have to find a consumer base in order to sell it, and 95 percent of the world's consumers live outside of our country. It would only make sense to create an environment where we can take our goods and in a fair way export them to other countries. Panama, an ally of the United States, currently has a situation where they can charge tariffs on our imports and we don't charge tariffs on imports from them.

□ 2120

This agreement would bring that to a level playing field and allow the people in my district, who literally sweat every day wondering if they're going to have a paycheck tomorrow, the opportunity to enhance their exports, to enhance those American goods that are made in America, but it's great for somebody in the other country to read the product that they buy that also says ''Made in America,'' too.

We have a heavy agricultural district in my area, too. When I look at the farmers and their opportunity to sell overseas their goods and products that we create every day, that's very important. As you know, in business, the ability to be successful means you have to be on the cutting edge and constantly finding markets and places to sell your goods. This does that for us.

I think it's sad that it's taken us this many years to get to this point, and I think we've lost a lot of opportunity costs in the process, but I'm pleased that today we are finally taking up these three agreements. I'm pleased that we're taking up this trade agreement with Panama and that we have an opportunity to really strengthen a bond with a strong ally of the United States, strengthen our exports, and I'm excited that the tens of thousands of people that rely on trade in my district will have an opportunity to sell more goods.

Mr. LEVIN. I yield 4 minutes to the distinguished gentleman from Washington (Mr. MCDERMOTT), the ranking member on our Trade Subcommittee.

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Madam Speaker, I agree with the last gentleman. We ought to be talking about the jobs bill. The President put a bill out here. We can't get the Republican leadership to even bring it up. But we will bring up the Panama free trade agreement. Now, this is a break from trade policies in the past. It reflects the hard work of many of us to change U.S. trade policy.

There are five reasons to support this agreement:

First, it has strong enforceable labor and environmental obligations. Many of us fought for years to get these commitments into our trade agreements. We lost those battles in 1995. I was here when NAFTA passed and the debate over CAFTA 6 years ago, which is why in that agreement 15 Democrats voted for it—because it wouldn't take care of workers. Now, that all changed in 2007 when the Democrats took over the House. The last administration finally accepted our demands on labor, the environment, and other issues, such as access to medicine. This agreement includes all of those.

We, secondly, have used the leverage of this agreement to eliminate a tax haven. No one denies that Panama was a great tax haven. But they have ratified the Tax Information Agreement with us, which The Wall Street Journal says is ''the most significant step to date on the road to ending four decades of virtually watertight banking secrecy laws in Panama.''

Third, we worked with Panama to bring its labor rights up to standard.

Fourth, the investment provisions of this agreement do more to protect the governments' rights to regulate those found in past agreements, such as chapter 11 of NAFTA. For example, this agreement clarifies that the environmental regulations generally are not ''expropriations'' and that foreign investors do not have greater rights than U.S. investors under U.S. law.

Finally, the United States has consistently maintained a trade surplus with Panama for 20 years, and this agreement expects to increase that.

I support the agreement. Panama has done what they have asked, and they should enjoy the benefits of a free trade agreement. But make no mistake, we need to do more to improve our U.S. trade policy. We have to get the Republican leadership in the House and the Senate to admit that we're going to have to have a jobs bill.

We've been in session for 300 days after an election in which all we heard was the Democrats didn't get jobs, jobs, jobs. And now, 300 days—silence. Silence on the Republican side. Not one single bill. When is it coming, folks? That ought to be the next bill that comes up to the floor.

I urge my colleagues to vote for this.

Mr. CAMP. I yield 2 minutes to the distinguished chairman of the Foreign Affairs Committee, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank the esteemed chairman for the time.

Madam Speaker, I rise in strong support of the U.S.-Panama free trade agreement. In my home district of Miami-Dade, Panama is among its top 25 trading partners. In Florida as a whole, it ranks number one among all of the States in exports to that country—incredible numbers. And these figures, Madam Speaker, will only increase once the FTA has been approved and American businesses no longer face heavy tariffs and other artificial barriers to trade.

But in addition to the potential economic growth stemming from this agreement, Panama is a key strategic ally in the region. Ever since the Panama Canal was completed a century ago, Panama's importance to the U.S. has only increased as a major transportation route, with two-thirds of its traffic consisting of shipments between our west and east coast. For these reasons—expanded exports, increased jobs, closer ties with a strategic ally—I hope that my colleagues on both sides of the aisle will pass this free trade agreement.

Madam Speaker, we have been waiting for this agreement for far too long, years of lost opportunities. But now we have a chance to repair that damage. In the past year alone, Panama's economy grew 6.2 percent, making it one of the fastest growing in Latin America and an expanding opportunity for American businesses. Currently, U.S. industrial exports face an average tariff of 7 percent, but some tariffs go as high as over 80 percent. But once this agreement goes into effect, 87 percent of all U.S. goods exported to Panama will become duty-free immediately.

In the past 4 years since the trade agreement was signed, American companies have paid millions upon millions of dollars in tariffs to the Panamanian Government. These dollars are needlessly spent by U.S. businesses to foreign governments when they could have been paid here in the United States to beef up our businesses.

Madam Speaker, I rise in strong support of the U.S.-Panama Free Trade Agreement.

We have been waiting to vote on this agreement since it was first signed, which means years of lost opportunities.

But now we have a chance to repair that damage.

In the past year alone, Panama's economy grew 6.2 percent, making it one of the fast growing in Latin America and an expanding opportunity for American exporters.

Panama is already among Miami-Dade county's top 25 trading partners and Florida as a whole ranks number one among the 50 states in exports to that country.

These figures will only increase once the FTA has been approved and American businesses no longer face heavy tariffs and other artificial barriers to trade.

Currently, U.S. industrial exports face an average tariff of 7 percent, with some tariffs as high as 81 percent.

Once this agreement goes into effect, 87 percent of all U.S. goods exported to Panama will become duty-free immediately.

In the past 4 years since the U.S.-Panama Free Trade Agreement was signed, American companies have paid millions upon millions of dollars in tariffs to the Panamanian government.

Those are dollars needlessly spent by U.S. businesses, which they could have used for investments and expansion here in the U.S. instead of paying fees to a foreign government.

Approval of the U.S.-Panama FTA will eliminate this transfer of wealth, increase U.S. exports, and create new jobs here at home that so many Americans are desperately searching for.

The agreement also has many other provisions of importance to U.S. businesses, especially strengthening intellectual property rights, which are under assault around the world.

In addition to the potential economic growth stemming from this agreement, Panama is a key strategic ally in the region.

Ever since the Panama Canal was completed a century ago, Panama's importance to the U.S. has only increased as a major transportation route with two-thirds of its traffic consisting of shipments between our west and east coasts.

For these many reasons—expanded exports, increased jobs, and closer ties with a strategic ally—I strongly urge my colleagues on both sides of the aisle to vote in favor of the U.S.-Panama Free Trade Agreement.

Mr. LEVIN. Could I ask how much time is remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 26 minutes remaining, the gentleman from Ohio has 23 minutes remaining, and the gentleman from Michigan (Mr. CAMP) has 21 minutes remaining.

Mr. LEVIN. I now yield 2½ minutes to the distinguished gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. By leveling the playing field with 21st century trade deals with Panama, Colombia, and South Korea, we will increase American exports abroad and spur domestic job creation. Now, more than ever, the U.S. needs trade to fuel growth, create jobs, and preserve America's position as a leader of the greater economy.

I represent a border region of Texas where trade is part of daily life. I understand the importance of trade to my hometown's value in supporting the local economy. As the chairman of the Pro-Trade Caucus and representing a trade-centric district, I support all three pending trade agreements.

Today, trade supports over 50 million American jobs, according to the U.S. Department of the Treasury. These pending FTAs would create an additional quarter of a million new jobs in industries like manufacturing, agriculture, and service sectors, according to the U.S. Chamber of Commerce. Last week, The Wall Street Journal reported the FTAs could boost U.S. exports by $13 billion annually. To grow, we must be an export powerhouse.

The U.S.-Panama FTA would remove barriers to American goods entering into Panama. According to the U.S. Trade Representative, over 87 percent of U.S. exports of consumer and industrial products to Panama will become duty-free immediately, with the remaining tariffs phased out over the following 10 years.

The U.S. International Trade Commission estimates passage of the U.S.-Korea Free Trade Agreement would increase U.S. exports by over $10 billion and create 70,000 jobs. According to the National Association of Manufacturers, the U.S. exports to Korea would grow by more than one-third. The U.S.-Colombia FTA would expand exports by more than $1.1 billion with the tariff reductions, according to the International Trade Commission. Without the U.S.-Colombia FTA, the U.S. cotton exporters to Colombia will have unnecessarily paid over $14 million in tariffs.

Lawmakers have a choice. Pass the deals or allow America to lose the opportunity to emerge in the constantly growing global market. Pass the deals or miss the chance to create 250,000 jobs. Pass the deals or allow American businesses to sit on the sidelines while foreign countries forge ahead.

America must pass the Colombia, Korea, and Panama trade deals, or we will fall behind.

□ 2130

Mr. KUCINICH. Madam Speaker, I yield 1 minute to the gentlelady from New York, who has made a real impact in this Congress in her first year, Representative HOCHUL.

Ms. HOCHUL. I thank my colleague from Ohio.

I'm here to stand up on behalf of the working men and women of the 26th District of New York, people like the woman at the Buffalo Airport this morning who served me my energy drink as I boarded the flight. She told me she works at the airport because she lost her job of 23 years at a textile factory in downtown Buffalo. First the jobs went south, then they went overseas, jobs gone forever. As I left for my flight she said to me, Keep fighting for our jobs. Don't forget us. Well, I won't forget her. If I thought any of these fair trade agreements would help that woman and help others in my district, I'd be all in favor. But in western New York, we know better. We were promised prosperity with earlier trade agreements, but while the companies became more prosperous, the jobs were sucked away from our community to foreign shores, lost forever.

As they say in the immortal song made famous by The Who, ''we won't get fooled again.'' I encourage my colleagues to oppose these agreements.

Mr. CAMP. At this time, I reserve the balance of my time.

Mr. LEVIN. I yield 1 minute to the gentlelady from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Madam Speaker, I rise today in opposition to this free trade agreement with Panama and to the two others that we are considering this week with South Korea and Colombia.

Trade agreements should be in the best interests of our Nation and its people, but sadly this has not been the case with the past free trade agreements. Have some of our wealthiest corporations profited from them? Indeed. But the rest of America, especially the middle class, has struggled with job loss, closed factories, and economic and emotional anguish across the country.

I hear from Wisconsin families every day that are struggling mightily, struggling to pay the mortgage, put food on the table, and send their kids to college, especially during these uncertain economic times. The solution is to put our people back to work and preserve American jobs.

When done right, trade agreements can help bolster our manufacturing and high-skilled technology industries and create jobs as they increase exports and help our economy recover. Done wrong, trade agreements send these same jobs offshore, leaving Americans out of work. Unfortunately, I believe these trade agreements with South Korea, Panama, and Colombia will exacerbate the U.S. trade deficit and further erode our manufacturing base.

Mr. CAMP. I continue to reserve the balance of my time.

Mr. KUCINICH. Madam Speaker, I yield myself 1 minute.

The U.S.-Panama Free Trade Agreement requires the U.S. to waive Buy America requirements for all Panamanian incorporated firms and even many Chinese and other foreign firms incorporated in Panama that are there to exploit the tax system. This means that work that should go to U.S. workers can be offshored because of the

rules which forbid Buy America preferences requiring U.S. employees to perform contract work by a Federal agency in the Federal procurement process. According to Global Trade Watch, the U.S. would be waiving Buy America requirements for trillions in U.S. Government contracts for any corporations established in Panama, and in exchange would get almost no new procurement contract opportunities in Panama for U.S. companies.

This trade deal is in the NAFTA tradition of weakening offshore protections, limiting financial service regulations, banning Buy America procurement preferences, limiting environmental, food, and product safety safeguards, and undermining U.S. workers and our economy.

We have to defeat this. We have to be able to Buy America or it's ''bye bye America.''

Mr. CAMP. Madam Speaker, I understand that I have 21 minutes remaining.

I yield 1 minute to the distinguished gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Speaker, first of all, this is not offshore, this proposal is next door. These are our neighbors.

Second of all, this is not just about great opportunities economically for America, but we hear people talk about the environment. When you recycle, so-called ''replace'' your cell phones, where do you think they go? They get rebuilt and they get shipped down to our neighbors to the south so they can have the economic opportunities, they can have the learning opportunities. This is the kind of cooperation we want to see in our hemisphere.

But to attack Panama, which is the leader of showing how they can stimulate an economy, with almost 10 percent growth, to attack Panama, allowing the working class access to recycled material, environmentally friendly but economically upper lifting, to attack that kind of agreement on this floor and then say that you're for the environment and you're for helping the poor, don't come to this floor and say you care about the environment, you care about the needy, and you care about our neighbors and oppose this proposal.

Mr. LEVIN. Madam Speaker, could I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 22½ minutes remaining.

Mr. LEVIN. I yield myself 2½ minutes.

I voted against NAFTA. I led the battle against CAFTA on this floor. I did so because in those agreements there were not enforceable international worker rights. We face this in Panama.

As originally negotiated, there was not the implementation of those rights in Panama. They had certain provisions relating to newer businesses. They also had restrictions in terms of trade zones. And what we said to the Panamanians was, bring your laws up to international standards. That's exactly what they did. This is the opposite, in that respect, of NAFTA and CAFTA. So it is not accurate to say this is a NAFTA-type agreement. It simply is not.

In terms of government procurement, we want access for our companies and workers to the construction that's going on in the Panama Canal zone. It's vital for our companies. And so essentially in this agreement there is a provision that we can have access there, with limits, as they can, with limits, to us. It's mutually beneficial.

Lastly, there has been reference to the tax haven. Panama was a tax haven, one of the most striking in the world. And we insisted that they enact a TIEA. They've done exactly that. So if we take these one at a time, this is an agreement that meets our standards and changes the agreement from the way it was negotiated by the Bush administration. We should support this agreement.

□ 2140

Mr. KUCINICH. I yield myself 1 minute.

Panama is one the world's worst tax havens, allowing rich U.S. individuals and corporations to skirt their responsibility to pay taxes that are vital to the local communities that depend on these revenues. This agreement does nothing to address this issue. At a time when austerity measures are being proposed to balance the budget, we should not be considering a free trade agreement that fails to deal with an issue critical to addressing our deficit.

This free trade agreement includes provisions that undermine our own laws to combat tax haven activity. Public Citizen's Global Trade Watch reports that the ''FTA's Services, Financial Services and Investment Chapters include provisions that forbid limits on transfers of money between the U.S. and Panama. Yet, such limits are the strongest tools that the U.S. has to enforce policies aimed at stopping international tax avoidance.''

The agreement fails to hold Panama and corporations accountable for tax evasion. The agreement only requires Panama to stop refusing to provide information to U.S. officials in specific cases if U.S. officials know to inquire who's telling. There's a significant exception that allows Panama to reject requests for information if it's contrary to the national interest.

Do not reward corporations who offshore jobs and practice international tax avoidance. Do not hurt American workers and the economy. Defeat this trade agreement.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 3079 is postponed.

UNITED STATES-KOREA FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. CAMP. Madam Speaker, pursuant to House Resolution 425, I call up the bill (H.R. 3080) to implement the United States-Korea Free Trade Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 425, the bill is considered read.

The text of the bill is as follows:

H.R. 3080

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''United States–Korea Free Trade Agreement Implementation Act''.

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

Sec. 1. Short title.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the Agreement.
Sec. 102. Relationship of the Agreement to United States and State law.
Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Arbitration of claims.
Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.
Sec. 202. Rules of origin.
Sec. 203. Customs user fees.
Sec. 204. Disclosure of incorrect information; false certifications of origin; denial of preferential tariff treatment.
Sec. 205. Reliquidation of entries.
Sec. 206. Recordkeeping requirements.
Sec. 207. Enforcement relating to trade in textile or apparel goods.
Sec. 208. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefitting From the Agreement

Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.

Subtitle B—Motor Vehicle Safeguard Measures

Sec. 321. Motor vehicle safeguard measures.

Subtitle C—Textile and Apparel Safeguard Measures

Sec. 331. Commencement of action for relief.
Sec. 332. Determination and provision of relief.
Sec. 333. Period of relief.
Sec. 334. Articles exempt from relief.
Sec. 335. Rate after termination of import relief.
Sec. 336. Termination of relief authority.
Sec. 337. Compensation authority.
Sec. 338. Confidential business information.

Subtitle D—Cases Under Title II of the Trade Act of 1974

Sec. 341. Findings and action on Korean articles.

TITLE IV—PROCUREMENT
Sec. 401. Eligible products.
TITLE V—OFFSETS
Sec. 501. Increase in penalty on paid preparers who fail to comply with earned income tax credit due diligence requirements.
Sec. 502. Requirement for prisons located in the United States to provide information for tax administration.
Sec. 503. Rate for merchandise processing fees.
Sec. 504. Extension of customs user fees.
Sec. 505. Time for payment of corporate estimated taxes.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the free trade agreement between the United States and Korea entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to secure the benefits of the agreement entered into pursuant to an exchange of letters between the United States and the Government of Korea on February 10, 2011;

(3) to strengthen and develop economic relations between the United States and Korea for their mutual benefit;

(4) to establish free trade between the United States and Korea through the reduction and elimination of barriers to trade in goods and services and to investment; and

(5) to lay the foundation for further cooperation to expand and enhance the benefits of the Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the United States–Korea Free Trade Agreement approved by Congress under section 101(a)(1).

(2) COMMISSION.—The term ''Commission'' means the United States International Trade Commission.

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

(4) KOREA.—The term ''Korea'' means the Republic of Korea.

(5) TEXTILE OR APPAREL GOOD.—The term ''textile or apparel good'' means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States–Korea Free Trade Agreement entered into on June 30, 2007, with the Government of Korea, and submitted to Congress on October 3, 2011; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on October 3, 2011.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Korea has taken measures necessary to comply with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Korea providing for the entry into force, on or after January 1, 2012, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term ''State law'' includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date on which the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date on which the Agreement enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction contained in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date on which the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met, has expired; and

(4) the President has consulted with the committees referred to in paragraph (2) regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 22 of the Agreement. The office shall not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2011 to the Department of Commerce up to $750,000 for the establishment and operations of the office established or designated under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 22 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 11.16.1(a)(i)(C) or article 11.16.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 11 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), this Act and the amendments made by this Act take effect on the date on which the Agreement enters into force.

(b) EXCEPTIONS.—

(1) IN GENERAL.—Sections 1 through 3, section 207(g), this title, and title V take effect on the date of the enactment of this Act.

(2) CERTAIN AMENDATORY PROVISIONS.—The amendments made by sections 203, 204, 206, and 401 of this Act take effect on the date of the enactment of this Act and apply with respect to Korea on the date on which the Agreement enters into force.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement terminates, this Act (other than this subsection

and title V) and the amendments made by this Act (other than the amendments made by title V) shall cease to have effect.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—The President may proclaim—

(1) such modifications or continuation of any duty,

(2) such continuation of duty-free or excise treatment, or

(3) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 2.3, 2.5, and 2.6, and Annex 2-B, Annex 4-B, and Annex 22-A, of the Agreement.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Korea regarding the staging of any duty treatment set forth in Annex 2-B of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Korea provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Schedule of the United States to Annex 2-B of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

(d) TARIFF TREATMENT OF MOTOR VEHICLES.—The President may proclaim the following tariff treatment with respect to the following motor vehicles of Korea:

(1) CERTAIN PASSENGER CARS.—In the case of originating goods of Korea classifiable under subheading 8703.10.10, 8703.10.50, 8703.21.00, 8703.22.00, 8703.23.00, 8703.24.00, 8703.31.00, 8703.32.00, or 8703.33.00 of the HTS that are entered, or withdrawn from warehouse for consumption—

(A) the rate of duty for such goods shall be 2.5 percent for year 1 of the Agreement through year 4 of the Agreement; and

(B) such goods shall be free of duty for each year thereafter.

(2) ELECTRIC MOTOR VEHICLES.—In the case of originating goods of Korea classifiable under subheading 8703.90.00 of the HTS that are entered, or withdrawn from warehouse for consumption—

(A) the rate of duty for such goods shall be—

(i) 2.0 percent for year 1 of the Agreement;

(ii) 1.5 percent for year 2 of the Agreement;

(iii) 1.0 percent for year 3 of the Agreement; and

(iv) 0.5 percent for year 4 of the Agreement; and

(B) such goods shall be free of duty for each year thereafter.

(3) CERTAIN TRUCKS.—In the case of originating goods of Korea classifiable under subheading 8704.21.00, 8704.22.50, 8704.23.00, 8704.31.00, 8704.32.00, or 8704.90.00 of the HTS that are entered, or withdrawn from warehouse for consumption—

(A) the rate of duty for such goods shall be—

(i) 25 percent for year 1 of the Agreement through year 7 of the Agreement;

(ii) 16.6 percent for year 8 of the Agreement; and

(iii) 8.3 percent for year 9 of the Agreement; and

(B) such goods shall be free of duty for each year thereafter.

(4) DEFINITIONS.—In this subsection—

(A) the term ''year 1 of the Agreement'' means the period beginning on the date, in a calendar year, on which the Agreement enters into force and ending on December 31 of that calendar year; and

(B) the terms ''year 2 of the Agreement'', ''year 3 of the Agreement'', ''year 4 of the Agreement'', ''year 5 of the Agreement'', ''year 6 of the Agreement'', ''year 7 of the Agreement'', ''year 8 of the Agreement'', and ''year 9 of the Agreement'' mean the second, third, fourth, fifth, sixth, seventh, eighth, and ninth calendar years, respectively, in which the Agreement is in force.

SEC. 202. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a chapter, heading, or subheading, such reference shall be a reference to a chapter, heading, or subheading of the HTS.

(3) COST OR VALUE.—Any cost or value referred to in this section shall be recorded and maintained in accordance with the generally accepted accounting principles applicable in the territory of the country in which the good is produced (whether Korea or the United States).

(b) ORIGINATING GOODS.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, except as otherwise provided in this section, a good is an originating good if—

(1) the good is a good wholly obtained or produced entirely in the territory of Korea, the United States, or both;

(2) the good—

(A) is produced entirely in the territory of Korea, the United States, or both, and—

(i) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in Annex 4-A or Annex 6-A of the Agreement; or

(ii) the good otherwise satisfies any applicable regional value-content or other requirements specified in Annex 4-A or Annex 6-A of the Agreement; and

(B) satisfies all other applicable requirements of this section; or

(3) the good is produced entirely in the territory of Korea, the United States, or both, exclusively from materials described in paragraph (1) or (2).

(c) REGIONAL VALUE-CONTENT.—

(1) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of a good referred to in Annex 6-A of the Agreement, except for goods to which paragraph (4) applies, shall be calculated by the importer, exporter, or producer of the good, on the basis of the build-down method described in paragraph (2) or the build-up method described in paragraph (3).

(2) BUILD-DOWN METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-down method:

$$RVC = \frac{AV - VNM}{AV} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term ''RVC'' means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term ''AV'' means the adjusted value of the good.

(iii) VNM.—The term ''VNM'' means the value of nonoriginating materials, other than indirect materials, that are acquired and used by the producer in the production of the good, but does not include the value of a material that is self-produced.

(3) BUILD-UP METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-up method:

$$RVC = \frac{VOM}{AV} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term ''RVC'' means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term ''AV'' means the adjusted value of the good.

(iii) VOM.—The term ''VOM'' means the value of originating materials, other than indirect materials, that are acquired or self-produced, and used by the producer in the production of the good.

(4) SPECIAL RULE FOR CERTAIN AUTOMOTIVE GOODS.—

(A) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of an automotive good referred to in Annex 6-A of the Agreement may be calculated by the importer, exporter, or producer of the good on the basis of the build-down method described in paragraph (2), the build-up method described in paragraph (3), or the following net cost method:

$$RVC = \frac{NC - VNM}{NC} \times 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) AUTOMOTIVE GOOD.—The term ''automotive good'' means a good provided for in any of subheadings 8407.31 through 8407.34, subheading 8408.20, heading 8409, or any of headings 8701 through 8708.

(ii) RVC.—The term ''RVC'' means the regional value-content of the automotive good, expressed as a percentage.

(iii) NC.—The term ''NC'' means the net cost of the automotive good.

(iv) VNM.—The term ''VNM'' means the value of nonoriginating materials, other than indirect materials, that are acquired and used by the producer in the production of the automotive good, but does not include the value of a material that is self-produced.

(C) MOTOR VEHICLES.—

(i) BASIS OF CALCULATION.—For purposes of determining the regional value-content under subparagraph (A) for an automotive good that is a motor vehicle provided for in any of headings 8701 through 8705, an importer, exporter, or producer may average the amounts calculated under the net cost formula contained in subparagraph (A), over the producer's fiscal year—

(I) with respect to all motor vehicles in any one of the categories described in clause (ii); or

(II) with respect to all motor vehicles in any such category that are exported to the territory of Korea or the United States.

(ii) CATEGORIES.—A category is described in this clause if it—

(I) is the same model line of motor vehicles, is in the same class of motor vehicles, and is produced in the same plant in the territory of Korea or the United States, as the good described in clause (i) for which regional value-content is being calculated;

(II) is the same class of motor vehicles, and is produced in the same plant in the territory of Korea or the United States, as the

good described in clause (i) for which regional value-content is being calculated; or

(III) is the same model line of motor vehicles produced in the territory of Korea or the United States as the good described in clause (i) for which regional value-content is being calculated.

(D) OTHER AUTOMOTIVE GOODS.—For purposes of determining the regional value-content under subparagraph (A) for automotive materials provided for in any of subheadings 8407.31 through 8407.34, in subheading 8408.20, or in heading 8409, 8706, 8707, or 8708, that are produced in the same plant, an importer, exporter, or producer may—

(i) average the amounts calculated under the net cost formula contained in subparagraph (A) over—

(I) the fiscal year of the motor vehicle producer to whom the automotive goods are sold,

(II) any quarter or month, or

(III) the fiscal year of the producer of such goods,

if the goods were produced during the fiscal year, quarter, or month that is the basis for the calculation;

(ii) determine the average referred to in clause (i) separately for such goods sold to 1 or more motor vehicle producers; or

(iii) make a separate determination under clause (i) or (ii) for such goods that are exported to the territory of Korea or the United States.

(E) CALCULATING NET COST.—The importer, exporter, or producer of an automotive good shall, consistent with the provisions regarding allocation of costs provided for in generally accepted accounting principles, determine the net cost of the automotive good under subparagraph (B) by—

(i) calculating the total cost incurred with respect to all goods produced by the producer of the automotive good, subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost of all such goods, and then reasonably allocating the resulting net cost of those goods to the automotive good;

(ii) calculating the total cost incurred with respect to all goods produced by that producer, reasonably allocating the total cost to the automotive good, and then subtracting any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the portion of the total cost allocated to the automotive good; or

(iii) reasonably allocating each cost that forms part of the total cost incurred with respect to the automotive good so that the aggregate of these costs does not include any sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, or nonallowable interest costs.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—For the purpose of calculating the regional value-content of a good under subsection (c), and for purposes of applying the de minimis rules under subsection (f), the value of a material is—

(A) in the case of a material that is imported by the producer of the good, the adjusted value of the material;

(B) in the case of a material acquired in the territory in which the good is produced, the value, determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), as set forth in regulations promulgated by the Secretary of the Treasury providing for the application of such Articles in the absence of an importation by the producer; or

(C) in the case of a material that is self-produced, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit equivalent to the profit added in the normal course of trade.

(2) FURTHER ADJUSTMENTS TO THE VALUE OF MATERIALS.—

(A) ORIGINATING MATERIAL.—The following expenses, if not included in the value of an originating material calculated under paragraph (1), may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Korea, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Korea, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(B) NONORIGINATING MATERIAL.—The following expenses, if included in the value of a nonoriginating material calculated under paragraph (1), may be deducted from the value of the nonoriginating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of Korea, the United States, or both, to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Korea, the United States, or both, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(iv) The cost of originating materials used in the production of the nonoriginating material in the territory of Korea, the United States, or both.

(e) ACCUMULATION.—

(1) ORIGINATING MATERIALS USED IN PRODUCTION OF GOODS OF THE OTHER COUNTRY.—Originating materials from the territory of Korea or the United States that are used in the production of a good in the territory of the other country shall be considered to originate in the territory of such other country.

(2) MULTIPLE PRODUCERS.—A good that is produced in the territory of Korea, the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(f) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a good that does not undergo a change in tariff classification pursuant to Annex 6-A of the Agreement is an originating good if—

(A) the value of all nonoriginating materials used in the production of the good that do not undergo the applicable change in tariff classification (set forth in Annex 6-A of the Agreement) does not exceed 10 percent of the adjusted value of the good;

(B) the good meets all other applicable requirements of this section; and

(C) the value of such nonoriginating materials is included in the value of nonoriginating materials for any applicable regional value-content requirement for the good.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the following:

(A) A nonoriginating material provided for in chapter 3 that is used in the production of a good provided for in chapter 3.

(B) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90, that is used in the production of a good provided for in chapter 4.

(C) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90, that is used in the production of any of the following goods:

(i) Infant preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.10.

(ii) Mixes and doughs, containing over 25 percent by weight of butterfat, not put up for retail sale, provided for in subheading 1901.20.

(iii) Dairy preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90.

(iv) Goods provided for in heading 2105.

(v) Beverages containing milk provided for in subheading 2202.90.

(vi) Animal feeds containing over 10 percent by weight of milk solids provided for in subheading 2309.90.

(D) A nonoriginating material provided for in chapter 7 that is used in the production of a good provided for in subheading 0703.10, 0703.20, 0709.59, 0709.60, 0711.90, 0712.20, 0714.20, or any of subheadings 0710.21 through 0710.80 or 0712.39 through 0713.10.

(E) A nonoriginating material provided for in heading 1006, or a nonoriginating rice product provided for in chapter 11 that is used in the production of a good provided for in heading 1006, 1102, 1103, 1104, or subheading 1901.20 or 1901.90.

(F) A nonoriginating material provided for in heading 0805, or any of subheadings 2009.11 through 2009.39, that is used in the production of a good provided for in any of subheadings 2009.11 through 2009.39, or in fruit or vegetable juice of any single fruit or vegetable, fortified with minerals or vitamins, concentrated or unconcentrated, provided for in subheading 2106.90 or 2202.90.

(G) Nonoriginating peaches, pears, or apricots provided for in chapter 8 or 20 that are used in the production of a good provided for in heading 2008.

(H) A nonoriginating material provided for in chapter 15 that is used in the production of a good provided for in any of headings 1501 through 1508, or heading 1512, 1514, or 1515.

(I) A nonoriginating material provided for in heading 1701 that is used in the production of a good provided for in any of headings 1701 through 1703.

(J) A nonoriginating material provided for in chapter 17 that is used in the production of a good provided for in subheading 1806.10.

(K) Except as provided in subparagraphs (A) through (J) and Annex 6-A of the Agreement, a nonoriginating material used in the production of a good provided for in any of chapters 1 through 24, unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this section.

(3) TEXTILE OR APPAREL GOODS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not

undergo an applicable change in tariff classification, set forth in Annex 4-A of the Agreement, shall be considered to be an originating good if the total weight of all such fibers or yarns in that component is not more than 7 percent of the total weight of that component.

(B) CERTAIN TEXTILE OR APPAREL GOODS.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed and finished in the territory of Korea, the United States, or both.

(C) YARN, FABRIC, OR FIBER.—For purposes of this paragraph, in the case of a good that is a yarn, fabric, or fiber, the term ''component of the good that determines the tariff classification of the good'' means all of the fibers in the good.

(g) FUNGIBLE GOODS AND MATERIALS.—

(1) IN GENERAL.—

(A) CLAIM FOR PREFERENTIAL TARIFF TREATMENT.—A person claiming that a fungible good or fungible material is an originating good may base the claim either on the physical segregation of the fungible good or fungible material or by using an inventory management method with respect to the fungible good or fungible material.

(B) INVENTORY MANAGEMENT METHOD.—In this subsection, the term ''inventory management method'' means—

(i) averaging;

(ii) ''last-in, first-out'';

(iii) ''first-in, first-out''; or

(iv) any other method—

(I) recognized in the generally accepted accounting principles of the country in which the production is performed (whether Korea or the United States); or

(II) otherwise accepted by that country.

(2) ELECTION OF INVENTORY METHOD.—A person selecting an inventory management method under paragraph (1) for a particular fungible good or fungible material shall continue to use that method for that fungible good or fungible material throughout the fiscal year of such person.

(h) ACCESSORIES, SPARE PARTS, OR TOOLS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), accessories, spare parts, or tools delivered with a good that form part of the good's standard accessories, spare parts, or tools shall—

(A) be treated as originating goods if the good is an originating good; and

(B) be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set forth in Annex 6-A of the Agreement.

(2) CONDITIONS.—Paragraph (1) shall apply only if—

(A) the accessories, spare parts, or tools are classified with and not invoiced separately from the good; and

(B) the quantities and value of the accessories, spare parts, or tools are customary for the good.

(3) REGIONAL VALUE CONTENT.—If the good is subject to a regional value-content requirement, the value of the accessories, spare parts, or tools shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(i) PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set forth in Annex 4-A or Annex 6-A of the Agreement, and, if the good is subject to a regional value-content requirement, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(j) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—Packing materials and containers for shipment shall be disregarded in determining whether a good is an originating good.

(k) INDIRECT MATERIALS.—An indirect material shall be disregarded in determining whether a good is an originating good.

(l) TRANSIT AND TRANSHIPMENT.—A good that has undergone production necessary to qualify as an originating good under subsection (b) shall not be considered to be an originating good if, subsequent to that production, the good—

(1) undergoes further production or any other operation outside the territory of Korea or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of Korea or the United States; or

(2) does not remain under the control of customs authorities in the territory of a country other than Korea or the United States.

(m) GOODS CLASSIFIABLE AS GOODS PUT UP IN SETS.—Notwithstanding the rules set forth in Annex 4-A and Annex 6-A of the Agreement, goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless—

(1) each of the goods in the set is an originating good; or

(2) the total value of the nonoriginating goods in the set does not exceed—

(A) in the case of textile or apparel goods, 10 percent of the adjusted value of the set; or

(B) in the case of goods, other than textile or apparel goods, 15 percent of the adjusted value of the set.

(n) DEFINITIONS.—In this section:

(1) ADJUSTED VALUE.—The term ''adjusted value'' means the value determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)), adjusted, if necessary, to exclude any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the merchandise from the country of exportation to the place of importation.

(2) CLASS OF MOTOR VEHICLES.—The term ''class of motor vehicles'' means any one of the following categories of motor vehicles:

(A) Motor vehicles provided for in subheading 8701.20, 8704.10, 8704.22, 8704.23, 8704.32, or 8704.90, or heading 8705 or 8706, or motor vehicles for the transport of 16 or more persons provided for in subheading 8702.10 or 8702.90.

(B) Motor vehicles provided for in subheading 8701.10 or any of subheadings 8701.30 through 8701.90.

(C) Motor vehicles for the transport of 15 or fewer persons provided for in subheading 8702.10 or 8702.90, or motor vehicles provided for in subheading 8704.21 or 8704.31.

(D) Motor vehicles provided for in any of subheadings 8703.21 through 8703.90.

(3) FUNGIBLE GOOD OR FUNGIBLE MATERIAL.—The term ''fungible good'' or ''fungible material'' means a good or material, as the case may be, that is interchangeable with another good or material for commercial purposes and the properties of which are essentially identical to such other good or material.

(4) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The term ''generally accepted accounting principles''—

(A) means the recognized consensus or substantial authoritative support given in the territory of Korea or the United States, as the case may be, with respect to the recording of revenues, expenses, costs, assets, and liabilities, the disclosure of information, and the preparation of financial statements; and

(B) may encompass broad guidelines for general application as well as detailed standards, practices, and procedures.

(5) GOOD WHOLLY OBTAINED OR PRODUCED ENTIRELY IN THE TERRITORY OF KOREA, THE UNITED STATES, OR BOTH.—The term ''good wholly obtained or produced entirely in the territory of Korea, the United States, or both'' means any of the following:

(A) Plants and plant products grown, and harvested or gathered, in the territory of Korea, the United States, or both.

(B) Live animals born and raised in the territory of Korea, the United States, or both.

(C) Goods obtained in the territory of Korea, the United States, or both from live animals.

(D) Goods obtained from hunting, trapping, fishing, or aquaculture conducted in the territory of Korea, the United States, or both.

(E) Minerals and other natural resources not included in subparagraphs (A) through (D) that are extracted or taken from the territory of Korea, the United States, or both.

(F) Fish, shellfish, and other marine life taken from the sea, seabed, or subsoil outside the territory of Korea or the United States by—

(i) a vessel that is registered or recorded with Korea and flying the flag of Korea; or

(ii) a vessel that is documented under the laws of the United States.

(G) Goods produced on board a factory ship from goods referred to in subparagraph (F), if such factory ship—

(i) is registered or recorded with Korea and flies the flag of Korea; or

(ii) is a vessel that is documented under the laws of the United States.

(H)(i) Goods taken by Korea or a person of Korea from the seabed or subsoil outside the territory of Korea, the United States, or both, if Korea has rights to exploit such seabed or subsoil; or

(ii) Goods taken by the United States or a person of the United States from the seabed or subsoil outside the territory of the United States, Korea, or both, if the United States has rights to exploit such seabed or subsoil.

(I) Goods taken from outer space, if the goods are obtained by Korea or the United States or a person of Korea or the United States and not processed in the territory of a country other than Korea or the United States.

(J) Waste and scrap derived from—

(i) manufacturing or processing operations in the territory of Korea, the United States, or both; or

(ii) used goods collected in the territory of Korea, the United States, or both, if such goods are fit only for the recovery of raw materials.

(K) Recovered goods derived in the territory of Korea, the United States, or both, from used goods, and used in the territory of Korea, the United States, or both, in the production of remanufactured goods.

(L) Goods, at any stage of production, produced in the territory of Korea, the United States, or both, exclusively from—

(i) goods referred to in any of subparagraphs (A) through (J); or

(ii) the derivatives of goods referred to in clause (i).

(6) IDENTICAL GOODS.—The term ''identical goods'' means goods that are the same in all respects relevant to the rule of origin that qualifies the goods as originating goods.

(7) INDIRECT MATERIAL.—The term ''indirect material'' means a good used in the production, testing, or inspection of another good but not physically incorporated into that other good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of another good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment or buildings;

(D) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment or buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other good that is not incorporated into the other good but the use of which in the production of the other good can reasonably be demonstrated to be a part of that production.

(8) MATERIAL.—The term ''material'' means a good that is used in the production of another good, including a part or an ingredient.

(9) MATERIAL THAT IS SELF-PRODUCED.—The term ''material that is self-produced'' means an originating material that is produced by a producer of a good and used in the production of that good.

(10) MODEL LINE OF MOTOR VEHICLES.—The term ''model line of motor vehicles'' means a group of motor vehicles having the same platform or model name.

(11) NET COST.—The term ''net cost'' means total cost minus sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and non-allowable interest costs that are included in the total cost.

(12) NONALLOWABLE INTEREST COSTS.—The term ''nonallowable interest costs'' means interest costs incurred by a producer that exceed 700 basis points above the applicable official interest rate for comparable maturities of the country in which the producer is located.

(13) NONORIGINATING GOOD OR NONORIGINATING MATERIAL.—The term ''nonoriginating good'' or ''nonoriginating material'' means a good or material, as the case may be, that does not qualify as originating under this section.

(14) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—The term ''packing materials and containers for shipment'' means goods used to protect another good during its transportation and does not include the packaging materials and containers in which the other good is packaged for retail sale.

(15) PREFERENTIAL TARIFF TREATMENT.—The term ''preferential tariff treatment'' means the customs duty rate, and the treatment under article 2.10.4 of the Agreement, that are applicable to an originating good pursuant to the Agreement.

(16) PRODUCER.—The term ''producer'' means a person who engages in the production of a good in the territory of Korea or the United States.

(17) PRODUCTION.—The term ''production'' means growing, mining, harvesting, fishing, breeding, raising, trapping, hunting, manufacturing, processing, assembling, or disassembling a good.

(18) REASONABLY ALLOCATE.—The term ''reasonably allocate'' means to apportion in a manner that would be appropriate under generally accepted accounting principles.

(19) RECOVERED GOODS.—The term ''recovered goods'' means materials in the form of individual parts that are the result of—

(A) the disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing that is necessary for improvement to sound working condition of such individual parts.

(20) REMANUFACTURED GOOD.—The term ''remanufactured good'' means a good that is classified under chapter 84, 85, 87, or 90 or heading 9402, and that—

(A) is entirely or partially comprised of recovered goods; and

(B) has a similar life expectancy and enjoys a factory warranty similar to such a good that is new.

(21) TOTAL COST.—

(A) IN GENERAL.—The term ''total cost''—

(i) means all product costs, period costs, and other costs for a good incurred in the territory of Korea, the United States, or both; and

(ii) does not include profits that are earned by the producer, regardless of whether they are retained by the producer or paid out to other persons as dividends, or taxes paid on those profits, including capital gains taxes.

(B) OTHER DEFINITIONS.—In this paragraph:

(i) PRODUCT COSTS.—The term ''product costs'' means costs that are associated with the production of a good and include the value of materials, direct labor costs, and direct overhead.

(ii) PERIOD COSTS.—The term ''period costs'' means costs, other than product costs, that are expensed in the period in which they are incurred, such as selling expenses and general and administrative expenses.

(iii) OTHER COSTS.—The term ''other costs'' means all costs recorded on the books of the producer that are not product costs or period costs, such as interest.

(22) USED.—The term ''used'' means utilized or consumed in the production of goods.

(o) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set forth in Annex 4-A and Annex 6-A of the Agreement; and

(B) any additional subordinate category that is necessary to carry out this title consistent with the Agreement.

(2) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 (as included in Annex 4-A of the Agreement).

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim—

(i) such modifications to the provisions proclaimed under the authority of paragraph (1)(A) as are necessary to implement an agreement with Korea pursuant to article 4.2.5 of the Agreement; and

(ii) before the end of the 1-year period beginning on the date on which the Agreement enters into force, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 (as included in Annex 4-A of the Agreement).

(3) FIBERS, YARNS, OR FABRICS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN THE UNITED STATES.—

(A) IN GENERAL.—Notwithstanding paragraph (2)(A), the list of fibers, yarns, and fabrics set forth in the list of the United States in Appendix 4-B-1 of the Agreement may be modified as provided for in this paragraph.

(B) DEFINITIONS.—In this paragraph:

(i) INTERESTED ENTITY.—The term ''interested entity'' means the Government of Korea, a potential or actual purchaser of a textile or apparel good, or a potential or actual supplier of a textile or apparel good.

(ii) DAY; DAYS.—All references to ''day'' and ''days'' exclude Saturdays, Sundays, and legal holidays observed by the Government of the United States.

(C) REQUESTS TO ADD FIBERS, YARNS, OR FABRICS.—

(i) IN GENERAL.—An interested entity may request the President to determine that a fiber, yarn, or fabric is not available in commercial quantities in a timely manner in the United States and to add that fiber, yarn, or fabric to the list of the United States in Appendix 4-B-1 of the Agreement.

(ii) DETERMINATION.—After receiving a request under clause (i), the President may determine whether—

(I) the fiber, yarn, or fabric is available in commercial quantities in a timely manner in the United States; or

(II) any interested entity objects to the request.

(iii) PROCLAMATION AUTHORITY.—The President may, within the time periods specified in clause (iv), proclaim that the fiber, yarn, or fabric that is the subject of the request is added to the list of the United States in Appendix 4-B-1 of the Agreement, if the President has determined under clause (ii) that—

(I) the fiber, yarn, or fabric is not available in commercial quantities in a timely manner in the United States; or

(II) no interested entity has objected to the request.

(iv) TIME PERIODS.—The time periods within which the President may issue a proclamation under clause (iii) are—

(I) not later than 30 days after the date on which a request is submitted under clause (i); or

(II) not later than 60 days after the request is submitted, if the President determines, within 30 days after the date on which the request is submitted, that the President does not have sufficient information to make a determination under clause (ii).

(v) EFFECTIVE DATE.—Notwithstanding section 103(a)(2), a proclamation made under clause (iii) shall take effect on the date on which the text of the proclamation is published in the Federal Register.

(D) DEEMED DENIAL OF REQUEST.—If, after an interested entity submits a request under subparagraph (C)(i), the President does not, within 30 days of the expiration of the applicable time period specified in subparagraph (C)(iv), make a determination under subparagraph (C)(ii) regarding the request, the request shall be considered to be denied.

(E) REQUESTS TO REMOVE FIBERS, YARNS, OR FABRICS.—

(i) IN GENERAL.—An interested entity may request the President to remove from the list of the United States in Appendix 4-B-1 of the Agreement, any fiber, yarn, or fabric that has been added to that list pursuant to subparagraph (C)(iii).

(ii) PROCLAMATION AUTHORITY.—Not later than 30 days after the date on which a request under clause (i) is submitted, the President may proclaim that the fiber, yarn, or fabric that is the subject of the request is removed from the list of the United States in Appendix 4-B-1 of the Agreement if the President determines that the fiber, yarn, or fabric is available in commercial quantities in a timely manner in the United States.

(iii) EFFECTIVE DATE.—A proclamation issued under clause (ii) may not take effect earlier than the date that is 6 months after the date on which the text of the proclamation is published in the Federal Register.

(F) PROCEDURES.—The President shall establish procedures—

(i) governing the submission of a request under subparagraphs (C) and (E); and

(ii) providing an opportunity for interested entities to submit comments and supporting evidence before the President makes a determination under subparagraph (C)(ii) or (E)(ii).

SEC. 203. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by adding after paragraph (18) the following:

''(19) No fee may be charged under subsection (a) (9) or (10) with respect to goods that qualify as originating goods under section 202 of the United States–Korea Free Trade Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.''.

SEC. 204. DISCLOSURE OF INCORRECT INFORMATION; FALSE CERTIFICATIONS OF ORIGIN; DENIAL OF PREFERENTIAL TARIFF TREATMENT.

(a) DISCLOSURE OF INCORRECT INFORMATION.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (11) as paragraph (12); and

(B) by inserting after paragraph (10) the following new paragraph:

''(11) PRIOR DISCLOSURE REGARDING CLAIMS UNDER THE UNITED STATES–KOREA FREE TRADE AGREEMENT.—An importer shall not be subject to penalties under subsection (a) for making an incorrect claim that a good qualifies as an originating good under section 202 of the United States–Korea Free Trade Agreement Implementation Act if the importer, in accordance with regulations issued by the Secretary of the Treasury, promptly and voluntarily makes a corrected declaration and pays any duties owing with respect to that good.''; and

(2) by adding at the end the following new subsection:

''(j) FALSE CERTIFICATIONS OF ORIGIN UNDER THE UNITED STATES–KOREA FREE TRADE AGREEMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), it is unlawful for any person to certify falsely, by fraud, gross negligence, or negligence, in a KFTA certification of origin (as defined in section 508 of this Act) that a good exported from the United States qualifies as an originating good under the rules of origin provided for in section 202 of the United States–Korea Free Trade Agreement Implementation Act. The procedures and penalties of this section that apply to a violation of subsection (a) also apply to a violation of this subsection.

''(2) PROMPT AND VOLUNTARY DISCLOSURE OF INCORRECT INFORMATION.—No penalty shall be imposed under this subsection if, promptly after an exporter or producer that issued a KFTA certification of origin has reason to believe that such certification contains or is based on incorrect information, the exporter or producer voluntarily provides written notice of such incorrect information to every person to whom the certification was issued.

''(3) EXCEPTION.—A person shall not be considered to have violated paragraph (1) if—

''(A) the information was correct at the time it was provided in a KFTA certification of origin but was later rendered incorrect due to a change in circumstances; and

''(B) the person promptly and voluntarily provides written notice of the change in circumstances to all persons to whom the person provided the certification.''.

(b) DENIAL OF PREFERENTIAL TARIFF TREATMENT.—Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) is amended by adding at the end the following new subsection:

''(j) DENIAL OF PREFERENTIAL TARIFF TREATMENT UNDER THE UNITED STATES–KOREA FREE TRADE AGREEMENT.—If U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement of the Department of Homeland Security finds indications of a pattern of conduct by an importer, exporter, or producer of false or unsupported representations that goods qualify under the rules of origin provided for in section 202 of the United States–Korea Free Trade Agreement Implementation Act, U.S. Customs and Border Protection, in accordance with regulations issued by the Secretary of the Treasury, may suspend preferential tariff treatment under the United States–Korea Free Trade Agreement Implementation Act to entries of identical goods covered by subsequent representations by that importer, exporter, or producer until U.S. Customs and Border Protection determines that representations of that person are in conformity with such section 202.''.

SEC. 205. RELIQUIDATION OF ENTRIES.

Section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended in the matter preceding paragraph (1)—

(1) by striking ''or''; and

(2) by striking ''for which'' and inserting '', or section 202 of the United States–Korea Free Trade Agreement Implementation Act for which''.

SEC. 206. RECORDKEEPING REQUIREMENTS.

Section 508 of the Tariff Act of 1930 (19 U.S.C. 1508) is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following new subsection:

''(i) CERTIFICATIONS OF ORIGIN FOR GOODS EXPORTED UNDER THE UNITED STATES–KOREA FREE TRADE AGREEMENT.—

''(1) DEFINITIONS.—In this subsection:

''(A) RECORDS AND SUPPORTING DOCUMENTS.—The term 'records and supporting documents' means, with respect to an exported good under paragraph (2), records and documents related to the origin of the good, including—

''(i) the purchase, cost, and value of, and payment for, the good;

''(ii) the purchase, cost, and value of, and payment for, all materials, including indirect materials, used in the production of the good; and

''(iii) the production of the good in the form in which it was exported.

''(B) KFTA CERTIFICATION OF ORIGIN.—The term 'KFTA certification of origin' means the certification established under article 6.15 of the United States–Korea Free Trade Agreement that a good qualifies as an originating good under such Agreement.

''(2) EXPORTS TO KOREA.—Any person who completes and issues a KFTA certification of origin for a good exported from the United States shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the certification or copies thereof).

''(3) RETENTION PERIOD.—The person who issues a KFTA certification of origin shall keep the records and supporting documents relating to that certification of origin for a period of at least 5 years after the date on which the certification is issued.''; and

(3) in subsection (j), as so redesignated, by striking ''(g), or (h)'' and inserting ''(g), (h), or (i)''.

SEC. 207. ENFORCEMENT RELATING TO TRADE IN TEXTILE OR APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the Government of Korea to conduct a verification pursuant to article 4.3 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination of the Secretary that—

(A) an exporter or producer in Korea is complying with applicable customs laws, regulations, procedures, requirements, and practices affecting trade in textile or apparel goods; or

(B) a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 202, or

(ii) is a good of Korea,

is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of liquidation of the entry of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), in a case in which the request for verification was based on a reasonable suspicion of unlawful activity related to such goods; and

(2) suspension of liquidation of the entry of a textile or apparel good for which a claim has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

(c) ACTION WHEN INFORMATION IS INSUFFICIENT.—If the Secretary of the Treasury determines that the information obtained within 12 months after making a request for a verification under subsection (a)(1) is insufficient to make a determination under subsection (a)(2), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make the determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (c) includes—

(1) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) the textile or apparel good for which a claim has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B); and

(2) denial of entry into the United States of—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

(e) PUBLICATION OF NAME OF PERSON.—In accordance with article 4.3.11 of the Agreement, the Secretary of the Treasury may publish the name of any person that the Secretary has determined—

(1) is engaged in circumvention of applicable laws, regulations, or procedures affecting trade in textile or apparel goods; or

(2) has failed to demonstrate that it produces, or is capable of producing, textile or apparel goods.

(f) CERTIFICATE OF ELIGIBILITY.—The Commissioner responsible for U.S. Customs and Border Protection of the Department of Homeland Security may require an importer to submit at the time the importer files a claim for preferential tariff treatment under Annex 4-B of the Agreement a certificate of eligibility, properly completed and signed by an authorized official of the Government of Korea.

(g) VERIFICATIONS IN THE UNITED STATES.—If the government of a country that is a party to a free trade agreement with the United States makes a request for a verification pursuant to that agreement, the Secretary of the Treasury may request a verification of the production of any textile or apparel good in order to assist that government in determining whether—

(1) a claim of origin under the agreement for a textile or apparel good is accurate; or

(2) an exporter, producer, or other enterprise located in the United States involved in the movement of textile or apparel goods from the United States to the territory of the requesting government is complying with applicable customs laws, regulations, and procedures regarding trade in textile or apparel goods.

SEC. 208. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (n) of section 202;

(2) the amendment made by section 203; and

(3) any proclamation issued under section 202(o).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) KOREAN ARTICLE.—The term ''Korean article'' means an article that qualifies as an originating good under section 202(b).

(2) KOREAN MOTOR VEHICLE ARTICLE.—The term ''Korean motor vehicle article'' means a good provided for in heading 8703 or 8704 of the HTS that qualifies as an originating good under section 202(b).

(3) KOREAN TEXTILE OR APPAREL ARTICLE.—The term ''Korean textile or apparel article'' means a textile or apparel good (as defined in section 3(5)) that is a Korean article.

Subtitle A—Relief From Imports Benefitting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—

(1) IN GENERAL.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(2) PROVISIONAL RELIEF.—An entity filing a petition under this subsection may request that provisional relief be provided as if the petition had been filed under section 202(a) of the Trade Act of 1974 (19 U.S.C. 2252(a)).

(3) CRITICAL CIRCUMSTANCES.—Any allegation that critical circumstances exist shall be included in the petition.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Korean article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Korean article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (d).

(4) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Korean article if, after the date on which the Agreement enters into force, import relief has been provided with respect to that Korean article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days (180 days if critical circumstances have been alleged) after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—

(1) IN GENERAL.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(2) LIMITATION ON RELIEF.—The import relief recommended by the Commission under this subsection shall be limited to the relief described in section 313(c).

(3) VOTING; SEPARATE VIEWS.—Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination referred to in paragraph (1) and any finding or recommendation referred to in paragraph (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public the report (with the exception of information which the Commission determines to be confidential) and shall publish a summary of the report in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives a report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—Except as provided in paragraph (2), the import relief that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 2-B of the Agreement in the duty imposed on the article.

(B) An increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) DUTIES APPLIED ON A SEASONAL BASIS.—In the case of imports of an article to which a duty is applied on a seasonal basis, the import relief that the President is authorized to provide under this section is as follows:

(A) The suspension of any further reduction provided for under Annex 2-B of the Agreement in the duty imposed on the article.

(B) An increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles for the corresponding season immediately preceding the date the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS for the corresponding season immediately preceding the date on which the Agreement enters into force.

(3) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization (described in article 10.2.7 of the Agreement) of such relief at regular intervals during the period of its application.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), any import relief that the President provides under this section may not be in effect for more than 2 years.

(2) EXTENSION.—

(A) IN GENERAL.—Subject to subparagraph (C), the President, after receiving a determination from the Commission under subparagraph (B) that is affirmative, or which the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), may extend the effective period of any import relief provided under this section by up to 1 year, if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—

(i) INVESTIGATION.—Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date that is 9 months, and not later than the date that is 6 months, before the date on which any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) NOTICE AND HEARING.—The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) REPORT.—The Commission shall submit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(C) PERIOD OF IMPORT RELIEF.—Any import relief provided under this section, including any extensions thereof, may not, in the aggregate, be in effect for more than 3 years.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—Beginning on the date on which import relief under this section is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect but for the provision of such relief.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on any article that is subject to import relief under—

(1) subtitle B or C; or

(2) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Subject to subsection (b), no import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) EXCEPTION.—If an article for which relief is provided under this subtitle is an article for which the period for tariff elimination, set forth in the Schedule of the United States to Annex 2-B of the Agreement, is greater than 10 years, no relief under this subtitle may be provided for that article after the date on which that period ends.

(c) PRESIDENTIAL DETERMINATION.—Import relief may be provided under this subtitle in the case of a Korean article after the date on which such relief would, but for this subsection, terminate under subsection (a) and (b), if the President determines that Korea has consented to such relief.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking ''and''; and

(2) by inserting before the period at the end '', and title III of the United States–Korea Free Trade Agreement Implementation Act''.

Subtitle B—Motor Vehicle Safeguard Measures

SEC. 321. MOTOR VEHICLE SAFEGUARD MEASURES.

The provisions of subtitle A shall apply with respect to a Korean motor vehicle article to the same extent that such provisions apply to Korean articles, except as follows:

(1) Section 311(d) and paragraphs (2) and (3) of 313(c) shall not apply.

(2) Section 313(d)(2)(A) shall be applied and administered by substituting ''2 years'' for ''1 year''.

(3) Section 313(d)(2)(C) shall be applied and administered by substituting ''4 years'' for ''3 years''.

(4) Section 313(f)(1) shall be applied and administered by substituting ''subtitle A'' for ''subtitle B or C''.

(5) Section 314(b) shall be applied and administered as if such section read as follows:

''(b) EXCEPTION.—Import relief may be provided under this subtitle with respect to a Korean motor vehicle article during any period before the date that is 10 years after the date on which duties on the article are eliminated, as set forth in section 201(d), or, if the article is not referred to in section 201(d), the Schedule of the United States to Annex 2-B of the Agreement.''.

Subtitle C—Textile and Apparel Safeguard Measures

SEC. 331. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request for action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall publish in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 332. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 331(b), the President shall determine whether, as a result of the reduction or elimination of a duty under the Agreement, a Korean textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, no one of which is necessarily decisive; and

(B) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as provided in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is—

(A) the suspension of any further reduction provided for under Annex 2-B of the Agreement in the duty imposed on the article; or

(B) an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 333. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), the import relief that the President provides under section 332(b) may not be in effect for more than 2 years.

(b) EXTENSION.—

(1) IN GENERAL.—Subject to paragraph (2), the President may extend the effective period of any import relief provided under this subtitle for a period of not more than 2 years, if the President determines that—

(A) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(B) there is evidence that the industry is making a positive adjustment to import competition.

(2) LIMITATION.—Any relief provided under this subtitle, including any extensions thereof, may not, in the aggregate, be in effect for more than 4 years.

SEC. 334. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to an article if—

(1) import relief previously has been provided under this subtitle with respect to that article; or

(2) the article is subject to import relief under—

(A) subtitle A; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

SEC. 335. RATE AFTER TERMINATION OF IMPORT RELIEF.

On the date on which import relief under this subtitle is terminated with respect to an

article, the rate of duty on that article shall be the rate that would have been in effect but for the provision of such relief.

SEC. 336. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 10 years after the date on which duties on the article are eliminated pursuant to the Agreement.

SEC. 337. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 338. CONFIDENTIAL BUSINESS INFORMATION.

The President may not release information received in connection with an investigation or determination under this subtitle which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the President, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information, the party shall also provide a nonconfidential version of the information in which the confidential business information is summarized or, if necessary, deleted.

Subtitle D—Cases Under Title II of the Trade Act of 1974

SEC. 341. FINDINGS AND ACTION ON KOREAN ARTICLES.

(a) EFFECT OF IMPORTS.—If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d))), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the Korean article are a substantial cause of serious injury or threat thereof.

(b) PRESIDENTIAL DETERMINATION REGARDING KOREAN ARTICLES.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), the President may exclude from the action Korean articles with respect to which the Commission has made a negative finding under subsection (a).

TITLE IV—PROCUREMENT

SEC. 401. ELIGIBLE PRODUCTS.

Section 308(4)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)) is amended—

(1) by striking ''or'' at the end of clause (vi);

(2) by striking the period at the end of clause (vii) and inserting ''; or''; and

(3) by adding at the end the following new clause:

''(viii) a party to the United States–Korea Free Trade Agreement, a product or service of that country or instrumentality which is covered under that agreement for procurement by the United States.''.

TITLE V—OFFSETS

SEC. 501. INCREASE IN PENALTY ON PAID PREPARERS WHO FAIL TO COMPLY WITH EARNED INCOME TAX CREDIT DUE DILIGENCE REQUIREMENTS.

(a) IN GENERAL.—Section 6695(g) of the Internal Revenue Code of 1986 is amended by striking ''$100'' and inserting ''$500''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns required to be filed after December 31, 2011.

SEC. 502. REQUIREMENT FOR PRISONS LOCATED IN THE UNITED STATES TO PROVIDE INFORMATION FOR TAX ADMINISTRATION.

(a) IN GENERAL.—Subchapter B of chapter 61 of the Internal Revenue Code of 1986 is amended by redesignating section 6116 as section 6117 and by inserting after section 6115 the following new section:

''SEC. 6116. REQUIREMENT FOR PRISONS LOCATED IN UNITED STATES TO PROVIDE INFORMATION FOR TAX ADMINISTRATION.

''(a) IN GENERAL.—Not later than September 15, 2012, and annually thereafter, the head of the Federal Bureau of Prisons and the head of any State agency charged with the responsibility for administration of prisons shall provide to the Secretary in electronic format a list with the information described in subsection (b) of all the inmates incarcerated within the prison system for any part of the prior 2 calendar years or the current calendar year through August 31.

''(b) INFORMATION.—The information with respect to each inmate is—

''(1) first, middle, and last name,

''(2) date of birth,

''(3) institution of current incarceration or, for released inmates, most recent incarceration,

''(4) prison assigned inmate number,

''(5) the date of incarceration,

''(6) the date of release or anticipated date of release,

''(7) the date of work release,

''(8) taxpayer identification number and whether the prison has verified such number,

''(9) last known address, and

''(10) any additional information as the Secretary may request.

''(c) FORMAT.—The Secretary shall determine the electronic format of the information described in subsection (b).''.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by striking the item relating to section 6116 and by adding at the end the following new items:

''Sec. 6116. Requirement for prisons located in United States to provide information for tax administration.

''Sec. 6117. Cross reference.''.

SEC. 503. RATE FOR MERCHANDISE PROCESSING FEES.

For the period beginning on December 1, 2015, and ending on June 30, 2021, 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 ''0.3464'' for ''0.21''; and

(2) in subparagraph (B)(i), by substituting ''0.3464'' for ''0.21''.

SEC. 504. EXTENSION OF CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking ''January 7, 2020'' and inserting ''August 2, 2021''.

(b) OTHER FEES.—Section 13031(j)(3)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(B)(i)) is amended by striking ''January 14, 2020'' and inserting ''December 8, 2020''.

SEC. 505. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, in the case of a corporation with assets of not less than $1,000,000,000 (determined as of the end of the preceding taxable year)—

(1) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2012 shall be increased by 0.25 percent of such amount (determined without regard to any increase in such amount not contained in such Code);

(2) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2016 shall be increased by 2.75 percent of such amount (determined without regard to any increase in such amount not contained in such Code); and

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

The SPEAKER pro tempore. The bill shall be debatable for 90 minutes, with 30 minutes controlled by the gentleman from Michigan (Mr. CAMP), 30 minutes controlled by the gentleman from Michigan (Mr. LEVIN), and 30 minutes controlled by the gentleman from Maine (Mr. MICHAUD).

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. Madam Speaker, I ask unanimous consent that Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Madam Speaker, I yield myself such time as I may consume.

The U.S.-Korea agreement is the most commercially significant trade agreement considered by the Congress in 17 years, and it couldn't come at a better time. With the unemployment rate stuck stubbornly above 9 percent, we must seek out and take advantage of all opportunities to create American jobs. This agreement, known as KORUS, will do just that by supporting hundreds of thousands of good-paying jobs in all sectors.

Last year, I worked closely with the administration, the major auto makers, auto workers and Mr. LEVIN to address persistent barriers to U.S. automobile trade with South Korea. The supplemental agreement which is incorporated in the legislation before us today addresses key tariff and nontariff barriers, and includes numerous provisions to ensure that South Korea can no longer use its regulatory system to block U.S. exports.

The International Trade Commission estimates that removal of nontariff barriers will add an additional $48 million to $66 million in new exports. This, in addition to the $194 million in expected new exports from lower Korean tariffs on U.S. autos.

Inaction on KORUS has allowed the EU and other competitors to step in and steal U.S. market share and has diminished U.S. leadership in Asia. KORUS is key to our engagement in Asia and a critical bulwark to Chinese influence in the region. I call on the President to promptly enter this agreement into force so that our workers, companies, farmers, and ranchers can get off the sidelines and recapture market share. KORUS and the other two

agreements we will pass this week will create sustainable and well-paying jobs.

Passage of KORUS will also deepen ties with a strong and important ally. The United States and South Korea have stood shoulder-to-shoulder for more than 60 years. KORUS is the next step forward in our bilateral relationship, and today's action could not come soon enough.

I look forward to welcoming President Lee during his state visit tomorrow, and to congratulating him personally on passage of this important agreement.

I reserve the balance of my time.

Mr. LEVIN. It is now my distinct pleasure to yield 4 minutes to our whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

I rise in support of the three trade agreements that are pending before us and in support of the Trade Adjustment Assistance for our working men and women in this country.

There is no doubt, as so many of my colleagues have observed, that globalization of the marketplace and the growth of competitors from around the world has put a real stress on America and on American workers. As one of those who has fought very hard to have this floor consider legislation to facilitate making it in America, making sure that American workers are making American goods and selling them here and around the world, it seems to me that, in that process, what we need to do is bring down barriers to exports around the world. I perceive these three agreements accomplishing that objective.

I want to congratulate my dear friend, SANDY LEVIN, as well as the chairman of the Ways and Means Committee, Mr. CAMP, for working hard on all of these agreements. I particularly want to congratulate Mr. LEVIN, who has given such careful consideration and care to the development of agreements that he feels he can support. He is supporting Korea and Panama, as am I. He has concluded that the protections in Colombia are not yet sufficient to protect workers that we all want to protect. I share his concern there. I have transmitted that to the administration, as has Mr. LEVIN.

I would like to read a portion of the submittal correspondence from the President of the United States referencing Colombia. The agreement contains state-of-the-art provisions to help protect and enforce intellectual property rights, reduce regulatory red tape, and eliminate regulatory barriers to U.S. exports.

The agreement also contains the highest standard for protecting labor rights, carrying out covered environmental agreements, and ensuring that key domestic labor and environmental laws are enforced, combined with strong remedies for noncompliance.

Colombia has already made significant reforms related to the obligations it will have under the labor chapter. A number of these steps have been taken in fulfillment of the commitments Colombia made in the agreed action plan.

I want to again say that Mr. LEVIN has visited Colombia, spent time there and overseen the action plan and its implementation.

But then the important sentence for me and I hope for others is, Colombia must successfully implement key elements of the action plan before I will bring the agreement into force.

There is a bipartisan consensus, Madam Speaker, in favor of reducing trade barriers. Those who support expanded trade do so because we believe American companies can compete globally and export more of what our workers make right here in America.

At the same time, though, trade agreements bring changes which may cause and do cause some workers to lose their jobs. That is why President Kennedy, in 1962, introduced a Trade Adjustment Assistance program to mitigate the negative effects of changes in trade policy. Under this program, the government provides job retraining, relocation allowances, and income assistance for those whose jobs are affected by international trade.

For companies that lose business, the Federal Government lends a hand with guidance and financial assistance to help develop recovery plans. President Kennedy called it: ''A program to afford time for American initiative, American adaptability, and American resilience to assert themselves.'' I believe these agreements give us that continuing opportunity, but we must protect our workers in the process.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOYER. Mr. CAMP, may I have a minute?

Mr. CAMP. How much time do I have?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) has 28 minutes remaining.

Mr. CAMP. I yield the gentleman 1 minute.

□ 2150

Mr. HOYER. I thank my friend for yielding.

As we engage in measures designed to strengthen exports, at the same time Congress must continue to provide assistance to those whose jobs may be lost in the process. We need to do whatever we can to help get our people back to work and safeguard American jobs.

I urge a vote in favor of the trade adjustment assistance. That will be the last item we will consider. And I indicate my support of all three of the agreements.

In May of '07, we made definite progress with Mr. LEVIN's leadership and the leadership in a bipartisan way of saying workers' rights were going to be recognized in these agreements. In my view, that is the case in these three agreements. Are they perfect? I think no agreement is ever perfect. But do they move us in a position where the United States will be better able to make it in America and sell it abroad? I think they do; and, therefore, I will support these agreements.

I thank the gentleman for yielding me the additional minute.

Mr. MICHAUD. I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, this agreement is based on the NAFTA-style trade model that has displaced and cut hundreds of thousands of jobs in the U.S. over the last decade. According to the Economic Policy Institute, this agreement is expected to increase our trade deficit with Korea by $16.7 billion and, in turn, cost the U.S. 159,000 jobs within the first 7 years of its implementation alone. Global Trade Watch states that it is expected to increase our trade deficit in autos and auto parts by $700 million, further devastating a domestic industry that's been in decline.

I'm tired of visiting places where there's grass growing in parking lots in this country where they used to make steel and they used to make automotive products. It's time that we drew the line on behalf of American jobs and American workers and defeat this trade agreement.

Mr. CAMP. I yield 2 minutes to the distinguished chairman of the Trade Subcommittee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Speaker, I want to thank Chairman CAMP and Ranking Member SANDY LEVIN for working together with this President, with the Senate, and with the auto companies and autoworkers to improve this agreement to ensure we sell more American cars into Korea. This is why, among many other reasons, this agreement has so much strong bipartisan support.

As I've already said tonight, I'm excited to be here. This trade agreement improves as well as strengthens our security relationship with one of our strongest allies. This is the most commercially significant trade agreement the United States has signed since I've been in Congress.

The delay in implementing the sales agreement has been felt across America. If our exporters can't compete because of high tariffs or nontariff barriers, they can't grow their businesses and put Americans back to work. That's why expanding opportunities for U.S. exporters and finding new customers is so critical to our workers, so critical to putting our economy back on the right track and creating good-paying American jobs right here in the United States.

For example, this agreement turns one-way trade into the United States into two-way trade. The average South Korean tariff on our exporters is more than four times what it is when South Korea exports to us. This agreement addresses that imbalance.

The job-creating benefits of this agreement will be enjoyed broadly

among manufacturers, agriculture, service, and technology companies. The American Farm Bureau estimates that U.S. farm exports will increase by more than $1.8 billion to this market. Moreover, 90 percent of American companies selling to South Korea are small and medium-sized enterprises in our neighborhoods and in our communities, and it will lead to an additional $3 billion in exports for these small businesses.

It's no longer enough to buy American; we have to sell American. And this ''Sell American'' agreement is essential if we are to get our economy back on track. I strongly support it.

Mr. LEVIN. I reserve the balance of my time.

Mr. MICHAUD. Madam Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman from Maine for yielding and rise in opposition to the proposed South Korea trade accord.

Look, my friends, South Korea's market is basically closed. You can't see any other cars on the road there other than Korean cars. And American policy has allowed jobs to be whittled away here at home through a trade agenda that outsources U.S. production and American jobs. Every single year we have a trade deficit with South Korea now. Why do we want to make it worse? Do you know what? The American people know it. They're living it. They want us to fix it. They're pouring out into the streets of America to tell us.

Last year, our trade deficit with South Korea already was over $10 billion. That translates into more lost jobs here at home. But rather than stopping this outsourcing of America, the executive branch and some of their allies up here keep concocting more of the same NAFTA-type trade agreements that increase our trade deficit, and obviously even more with South Korea now.

The Economic Policy Institute analysis predicts this proposed agreement with South Korea will cost us 159,000 more lost jobs, net, and the International Trade Commission verifies that.

Isn't it time that we put Americans back to work here inside our country rather than giving them more of the same red ink?

Mr. CAMP. At this time, I reserve the balance of my time.

Mr. LEVIN. I continue to reserve the balance of my time.

Mr. MICHAUD. I would now yield 1 minute to the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. I thank the gentleman for yielding.

Madam Speaker, I call on all my colleagues to oppose George Bush's job-killing trade deal with Korea. Listen to the American people: Only 18 percent of Americans believe that free trade has created jobs in the United States. That's from the conservative Wall Street Journal poll. The same poll says that 53 percent of Americans say trade deals have hurt our country. Sixty-one percent of the Tea Party supporters say that free trade has hurt the United States.

Facts don't lie. The simple truth is, during the last decade of so-called free trade, the United States has lost 54,000 manufacturers and over 5 million manufacturing jobs—43,000 manufacturing jobs in my State of Iowa. That's 1,370 factory jobs lost every day at an average salary of $55,000.

Wake up, America. We need to get serious about creating jobs, and passing more Bush-era, job-killing trade deals is not the answer. We have a trade deficit that has created a job deficit. That's what we need to solve.

Mr. CAMP. Madam Speaker, I yield 1 minute to a distinguished member of the Ways and Means Committee, the gentleman from New York (Mr. REED).

Mr. REED. Thank you, Mr. Chairman.

I rise today in strong support of the three pending agreements before this great body. This is a great day. This is a great day for America in the sense that we have before us an opportunity to create 250,000 jobs. That's the administration's own number. That is the number that has been verified, and I am a supporter of that number in creating jobs for Americans across this entire Nation.

Now, when I came here as a freshman Member of Congress, there was a big question about the freshman class's thoughts about free trade. And I was proud to be part of an effort that got 67 out of 87 freshman Republican Members to sign a letter to the administration to say that we support free and fair trade. Because when it's free and when it's fair, the American workers will outcompete anyone in the world. And that is exactly what these agreements will do.

In particular, with the U.S.-Korea relationship, not only will we be strengthening a strategic relationship, we will be creating hundreds of thousands of jobs.

With that, I support this bill.

□ 2200

Mr. MICHAUD. I yield 3 minutes to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the gentleman for the time.

Madam Speaker, I rise today in opposition to all of the raw trade deals coming to the floor tomorrow, because our families cannot afford the loss of any more jobs.

Based on the myth that there is some sort of world free market, they call these deals ''free trade agreements,'' but there is nothing free about them. These NAFTA-type deals are not free to our workers, who will lose their jobs because of them. They're not free for our communities when more of our factories are boarded up and when more careers are packed up and shipped overseas as some of our multinational corporations, with no allegiance to America, search the world over for the lowest wages to be found. Common sense tells us that pittance wages paid to workers in other countries, like low wages here, will not empower people to buy our products.

Enough is enough, Madam Speaker.

Some of the same people here on the floor who are claiming these deals level the playing field for American manufacturers and jobs supported NAFTA, too. How has that worked for us? Since NAFTA was signed, according to the Bureau of Labor Statistics, we've seen approximately 5 million manufacturing jobs lost—over 350,000 of those jobs from my State of Ohio. These are not free deals. They are raw deals for the American people.

Make no mistake. The fact that we're seeing more trade adjustment assistance being offered for passage alongside these deals is an admission that more Americans are about to lose their jobs with these deals. At a time when so many are struggling to find jobs, why would we pass a deal that we know will result in job loss?

It's unconscionable that we would pass a deal with Colombia where they have allowed trade unionists and those standing for civil rights to be killed with impunity. If we pass a deal with Korea, according to the Economic Policy Institute, we could see our trade deficit increase by another $14 billion, and we could see another 159,000 jobs lost.

This raw deal would be particularly bad for my district and districts around the country that support our domestic auto industry—auto suppliers and parts makers. Right now, Korea has the largest trade imbalance when it comes to cars, only importing 5 percent of cars sold. This won't change that. In fact, it will only make it worse by allowing Korea to keep out American cars if they don't meet certain standards.

Madam Speaker, enough is enough.

This bad trade deal pours salt into the wound already festering within the American manufacturing sector, and it will destroy opportunities for people right here in the United States. The American people don't want more bad free trade deals that aren't free.

I encourage all of my colleagues to vote against this horrible, horrible package of trade deals. Enough is enough.

Mr. CAMP. Madam Speaker, I yield 1 minute to the distinguished chair of the Foreign Affairs Committee, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank my good friend from Michigan for yielding.

Madam Speaker, at a time when millions of American families are struggling and when so many people are looking for work, passage of this U.S.-South Korea Free Trade Agreement should be a top priority for all of us; but there is more at stake than just increased exports. South Korea is a key

U.S. ally in an unstable region of the world where tens of thousands of our U.S. troops stand on guard against aggression and where U.S. interests are increasingly under threat from China and other countries.

At a time when much of the world is waiting to see if the U.S. will retreat from our responsibilities, passage of this free trade agreement will serve as a clear demonstration of our enduring commitment to our ally South Korea and to our determination to defend our interests throughout East Asia.

I strongly urge my colleagues to vote for this U.S.-South Korea Free Trade Agreement and for the creation of tens of thousands of American jobs for the many families who are desperately in need of them.

Mr. MICHAUD. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. It looks like the only thing Congress is going to do this year about jobs is to ship them overseas. Trade adjustment assistance is being authorized tomorrow, but not a penny is being appropriated tomorrow; and any penny that is appropriated will, no doubt, be taken from health and education spending necessary without the trade agreements.

This South Korean Free Trade Agreement will increase our trade deficit by tens of billions of dollars, and every billion dollars of increase in our trade deficit costs us tens of thousands of jobs. The agreement is being sold as if goods made in South Korea are the only goods that are going to come into our country. That's wrong in three ways.

First, if goods are 65 percent made in China, 35 percent finished in South Korea, they come into our country duty free; and that 35 percent of the work done in South Korea can be done by Chinese workers living in barracks in South Korea, so the goods may not ever be touched by a South Korean.

We are going to be talking in this Congress, I hope, about Chinese currency manipulation. There are proposals that would impose tariffs on Chinese goods. This South Korean agreement is a prebuilt loophole in anything we try to do with China over currency manipulation. They manipulate their currency. They make 65 percent of the goods in China. They ship them to South Korea. They come in free to the United States without having to worry about our tariffs or our sanctions against their currency manipulation.

Second, goods that are 65 percent made in North Korea, 35 percent made in South Korea have a right to come in under this agreement; but we have an executive order that will bar them at our ports, so we will be in violation of this agreement on the first day. That means South Korea can impose sanctions and take away whatever benefits you think we're going to get under this agreement.

The SPEAKER pro tempore (Mr. YODER). The time of the gentleman has expired.

Mr. CAMP. Mr. Speaker, I have just one further request for time, so I reserve the balance of my time.

Mr. LEVIN. I yield 2 minutes to the gentleman from California (Mr. BERMAN), the ranking member of the Foreign Affairs Committee.

Mr. BERMAN. I thank my friend for yielding.

I rise in support of the Korea trade agreement.

The agreement will lead to increased California exports of manufactured goods, agricultural products and raw materials, thereby creating a large number of new jobs. It will also provide rigorous intellectual property protections for the creative industries in Los Angeles and throughout the Nation.

I would like to use the remainder of my time to address the allegations that the agreement would undermine our sanctions against North Korea. There is no truth to those allegations. Under KORUS, we will continue to enforce our sanctions against North Korea just as we do now.

The first allegation is that the agreement would allow North Korean goods produced at the Kaesong Industrial Complex in North Korea or elsewhere in that country to be imported into the United States. I raised this issue with Ambassador Kirk.

His response in writing:

''Neither the rules of origin nor any other provision of KORUS changes U.S. sanctions on North Korea, including the prohibition on direct or indirect importation of goods, services and technology from North Korea.''

He went on to say:

''South Korean firms cannot avoid U.S. sanctions by including parts from North Korea in their exports to the U.S. and claiming preferential tariff treatment.''

□ 2210

The second allegation is that South Korean firms might have recourse against U.S. sanctions targeted at North Korea, either under KORUS or under the WTO. Kirk's response, ''U.S. sanctions are fully consistent with KORUS, and therefore, South Korea would not be able to obtain remedies against U.S. sanctions using KORUS dispute settlement procedures. Nor does KORUS provide South Korea with any recourse to the WTO.''

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. BERMAN. According to the Congressional Research Service, article 2.8.4(a), explicitly permits the U.S. to prohibit imports from a third country, such as North Korea. The fact is, we pass KORUS, our North Korean embargo stands; we defeat KORUS, our embargo stands. There are legitimate issues to debate regarding KORUS, but one should not let a bogus argument determine our vote.

Mr. MICHAUD. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. I thank the gentleman for yielding and for his leadership on this issue.

Mr. Speaker, I cannot imagine a worse time for this job-killing trade agreement with South Korea. Expanding a NAFTA-style trade agenda that has already destroyed 5 million manufacturing jobs would make no sense in the best of times, but to do it when 25 million Americans are unemployed or underemployed, it is totally absurd now.

Economists estimate that 159,000 American workers will lose their jobs over 7 years if we pass this agreement, most of these good-paying manufacturing jobs. In exchange, we likely get not only more Chinese imports, but we open up our country to imports from the nuclear dictatorship in North Korea. Manufacturers in my district know this. Workers in my district know this. It only seems that Washington is blind to this.

It is well past time that Washington puts American workers and American manufacturers first. We can start by rejecting this trade agreement. We cannot hang our middle class out to dry any longer. We need to support American workers now.

Mr. CAMP. Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. PAULSEN), a distinguished member of the Ways and Means Committee.

Mr. PAULSEN. I thank the chairman for his leadership because this is an exciting day, an important time for our economy. I strongly urge passage of all three of these long-stalled free trade agreements which will promote exports, with new sales to new customers, giving our economy more jobs. And while some in Washington have put these trade agreements on the back burner, other countries have been moving full-speed ahead on trade. The European Union signed their own agreement with South Korea, which put American companies at a disadvantage in one of the great emerging Asian markets. Standing still on trade is moving our economy backwards.

Mr. Speaker, passing the South Korea trade agreement is the quickest and most effective way to level the playing field for American companies, small, medium, and large. One of Minnesota's major employers with lots of jobs connected to trade is 3M, which manufactures everyday products from Post-It notes to Scotch tape to road signs to medical devices. South Korea is this company's fourth-largest export market, and the passage of this trade agreement will lower the duty rate levied on these American products by $20 million. This is about selling American. This will free up additional capital to create new jobs and reinvest in innovation and research and development to create new products.

Mr. Speaker, we must remain focused on creating jobs and helping our economy. I strongly encourage the passage of the South Korea free trade agreement as well as the agreements with Panama and Colombia, marking the largest expansion of trade in 15 years.

Mr. LEVIN. Could I inquire how much time remains for the three of us?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 23½ minutes remaining, the gentleman from Michigan (Mr. CAMP) has 21½ minutes remaining, and the gentleman from Maine (Mr. MICHAUD) has 21 minutes.

Mr. CAMP. I have no further requests for time, so I will reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself 3½ minutes, but I may use only 2½.

First I want to emphasize each of these agreements should be on their own merit. Trade is so polarized, it's easy to lump things all together. We won't carve out a new trade policy if that's the way we proceed.

Secondly, there's been reference to NAFTA. This is really kind of an anti-NAFTA agreement. The labor standards are the new standards that we put into Peru and are incorporated here. The reference to job loss and EPI, it bases its assumption that what happened after NAFTA in terms of trade will happen as well with Korea. They are very different situations. And that's why many suggestions are that there will be major increases in jobs.

Thirdly, there's been reference to this as the George Bush FTA. No, this is the FTA renegotiated by the Obama administration. And why was it renegotiated? To open up the markets of Korea, to change one-way trade to two-way trade. That's jobs. And that's exactly what this agreement does. Tomorrow we will outline how it does it. In all respects, it will make sure that the Korean market at long last is open to American automotive products, which is the major source of our trade deficit. That's why the automotive companies issued this statement: ''As representatives of the largest exporting sector, this FTA will help open an important auto market for Chrysler, Ford, and GM exports. Our companies make the best cars and trucks on the road, and we are excited for the export opportunity this agreement represents.'' That's why it's supported by the UAW. It will open up markets. That's why Ford sat down today to describe how they're going to penetrate the market of Korea. They're determined to do that, as the other companies are. So this is a market-opening provision at long last, in that sense a major change from the Bush-negotiated agreement. I strongly urge support for the Korea FTA.

I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield 1 minute to a leader of the China currency manipulation legislation, the gentleman from Pennsylvania (Mr. CRITZ).

Mr. CRITZ. I thank the gentleman from Maine for yielding.

Mr. Speaker, I rise in opposition to the Korea free trade agreement. I represent a manufacturing district, and we need trade policies that put American workers first. I've seen firsthand the negative effects that trade agreements have had on our manufacturing sector. And this one is estimated to displace 159,000 jobs and increase our trade deficit with Korea by $16.7 billion.

Every trade dollar we lose as a result of an international marketplace rigged against us is one more blow to our effort to climb out of debt and get our economy moving again. We can prevent the outsourcing and offshoring of American jobs and the ballooning of our trade deficit simply by basing trade agreements on a level playing field and rebuilding our manufacturing strength. In order to accomplish this, we must oppose agreements like this one that are founded on policies that have a record of failure.

With an unemployment rate currently hovering around 9 percent and an 11 million job shortfall, we simply cannot afford another trade agreement that increases the deficit and drives more Americans out of work. Please join me in opposing the Korea free trade agreement, as all our workers and businesses deserve to know that we are standing up for them in the global marketplace.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 3080 is postponed.

□ 2220

EXTENDING THE GENERALIZED SYSTEM OF PREFERENCES

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 425, I call up the bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes, with a Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate 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. Funding of 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. 221. Trade adjustment assistance for firms.
Sec. 222. Trade adjustment assistance for communities.
Sec. 223. Trade adjustment assistance for farmers.

PART IV—GENERAL PROVISIONS

Sec. 231. Applicability of trade adjustment assistance provisions.
Sec. 232. Termination provisions.
Sec. 233. Sunset provisions.

Subtitle B—Health 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 creditable 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 fraud claims.
Sec. 252. Prohibition on noncharging due to employer fault.
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) take effect on 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. 211. GROUP ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) 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 inserting ''(c)'';

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

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

(b) CONFORMING AMENDMENTS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''Subject to section 222(d)(5), the term'' and inserting ''The term''; and

(B) in subparagraph (A), by striking '', service sector firm, or public agency'' and inserting ''or service sector firm'';

(2) by striking paragraph (7); and

(3) by redesignating 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 redesignating 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 234(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 READJUSTMENT 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) by striking ''91-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 READJUSTMENT 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 industry-recognized credential, payments may be made as trade readjustment 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 if—

''(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) $575,000,000 for each of fiscal years 2012 and 2013; and

''(ii) $143,750,000 for the 3-month period beginning on October 1, 2013, and ending on December 31, 2013.'';

(3) in subparagraph (C)(ii)(V), by striking ''relating to the provision of training under this section'' and inserting ''to carry out this section and sections 235, 237, and 238''; and

(4) in subparagraph (E), by striking ''to pay the costs of training approved under this section'' and inserting ''to carry out this section and sections 235, 237, and 238''.

(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, the State shall use—

''(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) collecting, validating, 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 235.''.

(2) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by striking the item relating to section 235A and inserting the following:

''Sec. 235A. Limitations on administrative expenses and employment and case management services.''.

(c) REALLOTMENT OF FUNDS.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended by adding at the end the following:

''(c) REALLOTMENT OF FUNDS.—

''(1) IN GENERAL.—The Secretary may—

''(A) reallot funds that were allotted to any State to carry out sections 235 through 238 and that remain unobligated by the State during the second or third fiscal year after the fiscal year in which the funds were provided to the State; and

''(B) provide such realloted funds to States to carry out sections 235 through 238 in accordance with procedures established by the Secretary.

''(2) REQUESTS BY STATES.—In establishing procedures under paragraph (1)(B), the Secretary shall include procedures that provide for the distribution of realloted funds under that paragraph pursuant to requests submitted by States in need of such funds.

''(3) AVAILABILITY OF AMOUNTS.—The reallotment of funds under paragraph (1) shall not extend the period for which such funds are available for expenditure.''.

(d) JOB SEARCH ALLOWANCES.—Section 237 of the Trade Act of 1974 (19 U.S.C. 2297) is amended—

(1) in subsection (a)(1)—

(A) by striking ''An adversely affected worker'' and inserting ''Each State may use funds made available to the State to carry out sections 235 through 238 to allow an adversely affected worker''; and

(B) by striking ''may'' and inserting ''to'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''An'' and inserting ''Any''; and

(ii) by striking ''all necessary job search expenses'' and inserting ''not more than 90 percent of the necessary job search expenses of the worker''; and

(B) in paragraph (2), by striking ''$1,500'' and inserting ''$1,250''; and

(3) in subsection (c), by striking ''the Secretary shall'' and inserting ''a State may''.

(e) RELOCATION ALLOWANCES.—Section 238 of the Trade Act of 1974 (19 U.S.C. 2298) is amended—

(1) in subsection (a)(1)—

(A) by striking ''Any adversely affected worker'' and inserting ''Each State may use funds made available to the State to carry out sections 235 through 238 to allow an adversely affected worker''; and

(B) by striking ''may file'' and inserting ''to file''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''The'' and inserting ''Any''; and

(ii) by striking ''includes'' and inserting ''shall include'';

(B) in paragraph (1), by striking ''all'' and inserting ''not more than 90 percent of the''; and

(C) in paragraph (2), by striking ''$1,500'' and inserting ''$1,250''.

(f) CONFORMING AMENDMENTS.—Section 236 of the Trade Act of 1974 (19 U.S.C. 2296) is amended—

(1) in subsection (b), in the first sentence, by striking ''approppriate'' and inserting ''appropriate''; and

(2) by striking subsection (g) and redesignating subsection (h) as subsection (g).

SEC. 215. REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Section 246(a) of the Trade Act of 1974 (19 U.S.C. 2318(a)) is amended—

(1) in paragraph (3)(B)(ii), by striking ''$55,000'' and inserting ''$50,000''; and

(2) in paragraph (5)—

(A) in subparagraph (A)(i), by striking ''$12,000'' and inserting ''$10,000''; and

(B) in subparagraph (B)(i), by striking ''$12,000'' and inserting ''$10,000''.

(b) EXTENSION.—Section 246(b)(1) of the Trade Act of 1974 (19 U.S.C. 2318(b)(1)) is amended by striking ''February 12, 2011'' and inserting ''December 31, 2013''.

SEC. 216. PROGRAM ACCOUNTABILITY.

(a) CORE INDICATORS OF PERFORMANCE.—

(1) IN GENERAL.—Section 239(j)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2311(j)(2)(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 workers cease 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 (ii); 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.''.

(2) 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 239 of the Trade Act of 1974 (19 U.S.C. 2311) entered into before, on, or after October 1, 2011.

(b) COLLECTION AND PUBLICATION OF DATA.—

(1) IN GENERAL.—Section 249B(b) of the Trade Act of 1974 (19 U.S.C. 2323(b)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (B), by inserting ''(including such allowances classified by payments under paragraphs (1) and (3) of section 233(a), and section 233(f), respectively) and payments under section 246'' after ''readjustment allowances''; and

(ii) 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 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.'';

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting ''training leading to an associate's degree, remedial education, prerequisite education,'' after ''distance learning,'';

(ii) by amending subparagraph (B) to read as follows:

''(B) The number of workers who complete training approved under section 236 who were enrolled in pre-layoff training or part-time training at any time during that training.'';

(iii) in subparagraph (C), by inserting '', and the average duration of training that does not include remedial or prerequisite education'' after ''training'';

(iv) in subparagraph (E), by striking ''duration'' and inserting ''average duration''; and

(v) in subparagraph (F), by inserting ''and the average duration of the 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(j) 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(j)(2)(A)(i) in the second, third, and fourth calendar 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 3 calendar quarters before the calendar quarter in which such workers began receiving benefits under this chapter.''; and

(D) by adding at the end the 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 the 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 the costs of administration, in the aggregate and for each State.

''(D) 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 249B(a) of the Trade Act of 1974 (19 U.S.C. 2323(a)) to include the collection of and reporting on the data required by the amendments made by paragraph (1).

(3) ANNUAL REPORT.—Section 249B(d) of the Trade Act of 1974 (19 U.S.C. 2323(d)) is amended by striking ''December 15'' and inserting ''February 15''.

SEC. 217. EXTENSION.

Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking ''February 12, 2011'' and inserting ''December 31, 2013''.

PART III—OTHER ADJUSTMENT ASSISTANCE

SEC. 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 251.

''(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) Of the number of petitions filed, the number of firms that entered the program and received benefits.

''(7) The number of firms that received assistance in preparing their petitions.

''(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 referred to in section 253(b)(1).

''(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 in each year during 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.—The Secretary shall—

''(1) 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.''.

(3) CONFORMING REPEAL.—Effective on the day after the date on which the Secretary of Commerce submits the report required by section 1866 of the Trade and Globalization Adjustment Assistance Act of 2009 (19 U.S.C. 2356) for fiscal year 2011, such section is repealed.

(b) EXTENSION.—Section 255(a) of the Trade Act of 1974 (19 U.S.C. 2345(a)) 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.''; and

(2) by striking ''shall—'' and all that follows through ''otherwise remain'' and inserting ''shall remain''.

SEC. 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—

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

(2) in subchapter 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.—Subsection (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, 2009,'';

(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 the 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 and number 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 served by such programs who did not complete 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—

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

(B) apply 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, 2012.

(c) CONFORMING AMENDMENTS.—

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

(A) in subsection (c)—

(i) in paragraph (4)—

(I) in subparagraph (A)—

(aa) in clause (ii), by striking the semicolon and inserting ''; and'';

(bb) by striking clauses (iii) and (iv); and

(cc) by redesignating clause (v) as clause (iii);

(II) in subparagraph (B), by striking ''(A)(v)'' and inserting ''(A)(iii)''; and

(ii) in paragraph (5)(A)—

(I) in clause (i)—

(aa) in the matter preceding subclause (I), by striking '', and other entities described in section 276(a)(2)(B)''; and

(bb) in subclause (II), by striking the semicolon and inserting ''; and'';

(II) by striking clause (iii); and

(B) in subsection (d), 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 by striking ''278(a)(2)'' and inserting ''271(a)(2)''.

(d) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by striking the items relating to chapter 4 of title II and inserting the following:

''CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

''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 293(d) of the Trade Act of 1974 (19 U.S.C. 2401b(d)) is amended to read as follows:

''(d) ANNUAL REPORT.—Not later than January 30 of each year, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report containing the following information with respect to the trade adjustment assistance for farmers program under this chapter during the preceding fiscal year:

''(1) A list of the agricultural commodities covered by a certification under this chapter.

''(2) The States or regions in which agricultural commodities are produced and the aggregate amount of such commodities produced in each such State or region.

''(3) The number of petitions filed.

''(4) The number of petitions certified and denied by the Secretary.

''(5) The average time for processing petitions.

''(6) The number of petitions filed and agricultural commodity producers approved for each congressional district of the United States.

''(7) Of the number of producers approved, the number of agricultural commodity producers that entered the program and received benefits.

''(8) The number of agricultural commodity producers that completed initial technical assistance.

''(9) The number of agricultural commodity producers that completed intensive technical assistance.

''(10) The number of initial business plans approved and denied by the Secretary.

''(11) The number of long-term business plans approved and denied by the Secretary.

''(12) The total number of agricultural commodity producers, by congressional district, receiving initial technical assistance and intensive technical assistance, respectively, under this chapter.

''(13) The types of initial technical assistance received by agricultural commodity producers participating in the program.

''(14) The types of intensive technical assistance received by agricultural commodity producers participating in the program.

''(15) The number of agricultural commodity producers leaving the program before completing the projects in their long-term business plans and the reason those projects were not completed.

''(16) The total number of agricultural commodity producers, by congressional district, receiving benefits under this chapter.

''(17) The average duration of benefits received under this chapter.

''(18) The number of agricultural commodity producers in operation as of the date of the report and the number of agricultural commodity producers that ceased operations after completing the program and in the 1-year period following completion of the program.

''(19) The number of agricultural commodity producers that report that such producers received benefits under a prior certification issued under this chapter in any of the 10 fiscal years preceding the date of the report.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall—

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

(B) apply with respect to reports submitted under section 293(d) of the Trade Act of 1974 (19 U.S.C. 2401b(d)) on or after October 1, 2012.

(b) EXTENSION.—Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended—

(1) by striking ''and there are appropriated''; and

(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 3-month period beginning on October 1, 2013, and ending on December 31, 2013''.

PART IV—GENERAL PROVISIONS

SEC. 231. APPLICABILITY OF TRADE ADJUSTMENT ASSISTANCE PROVISIONS.

(a) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.—

(1) PETITIONS FILED ON OR AFTER FEBRUARY 13, 2011, AND BEFORE DATE OF ENACTMENT.—

(A) CERTIFICATIONS OF WORKERS 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 of Labor 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 (iii), 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 not 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 clause 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) ELIGIBILITY FOR BENEFITS.—

(i) IN GENERAL.—Except as provided in clause (ii), a worker certified as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in subparagraph (A)(iii) shall be eligible, on and after the date that is 60 days after the date of the enactment of this Act, to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment.

(ii) ELECTION FOR WORKERS RECEIVING BENEFITS ON THE 60TH DAY AFTER ENACTMENT.—

(I) IN GENERAL.—A worker certified as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in subparagraph (A)(iii) who is receiving benefits under chapter 2 of title II of the Trade Act of 1974 as of the date that is 60 days after the date of the enactment of this Act may, not later than the date that is 150 days after such date of enactment, make a one-time election to receive benefits pursuant to—

(aa) the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment; or

(bb) the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011.

(II) EFFECT OF FAILURE TO MAKE ELECTION.—A worker described in subclause (I) who does not make the election described in that subclause on or before the date that is 150 days after the date of the enactment of this Act shall be eligible to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011.

(III) COMPUTATION OF MAXIMUM BENEFITS.—Benefits received by a worker described in subclause (I) under chapter 2 of title II of the Trade Act of 1974, as in effect on February 13, 2011, before the worker makes the election described in that subclause shall be included in any determination 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).

(2) PETITIONS FILED BEFORE FEBRUARY 13, 2011.—A worker certified as eligible to apply 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; or

(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.

(3) 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 on which such certification was granted'' 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 and on or before the date that is 90 days after such date of enactment.

(b) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—

(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 251 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 filed by a firm or its representative 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 that the Secretary determines 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 on the day before the date of the enactment of this Act; and

(ii) the provisions of chapter 3 of title II of the Trade Act of 1974, as in effect on such date of enactment, had been in effect on that date during the period described in clause (i).

SEC. 232. TERMINATION PROVISIONS.

Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended—

(1) by striking ''February 12, 2011'' each place it appears and inserting ''December 31, 2013'';

(2) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by striking ''that chapter'' and all that follows through ''the worker is—'' and inserting ''that chapter if the worker is—''; and

(B) in subparagraph (A), by striking ''petitions'' and inserting ''a petition''; and

(3) in subsection (b)—

(A) in paragraph (1)(B), in the matter preceding clause (i), by inserting ''pursuant to a petition filed under section 251'' after ''chapter 3'';

(B) in paragraph (2)(B), in the matter preceding clause (i), by inserting ''pursuant to a petition filed under section 292'' after ''chapter 6''; and

(C) by striking paragraph (3).

SEC. 233. SUNSET PROVISIONS.

(a) APPLICATION OF PRIOR LAW.—Subject to subsection (b), beginning on January 1, 2014, the provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.), as in effect on February 13, 2011, shall apply, except that in applying and administering such chapters—

(1) paragraph (1) of section 231(c) of that Act shall be applied and administered as if subparagraphs (A), (B), and (C) of that paragraph were not in effect;

(2) section 233 of that Act shall be applied and administered—

(A) in subsection (a)—

(i) in paragraph (2), by substituting ''104-week period'' for ''104-week period'' and all that follows through ''130-week period)''; and

(ii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by substituting ''65'' for ''52''; and

(II) by substituting ''78-week period'' for ''52-week period'' each place it appears; and

(B) by applying and administering subsection (g) as if it read as follows:

''(g) PAYMENT OF TRADE READJUSTMENT 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 industry-recognized credential, payments may be made as trade readjustment 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 if—

''(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.'';

(3) section 245 of that Act shall be applied and administered by substituting ''2014'' for ''2007'';

(4) section 246(b)(1) of that Act shall be applied and administered by substituting ''December 31, 2014'' for ''the date that is 5 years'' and all that follows through ''State'';

(5) section 256(b) of that Act shall be applied and administered by substituting ''the 1-year period beginning on January 1, 2014'' for ''each of fiscal years 2003 through 2007, and $4,000,000 for the 3-month period beginning on October 1, 2007'';

(6) section 298(a) of that Act shall be applied and administered by substituting ''the 1-year period beginning on January 1, 2014'' for ''each of the fiscal years'' and all that follows through ''October 1, 2007''; and

(7) section 285 of that Act shall be applied and administered—

(A) in subsection (a), by substituting ''2014'' for ''2007'' each place it appears; and

(B) by applying and administering subsection (b) as if it read as follows:

''(b) OTHER ASSISTANCE.—

''(1) ASSISTANCE FOR FIRMS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 3 after December 31, 2014.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 3 on or before December 31, 2014, may be provided—

''(i) to the extent funds are available pursuant to such chapter for such purpose; and

''(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

''(2) FARMERS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 6 after December 31, 2014.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 6 on or before December 31, 2014, may be provided—

''(i) to the extent funds are available pursuant to such chapter for such purpose; and

''(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.''.

(b) EXCEPTIONS.—The provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, shall continue to apply on and after January 1, 2014, with respect to—

(1) workers certified as eligible for trade adjustment assistance benefits under chapter 2 of title II of that Act pursuant to petitions filed under section 221 of that Act before January 1, 2014;

(2) firms certified as eligible for technical assistance or grants under chapter 3 of title II of that Act pursuant to petitions filed under section 251 of that Act before January 1, 2014; and

(3) agricultural commodity producers certified as eligible for technical or financial assistance under chapter 6 of title II of that Act pursuant to petitions filed under section 292 of that Act before January 1, 2014.

Subtitle B—Health Coverage Improvement

SEC. 241. HEALTH CARE TAX CREDIT.

(a) TERMINATION OF CREDIT.—Subparagraph (B) of section 35(b)(1) of the Internal Revenue Code of 1986 is amended by inserting '', and before January 1, 2014'' before the period.

(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 ''65 percent (80 percent in the case of eligible coverage months beginning before February 13, 2011)'' and inserting ''72.5 percent''.

(2) EXTENSION OF ADVANCE PAYMENT PROVISIONS.—

(A) Section 7527(b) of such Code is amended by striking ''65 percent (80 percent in the case of eligible coverage months beginning before February 13, 2011)'' and inserting ''72.5 percent''.

(B) Section 7527(d)(2) of such Code is amended by striking ''which is issued before February 13, 2011''.

(C) Section 7527(e) of such Code is amended by striking ''80 percent'' and inserting ''72.5 percent''.

(D) Section 7527(e) of such Code is amended by striking ''In the case of eligible coverage months beginning before February 13, 2011—''.

(3) EXTENSION OF CERTAIN OTHER RELATED PROVISIONS.—

(A) Section 35(c)(2)(B) of such Code is amended by striking ''and before February 13, 2011''.

(B) Section 35(e)(1)(K) of such Code is amended by striking ''In the case of eligible coverage months beginning before February 13, 2012, coverage'' and inserting ''Coverage''.

(C) Section 35(g)(9) of such Code, as added by section 1899E(a) of the American Recovery and Reinvestment Tax Act of 2009 (relating to continued qualification of family members after certain events), is amended by striking ''In the case of eligible coverage months beginning before February 13, 2011—''.

(D) Section 173(f)(8) of the Workforce Investment Act of 1998 is amended by striking ''In the case of eligible coverage months beginning before February 13, 2011—''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to coverage months beginning after February 12, 2011.

(2) ADVANCE PAYMENT PROVISIONS.—

(A) The amendment made by subsection (b)(2)(B) shall apply to certificates issued after the date which is 30 days after the date of the enactment of this Act.

(B) The amendment made by subsection (b)(2)(D) shall apply to coverage months beginning after the date which is 30 days after the date of the enactment of this Act.

SEC. 242. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) IN GENERAL.—The following provisions are each amended by striking ''February 13, 2011'' and inserting ''January 1, 2014'':

(1) Section 9801(c)(2)(D) 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).

(4) Section 2704(c)(2)(C) of the Public Health Service Act (as in effect for plan years beginning on or after January 1, 2014).

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after February 12, 2011.

(2) TRANSITIONAL RULES.—

(A) BENEFIT DETERMINATIONS.—Notwithstanding the amendments made by this section (and the provisions of law amended thereby), a plan shall not be required to modify benefit determinations for the period beginning on February 13, 2011, and ending 30 days after the date of the enactment of this Act, but a plan shall not fail to be qualified health insurance within the meaning of section 35(e) of the Internal Revenue Code of 1986 during this period merely due to such failure to modify benefit determinations.

(B) GUIDANCE CONCERNING PERIODS BEFORE 30 DAYS AFTER ENACTMENT.—Except as provided in subparagraph (A), the Secretary of the Treasury (or his designee), in consultation with the Secretary of Health and Human Services and the Secretary of Labor, may issue regulations or other guidance regarding the scope of the application of the amendments made by this section to periods before the date which is 30 days after the date of the enactment of this Act.

(C) SPECIAL RULE RELATING TO CERTAIN LOSS OF COVERAGE.—In the case of a TAA-related loss of coverage (as defined in 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)(2)(C) 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. EXTENSION OF COBRA BENEFITS FOR CERTAIN TAA-ELIGIBLE INDIVIDUALS AND PBGC RECIPIENTS.

(a) IN GENERAL.—The following provisions are each amended by striking ''February 12, 2011'' and inserting ''January 1, 2014'':

(1) Section 602(2)(A)(v) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)(A)(v)).

(2) Section 602(2)(A)(vi) of such Act (29 U.S.C. 1162(2)(A)(vi)).

(3) Section 4980B(f)(2)(B)(i)(V) of the Internal Revenue Code of 1986.

(4) Section 4980B(f)(2)(B)(i)(VI) of such Code.

(5) Section 2202(2)(A)(iv) of the Public Health Service Act (42 U.S.C. 300bb–2(2)(A)(iv)).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to periods of coverage which would (without regard to the amendments made by this section) end 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 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended—

(1) in paragraph (10), 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 an erroneous payment 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 by the State 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 303(a)(11) of the Social Security Act, as added by subsection (a).

(2) DEFINITION.—For purposes of this subsection, the term ''unemployment compensation program of the United States'' means—

(A) unemployment compensation for Federal civilian employees under subchapter I of chapter 85 of title 5, United States Code;

(B) unemployment compensation for ex-servicemembers under subchapter II of chapter 85 of title 5, United States Code;

(C) trade readjustment allowances under sections 231 through 234 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. 5177(a));

(E) any Federal temporary extension of unemployment compensation;

(F) any Federal 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 this section 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.—A State 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 3303 of the Internal Revenue Code of 1986 is amended—

(1) by striking subsections (f) and (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f) PROHIBITION ON NONCHARGING DUE TO EMPLOYER FAULT.—

''(1) IN GENERAL.—A State law shall be treated as meeting the requirements of subsection (a)(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, or 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 or agent 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 not be relieved of charges relating to a payment from the State unemployment fund for reasons other than the reasons described in subparagraphs (A) and (B) of such paragraph, such as after the first instance of a failure to respond timely or adequately to requests described in paragraph (1)(A).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section 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.—A State 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. 253. REPORTING OF REHIRED EMPLOYEES TO THE DIRECTORY OF NEW HIRES.

(a) DEFINITION OF NEWLY HIRED EMPLOYEE.—Section 453A(a)(2) of the Social Security Act (42 U.S.C. 653a(a)(2)) is amended by adding at the end the following:

''(C) NEWLY HIRED EMPLOYEE.—The term 'newly hired employee' means an employee who—

''(i) has not previously been employed by the employer; or

''(ii) was previously employed by the employer but has been separated from such prior employment for at least 60 consecutive days.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect 6 months after the date of the enactment of this Act.

(2) COMPLIANCE TRANSITION PERIOD.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirement imposed by the amendment made by subsection (a), the plan shall not be regarded as failing to meet such requirement before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

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 1152 of the Social Security Act (42 U.S.C. 1320c–1) is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

''(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 title XVIII;

''(2) has at least one individual who is a representative of health care providers on its governing body; and''.

(2) NAME CHANGE.—Part B of title XI of the Social Security Act (42 U.S.C. 1320c et seq.) is amended—

(A) in the headings for sections 1152 and 1153, by striking ''UTILIZATION AND QUALITY CONTROL PEER REVIEW'' and inserting ''QUALITY IMPROVEMENT'';

(B) in the heading for section 1154, by striking ''PEER REVIEW'' and inserting ''QUALITY IMPROVEMENT''; and

(C) by striking ''utilization and quality control peer review'' and ''peer review'' each place it appears before ''organization'' or ''organizations'' and inserting ''quality improvement''.

(3) CONFORMING AMENDMENTS TO THE MEDICARE PROGRAM.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended—

(A) by striking ''utilization and quality control peer review'' and inserting ''quality improvement'' each place it appears;

(B) by striking ''quality control and peer review'' and inserting ''quality improvement'' each place it appears;

(C) in paragraphs (1)(A)(iii)(I) and (2) of section 1842(l), by striking ''peer review organization'' and inserting ''quality improvement organization'';

(D) in subparagraphs (A) and (B) of section 1866(a)(3), by striking ''peer review'' and inserting ''quality improvement'';

(E) in section 1867(d)(3), in the heading, by striking ''PEER REVIEW'' and inserting ''QUALITY IMPROVEMENT''; and

(F) in section 1869(c)(3)(G), by striking ''peer review organizations'' and inserting ''quality improvement organizations''.

(b) IMPROVEMENTS WITH RESPECT TO THE CONTRACT.—

(1) FLEXIBILITY WITH RESPECT TO THE GEOGRAPHIC SCOPE OF CONTRACTS.—Section 1153 of the Social Security Act (42 U.S.C. 1320c–2) is amended—

(A) by striking subsection (a) and inserting the following new subsection:

''(a) The Secretary shall establish throughout the United States such local, State, regional, national, or other geographic areas as the Secretary determines appropriate with respect to which contracts under this part will be made.'';

(B) in subsection (b)(1), as amended by subsection (a)(2)—

(i) in the first sentence, by striking ''a contract with a quality improvement organization'' and inserting ''contracts with one or more quality improvement organizations''; and

(ii) in the second sentence, by striking ''meets the requirements'' and all that follows before the period at the end and inserting ''will be operating in an area, the Secretary shall ensure that there is no duplication of the functions carried out by such organizations within the area'';

(C) in subsection (b)(2)(B), by inserting ''or the Secretary determines that there is a more qualified entity to perform one or more of the functions in section 1154(a)'' after ''under this part'';

(D) in subsection (b)(3)—

(i) in subparagraph (A), by striking '', or association of such facilities,''; and

(ii) in subparagraph (B)—

(I) by striking ''or association of such facilities''; and

(II) by striking ''or associations''; and

(E) by striking subsection (i).

(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 ''for terms of five years''.

(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 adding at the end the following new paragraph:

''(4) The Secretary may consider a variety of factors in selecting the contractors that the Secretary determines would provide for the most efficient and effective administration of this part, such as geographic location, size, and prior experience in health care quality improvement. Quality improvement organizations operating as of January 1, 2012, shall be allowed to compete for new contracts (as determined appropriate by the Secretary) along with other qualified organizations and are eligible for renewal of contracts for terms five years thereafter (as determined appropriate by the Secretary).'';

(B) in subsection (c), by striking paragraphs (4) through (6) and redesignating paragraphs (7) and (8) as paragraphs (4) and (5), respectively; and

(C) by striking subsection (d).

(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.''.

(c) AUTHORITY FOR QUALITY IMPROVEMENT ORGANIZATIONS TO PERFORM SPECIALIZED 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—

(1) in section 1153—

(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 subcontract 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 function or 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);

(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.''; and

(iv) in paragraph (15), by striking ''significant on-site review activities'' and all that follows before the period at the end and inserting ''on-site review activities as the Secretary determines appropriate''.

(B) by striking 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:

''(b) A quality improvement organization entering into a contract with the Secretary to perform a function described in a paragraph under subsection (a) must 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 the Secretary determines it is not appropriate for the organization to perform, such as a function that could cause a conflict of interest with another function.''.

(d) 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:

''(18) 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.''.

(e) 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.

(a) 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 ''0.3464'' for ''0.21''; and

(2) in subparagraph (B)(i), by substituting ''0.3464'' for ''0.21''.

(b) 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 ''0.1740'' for ''0.21''; and

(2) in subparagraph (B)(i), by substituting ''0.1740'' for ''0.21''.

SEC. 263. TIME FOR REMITTING CERTAIN MERCHANDISE PROCESSING FEES.

(a) 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 paid 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, 2011, and before November 12, 2011, as determined by the Secretary of the Treasury.

(b) 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 such fees made under subsection (a) and make proper adjustments with respect to any underpayment of such fees.

(B) 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.

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Camp moves that the House concur in the Senate amendment to H.R. 2832.

The SPEAKER pro tempore. Pursuant to House Resolution 425, the motion shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2832, the bill which renews the Generalized System of Preferences program and also contains the Trade Adjustment Extension Act of 2011. This

bill is the cornerstone of a carefully crafted bipartisan, bicameral agreement that prompted the President to send the three trade agreements to Congress last Monday and, in turn, has allowed us to move forward on the long-stalled trade agenda.

The bill renews the bipartisan GSP, the largest U.S. trade preference program, which was already passed by the House last month. Not only does this legislation allow duty-free access for specific products from certain developing countries into the U.S. market; it makes U.S. manufacturing more competitive by lowering the cost of inputs.

The Coalition for GSP has estimated that over 82,000 U.S. jobs are directly or indirectly associated with this program. This legislation renews the program through July 31, 2013, and applies it retroactively for eligible products imported after the program's expiration date on December 31, 2010. This program is fully offset with spending cuts.

This bill also contains a reauthorization of Trade Adjustment Assistance, better known as TAA. Earlier this summer, the White House sprung upon us that it would not send the three free trade agreements to Congress if there was no ''deal'' on TAA. I took this demand to heart and made the decision that I had to do everything in my power to reach agreement on a streamlined, cost-effective, and reduced TAA program to ensure that all three job-creating trade agreements could move forward. I worked with Chairman BAUCUS and the White House to forge a bipartisan agreement on TAA to do just that.

The core principles of our conference—ensuring smaller government and cutting spending—were the foundation of my negotiating stance throughout the TAA talks. As a result, contrary to initial White House demands that we reauthorize the 2009 TAA law that, according to the Congressional Budget Office, cost more than $700 million per year for 5 years, we forced the administration to accept significant cuts to the program. The cost for the final TAA agreement is approximately one-half that amount, according to CBO. The deal costs roughly $900 million total for a 3-year program and is fully offset with spending cuts, including deep cuts below the baseline to the program itself. Moreover, TAA reverts to 2002 levels or below for 2014, and the entire program completely ends after 2014.

In order to achieve these savings, we streamlined and scaled back TAA as a whole. I'll note some of the highlights. We reduced the number of weeks of income support under the TAA for Workers program from 156 in 2009 down to 117 weeks, with up to an additional 13 weeks available only if the applicant has met stringent standards and has ''substantially met the performance benchmarks'' of his or her training program.

I also want to note here for clarity that TAA benefits run concurrently with unemployment benefits. In other words, there is no double-dipping. We slashed the health care subsidy from 80 percent down to 72.5 percent and completely repeal it after 2013.

We denied TAA eligibility for public sector workers.

We eliminated half of the allowable justifications for the program's training waivers to ensure that only those who are in training will be eligible for TAA benefits, with only limited exceptions.

We consolidated and reduced by $110 million all non-income support expenditures of the program.

We slashed funding for TAA for Firms back to 2002 law levels, made TAA for Farmers a discretionary program, and eliminated most of the TAA for Communities program authorized at $190 million in the 2009 law.

We also added in enhanced performance measures and accountability into all of the TAA programs. And on top of that, we fully offset this program with spending cuts.

Overall, we slashed and streamlined TAA significantly and are today moving forward the most significant trade deal this country has seen in 15 years. For those who are concerned about TAA, let me urge you to recognize that this extension of a scaled back TAA is a small price to pay for the extraordinary promise these trade agreements hold for our economy.

I encourage my colleagues to consider the four votes for the three trade agreements and the GSP/TAA bill as a comprehensive package and a model of bipartisanship for creating jobs and enhancing economic growth in this country.

Therefore, I urge all of my colleagues to support this legislation, and I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield such time as he may consume to the ranking member on the Trade Subcommittee, the gentleman from Washington (Mr. MCDERMOTT).

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, finally we come to the most important of the bills that we're going to deal with tonight. This should have been the first bill. This should have been dealt with a long time ago—back in February when it expired—because this is a bill that extends two programs that have had strong bipartisan support in the past, the Trade Adjustment Assistance program and the Generalized System of Preferences program.

When the leadership in the Senate decided that the only thing that they were going to do was stop President Obama from having a second term, they recognized this trade issue was a very sensitive one, and the most sensitive issue was what does it do to American workers. Do we help people that are displaced when jobs go overseas or just disappear generally? Then are we going to help our workers? And the Democrats said we've got to do that. If we don't do that, nothing else is going to happen. Finally, the Republican leadership in the Senate said, well, okay. Because we want something, we'll finally give a little something to the workers. You've heard the reductions that have been made.

This bill started in 1962 under John Kennedy, and it was done to help workers who were laid off because of increased competition in trade. In 2009, we finally had a reform with bipartisan support. The Congress made significant changes in TAA, many of which were made to deal with past criticisms of the bill. It wasn't enough; it didn't help people. It needed health care benefits. There were a lot of things that were problematic since 1962.

When the Recovery Act became the vehicle in 2009, TAA was put on it. There was never any expectation that it would just disappear in 2011. Senator GRASSLEY, a nice conservative, solid Republican Senator from Iowa said: ''Today's achievement is the culmination of years of effort, and I'm confident the result will serve to benefit American workers in Iowa and across the United States for years to come.'' Not ending in 2011—for years to come. Don't forget those words. And yet the House leadership made the unfortunate choice to let those critical reforms expire last winter.

Washington State workers benefited immensely from those 2009 reforms. In fact, in the past couple of years, 35 percent of all of the workers certified for TAA in Washington State were certified under the new eligibility criteria, including the expansion of work programs to cover service workers. Today's bill protects and preserves the integrity of the TAA program and the 2009 reforms and provides trade-impacted workers with the support they need to get back on their feet.

Now when you lose a job, it used to be unemployment was sort of set up, if your construction job went away because it was wintertime, you went on unemployment insurance. And springtime came back and the job came back, and away you went. In this economy, the jobs go away, and they don't come back. So you have to learn some new skill to make a living for your family. Now that concept is one we should have for all workers in this country, not just for those affected by trade.

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Workers in Washington and all across the country have suffered because of the delay in the implementation of this bill.

This bill also extends the General Systems of Preferences program, which is the oldest of the U.S. assistance programs for our businesspeople in this country. It's played an important role in our Nation's trade and development efforts for decades.

Sometimes I ask myself if anybody on the Republican side ever had anything to do with a business. I'm not a

businessman, but I know that the most important thing for a businessman or businesswoman is to be able to plan, to know that the program is going to be there and that you can quote a price to somebody because you know it will be there. But the GSP program, which has been important to a lot of our small businesses, has simply been unreliable because the Republican leadership couldn't seem to figure out how to extend something that has been bipartisan for years.

U.S. workers as well as businesses have relied on GSP. About 65 to 70 percent of U.S. imports under GSP are imports used to support U.S. manufacturing. We're getting things from outside to bring into this country. As a result of the delay in extending GSP in the U.S. and in developing countries that rely on these preferences, the business deals have ended. There have been all kinds of problems. We hear about them in our office from our little businesses in our district.

Now we are finally considering this important legislation. I urge my colleagues to pass it. I understand that the Senate is, tomorrow, going to pass; it at exactly the same time as we pass it in here. It will be a historic moment that we extend a program that started as bipartisan in 1962. It is essential that we as a Congress think about our workers and their jobs. We're not worried about the rest of the world.

A big problem in this country is that we haven't paid attention to our workers and what happens to them when they lose their jobs. They have unemployment maybe for 99 weeks. We haven't extended unemployment benefits either. That's another issue hanging around here that's going to ultimately hurt our workers. The leadership on the other side knows it. Why do they sit there and dangle our workers that way? Why do you want to make them angry and upset and uncertain?

You watch the Tea Party in the street, you watch what's going on down on Wall Street, you've got to say to yourself, There's something brewing out there. And if you don't deal with unemployment insurance and what happens to workers, we are going to have a very turbulent year in the next year.

I urge all Members to vote for this.

Mr. CAMP. I yield such time as he may consume to the distinguished chairman of the Trade Subcommittee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I join my colleagues in strongly supporting passage of this legislation which renews the Generalized System of Preferences program and also reauthorizes a smaller Trade Adjustment Assistance program. This bill is a key part of the bipartisan trade package before us today and is crucial to letting the world know the United States is back on the trade field again.

The legislation has two very important parts: GSP and Trade Adjustment Assistance. With regard to preferences, this program provides preferential access to certain imports from selected developing countries. And, importantly, it also benefits U.S. manufacturers and creates U.S. jobs. Nearly three-quarters of all the eligible imports are raw materials, component parts, or machinery and equipment used by American companies to manufacture goods in America. That means our manufacturers can make things here in the United States more cheaply and employ more Americans in the process. As far as I'm concerned, that is a real win-win. Moreover, I must note that this program is fully offset with spending cuts.

On Trade Adjustment Assistance, I applaud Chairman CAMP for his scaled-back version of TAA that he was able to negotiate with the White House and Chairman BAUCUS from the Senate. At the outset, the White House demanded that there be a straight extension of the 2009 law for 5 years and held the trade agreements, frankly, hostage. Chairman CAMP, however, refused to accept that ultimatum. He instead negotiated a strong agreement and forced the White House to accept deep cuts to the programs as well as other significant spending cuts, including cuts to other unemployment benefit programs. Overall, according to the Congressional Budget Office, the Trade Adjustment Assistance package costs one-half of what the administration had originally demanded and is fully offset with spending cuts.

Now, there is fair criticism of Trade Adjustment Assistance. It is expensive, not especially efficient, and has grown over the years to not really serve the people that it needs to. In this tight fiscal situation, these are fair concerns. In an ideal world, the President would have needed no persuading to send up the trade agreement to Congress and we would have considered them long ago. However, the reality is different, and we were told in order to move forward bipartisan legislation on trade, we had to work with the Senate and the White House on this issue. In this case, Chairman CAMP, on behalf of Republicans in the House and the Senate, secured significant reforms to the programs, including key spending cuts, consolidations, and other concessions. The program has been cut in some cases below the 2002 trade adjustment levels, all setting the stage for sunset of the program at the end of 2014.

All in all, our constructive bipartisan work on trade has yielded a victory for the American people both through the trade agreements and this bill. I urge my colleagues to support this measure and consider this to be part of the comprehensive package, a comprehensive bipartisan jobs package for America.

Mr. LEVIN. How much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 23 minutes remaining. The gentleman from Michigan (Mr. CAMP) has 22 minutes remaining.

Mr. LEVIN. I reserve the balance of my time.

Mr. CAMP. I reserve the balance of my time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the motion is postponed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. NUNNELEE (at the request of Mr. CANTOR) for today on account of a family issue.

PUBLICATION OF BUDGETARY MATERIAL

REVISIONS TO AGGREGATES AND ALLOCATION

Mr. RYAN of Wisconsin. Mr. Speaker. pursuant to section 404 of H. Con. Res. 34, the House-passed budget resolution for fiscal year 2012, deemed to be in force by H. Res. 287, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the budget allocations and aggregates set forth pursuant to the budget for fiscal year 2012 as set forth under the provisions of that resolution. Aggregate levels of budget authority, outlays, and revenue are revised and the allocation to the House Committee on Ways and Means is also revised, for fiscal year 2012. The revision is designated for the trade agreement bills H.R. 3078, H.R. 3079, and H.R. 3080. Corresponding tables are attached.

This revision represents an adjustment pursuant to sections 302 and 311 of the Congressional Budget Act of 1974, as amended (Budget Act). For the purposes of the Budget Act, these revised aggregates and allocations are to be considered as aggregates and allocations included in the budget resolution, pursuant to section 404 of H. Con. Res. 34.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal year	
	2012	2012–2021
Current Aggregates:		
Budget Authority	2,858,545	(1)
Outlays	2,947,916	(1)
Revenues	1,866,454	26,133,796
Changes for the United States—Columbia, Panama, Korea Free Trade Agreement Implementation Acts (H.R. 3078, H.R. 3079, H.R. 3080):		
Budget Authority	−14	(1)
Outlays	−14	(1)
Revenues	−52	−8,485
Revised Aggregates:		
Budget Authority	2,858,531	(1)
Outlays	2,947,902	(1)
Revenues	1,866,402	26,125,311

[1] Not applicable because annual appropriations Acts for fiscal years 2012 through 2021 will not be considered until future sessions of Congress.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal years, in millions of dollars]

House Committee on Ways & Means	2012		2012–2021 Total	
	Budget authority	Outlays	Budget authority	Outlays
Current allocation	1,031,002	1,031,534	13,181,787	13,182,450
Changes for the United States—Columbia, Panama, Korea Free Trade Agreement Implementation Acts (H.R. 3078, H.R. 3079, H.R. 3080)	−14	−14	−8,525	−8,525
Revised Allocation	1,030,988	1,031,520	13,173,262	13,173,925

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1639. An act to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes, to the Committee on the Judiciary.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on October 06, 2011 she presented to the President of the United States, for his approval, the following bills.

H.R. 771. To designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the ''Schertz Veterans Post Office.''

H.R. 1632. To designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the ''Sergeant Chris Davis Post Office.''

ADJOURNMENT

Mr. CAMP. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, October 12, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3425. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program, Livestock Indemnity Program, and General Provisions for Supplemental Agricultural Disaster Assistance Programs (RIN: 0560-AH95) received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3426. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus thuringiensis eCry3.1Ab Protein in Corn; Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2009-0609; FRL-8889-2] received Septmeber 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3427. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tetrachlorvinphos; Extension of Time-Limited Interim Pesticide Tolerances [EPA-HQ-OPP-2011-0360; FRL-8887-5] received September 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3428. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement (DFARS Case 2007-D003) (RIN: 0750-AF84) received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3429. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3430. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Energy Conservation Standards for Certain External Power Supplies [Docket No.: EERE-2008-BT-STD-0005] (RIN: 1904-AB57) received September 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3431. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Amendments to National Emission Standards for Hazardous Air Pollutants for Area Sources: Plating and Polishing [EPA-HQ-OAR-2005-0084; FRL-9466-1] (RIN: 2060-AQ74) received September 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3432. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Control of Particulate Matter Emissions from the Operation of Outdoor Wood-Fired Boilers [EPA-R03-OAR-2011-0288; FRL-9468-4] received September 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3433. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oregon: Final Approval of State Underground Storage Tank Program [EPA-R10-UST-2011-0097; FRL-9465-3] received September 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3434. A letter from the Chief, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, E911 Requirements for IP-Enabled Service Providers, Internet-Based Telecommunications Relay Service Numbering, CSDVRS, LLC Petition for Expedited Reconsideration, TDI Coalition Petition for Emergency Stay, TDI Coalition Request for Return to Status Quo Ante [CG Docket No.: 03-123] [WC Docket No.: 05-196] [WC Docket No.: 10-191] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3435. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 1, 73 and 76 of the Commission's Rules Regarding Practice and Procedure: Broadcast Applications and Proceedings, Radio Broadcast Services: Fairness Doctrine and Digital Broadcast Television Redistribution Control, Multichannel Video and Cable Television Service: Fairness Doctrine, Personal Attacks, Political Editorials and Complaints Regarding Cable Programming Service Rates received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3436. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Licenses, Certifications, and Approvals for Materials Licensees [NRC-2010-0075] (RIN: 3150-AI79) received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3437. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Notice of Availability of Proposed Models for Plant-Specific Adoption of Technical Specifications Task Force Traveler TSTF-500, Revision 2, ''DC Electrical Rewrite — Update to TSTF-360'' [Project No.: 753; NRC-2010-0170] received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3438. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Updated Statements of Legal Authority for the Export Administration Regulations [Docket No.: 110804473-1484-01] (RIN :0694-AF34) received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3439. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Privacy Act of 1974: Implementation and Amendment of Exemptions [Release No.: PA-47; File No. S7-19-11] received September 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3440. A letter from the Division Chief, Regulatory Affairs, Department of the Interior, transmitting the Department's final rule — Minerals Management: Adjustments of Cost Recovery Fees [L13100000 PP0000 LLWO310000; L1990000 PO0000 LLWO320000] (RIN: 1004-AE22) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3441. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Policy Clarifying Definition of ''Actively Engaged'' for Purposes of Inspector Authorization [Docket No.: FAA-2010-1060] received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3442. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Final Withdrawal of Certain

Federal Aquatic Life Water Quality Criteria Applicable to Wisconsin [EPA-HQ-OW-2010-0492; FRL-9466-3] (RIN: 2040-AF23) received September 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3443. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tax Treatment of Employer-Provided Cell Phones [Notice 2011-72] received September 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3444. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Due Dates for Filing Form 706-NA, or Form 8939, Extension of Time to Pay Estate Tax, and Penalty Relief for Recipients of Property Acquired from Decedents who Died in 2010 [Notice 2011-76] received September 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. Supplemental report on House Resolution 425. Resolution providing for consideration of the Senate amendment to the bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes; providing for consideration of the bill (H.R. 3078) to implement the United States-Colombia Trade Promotion Agreement; providing for consideration of the bill (H.R. 3079) to implement the United States-Panama Trade Promotion Agreement; and providing for consideration of the bill (H.R. 3080) to implement the United States-Korea Free Trade Agreement (Rept. 112–240, Pt. 2).

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 2433. A bill to amend title 38, United States Code, to make certain improvements in the laws relating to the employment and training of veterans, and for other purposes; with an amendment (Rept. 112–242, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the following action was taken by the Speaker:

H.R. 2433. The Committee on Armed Services discharged from further consideration. Referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BISHOP of New York (for himself, Mr. RAHALL, Mr. LATOURETTE, and Mr. PETRI):

H.R. 3145. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LABRADOR (for himself, Mr. GRIFFIN of Arkansas, Mr. ROSS of Florida, Mr. YODER, Mr. SENSENBRENNER, and Mr. DOLD):

H.R. 3146. A bill to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Science, Space, and Technology, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNEY (for himself, Mr. FRANK of Massachusetts, Mr. PERLMUTTER, Mr. PETERS, Mr. MILLER of North Carolina, and Mrs. MALONEY):

H.R. 3147. A bill to amend the Small Business Jobs Act of 2010 to extend the Small Business Lending Fund Program, to provide for an appeals process, and for other purposes; to the Committee on Financial Services.

By Mr. GRAVES of Missouri (for himself, Mr. LUETKEMEYER, Mr. BARROW, Mr. MCINTYRE, Mr. CARNAHAN, and Mr. LOEBSACK):

H.R. 3148. A bill to amend the Internal Revenue Code of 1986 to extend and expand the deduction for certain expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina:

H.R. 3149. A bill to amend title I of the Patient Protection and Affordable Care Act to expand access to high risk pools; to the Committee on Energy and Commerce.

By Mr. WHITFIELD (for himself and Ms. DEGETTE):

H.R. 3150. A bill to amend title XVIII of the Social Security Act to provide for coverage, as supplies associated with the injection of insulin, of containment, removal, decontamination and disposal of home-generated needles, syringes, and other sharps through a sharps container, decontamination/destruction device, or sharps-by-mail program or similar program under part D of the Medicare program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself, Ms. ROYBAL-ALLARD, Mrs. MALONEY, and Ms. MCCOLLUM):

H.R. 3151. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to allow employees leave to address domestic violence, sexual assault, or stalking and their effects, and to include leave to care for domestic partners under the Act, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN of South Carolina:

H. Res. 429. A resolution expressing the sense of the House of Representatives that the Western Hemisphere should be included in the Administration's 2012 National Strategy for Counterterrorism's ''Area of Focus'', with specific attention on the counterterrorism threat to the homeland emanating from Iran's growing presence and activity in the Western Hemisphere, and for other purposes; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KEATING:

H.R. 3152. A bill for the relief of Patricia Donahue, individually and in her capacity as Administratrix of the estate of Michael J. Donahue; Michael T. Donahue; Shawn Donahue; and Thomas Donahue; to the Committee on the Judiciary.

By Mr. KEATING:

H.R. 3153. A bill for the relief of Patricia Macarelli, in her capacity as Administratrix of the estate of Edward Brian Halloran; to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BISHOP of New York:

H.R. 3145.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Sec. 8, Clause 3

By Mr. LABRADOR:

H.R. 3146.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the Constitution

By Mr. CARNEY:

H.R. 3147.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article 1 of the Constitution.

By Mr. GRAVES of Missouri:

H.R. 3148.

Congress has the power to enact this legislation pursuant to the following:

This Act is justified by the Sixteenth Amendment, which grants Congress the power to lay and collect taxes on incomes.

By Mr. PRICE of North Carolina:

H.R. 3149.

Congress has the power to enact this legislation pursuant to the following:

Article One, Section 8, Clause 18: The Congress shall have Power . . . ''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Mr. WHITFIELD:

H.R. 3150.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clause 3 that grants Congress the power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Ms. WOOLSEY:

H.R. 3151.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced under the powers granted to Congress under Article 1 of the Constitution.

By Mr. KEATING:

H.R. 3152.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. KEATING:

H.R. 3153.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. MURPHY of Connecticut.
H.R. 100: Mr. MCINTYRE and Mr. SCHWEIKERT.
H.R. 122: Mr. YODER.
H.R. 178: Mrs. ADAMS.
H.R. 191: Mr. CLAY and Mr. JACKSON of Illinois.
H.R. 420: Mr. WALDEN and Mr. SCHWEIKERT.
H.R. 482: Mr. FINCHER.
H.R. 674: Mr. PASCRELL.
H.R. 679: Mr. CICILLINE, Ms. HOCHUL, and Mr. MURPHY of Connecticut.
H.R. 721: Mr. HARPER, Mr. BISHOP of Georgia, and Mrs. MCMORRIS RODGERS.
H.R. 733: Mr. CLAY and Mr. OWENS.
H.R. 797: Ms. SLAUGHTER.
H.R. 835: Mr. NEAL and Ms. LORETTA SANCHEZ of California.
H.R. 885: Mr. TERRY and Mr. MCGOVERN.
H.R. 886: Mr. KISSELL and Mr. KINGSTON.
H.R. 973: Mr. CRAWFORD.
H.R. 1041: Mr. PERLMUTTER.
H.R. 1166: Mr. MILLER of Florida.
H.R. 1173: Mr. WESTMORELAND.
H.R. 1175: Ms. HAYWORTH and Mr. GIBSON.
H.R. 1193: Ms. BROWN of Florida.
H.R. 1259: Mr. AUSTRIA.
H.R. 1262: Ms. MATSUI and Ms. MCCOLLUM.
H.R. 1274: Mr. SCHWEIKERT.
H.R. 1288: Mrs. ADAMS, Mr. MCDERMOTT, Ms. HERRERA BEUTLER, Mr. FILNER, and Mr. GARAMENDI.
H.R. 1325: Mr. MURPHY of Connecticut.
H.R. 1340: Mr. GARDNER and Mr. HANNA.
H.R. 1351: Ms. BUERKLE.
H.R. 1356: Mr. GIBBS.
H.R. 1418: Ms. KAPTUR and Mr. HOLDEN.
H.R. 1427: Mr. WEST and Mr. HANNA.
H.R. 1580: Mr. SMITH of Texas and Mr. ROYCE.
H.R. 1633: Mr. PAULSEN, Mr. GRIFFIN of Arkansas, Mrs. CAPITO, Mr. HASTINGS of Washington, Mr. STEARNS, Mr. HULTGREN, Mrs. SCHMIDT, Mr. THOMPSON of Pennsylvania, Mr. GARDNER, Mr. SCHWEIKERT, Mr. RIGELL, Mr. ROSS of Arkansas, Mr. ROONEY, Mr. SHIMKUS, Mr. KINZINGER of Illinois, Mr. MCINTYRE, Mr. FORTENBERRY, and Mr. TERRY.
H.R. 1639: Mr. BUCHANAN, Mr. NUNES, and Mr. WOMACK.
H.R. 1653: Mrs. MCMORRIS RODGERS and Mr. MEEKS.
H.R. 1659: Mr. CLARKE of Michigan.
H.R. 1666: Ms. NORTON and Mr. MICHAUD.
H.R. 1704: Mr. CONYERS.
H.R. 1717: Mr. MICHAUD.
H.R. 1738: Mr. WELCH, Ms. FUDGE, Mr. ROSS of Arkansas, and Mr. CONYERS.
H.R. 1744: Mr. CRAWFORD.
H.R. 1776: Mr. AL GREEN of Texas.
H.R. 1831: Mr. WELCH.
H.R. 1834: Mrs. HARTZLER, Mrs. ELLMERS, and Mr. BARROW.
H.R. 1878: Mr. BLUMENAUER.
H.R. 1903: Mr. TOWNS and Mr. CONYERS.
H.R. 1965: Mrs. MCMORRIS RODGERS and Ms. HERRERA BEUTLER.
H.R. 2059: Mr. BARLETTA, Mr. WALSH of Illinois, Mr. FARENTHOLD, Mr. MULVANEY, and Mr. NEUGEBAUER.
H.R. 2104: Mr. SHIMKUS.
H.R. 2131: Mr. TIPTON and Mr. WHITFIELD.
H.R. 2137: Mr. FITZPATRICK.
H.R. 2139: Mr. MICHAUD, Mr. MILLER of North Carolina, Mrs. CAPPS, and Mr. PASTOR of Arizona.
H.R. 2287: Mr. GRIJALVA, Mr. RYAN of Ohio, and Ms. SLAUGHTER.
H.R. 2346: Mr. AL GREEN of Texas.
H.R. 2369: Mr. NUNES, Mr. QUAYLE, Mr. AUSTIN SCOTT of Georgia, and Mr. DUFFY.
H.R. 2433: Ms. BUERKLE, Mr. RIGELL, Mr. WALBERG, and Mr. NUGENT.
H.R. 2447: Mr. DINGELL, Mr. HUIZENGA of Michigan, Mr. MILLER of North Carolina, Mr. CRAWFORD, Mr. TONKO, Mr. COLE, Mr. THOMPSON of Pennsylvania, Mr. HIGGINS, Mr. MCGOVERN, Mr. BONNER, and Ms. SCHWARTZ.
H.R. 2459: Mrs. MILLER of Michigan and Mr. HULTGREN.
H.R. 2464: Mr. MORAN and Mr. RANGEL.
H.R. 2466: Mr. PAULSEN.
H.R. 2514: Mr. CRAVAACK and Mr. SHIMKUS.
H.R. 2541: Mr. GUTHRIE.
H.R. 2595: Mr. BACHUS and Ms. PINGREE of Maine.
H.R. 2697: Mr. CARSON of Indiana.
H.R. 2769: Mr. HENSARLING.
H.R. 2787: Ms. ROYBAL-ALLARD and Ms. ZOE LOFGREN of California.
H.R. 2815: Mr. LAMBORN.
H.R. 2830: Mr. BISHOP of Georgia, Ms. NORTON, and Mr. INSLEE.
H.R. 2834: Mrs. ELLMERS, Mr. ROSS of Arkansas, Mr. MCCLINTOCK, Mr. LATHAM, and Ms. BUERKLE.
H.R. 2866: Ms. JACKSON LEE of Texas and Mr. MORAN.
H.R. 2874: Mr. DUNCAN of South Carolina and Mr. TIBERI.
H.R. 2881: Mr. HUIZENGA of Michigan.
H.R. 2886: Mr. KING of New York.
H.R. 2888: Mr. CARTER.
H.R. 2898: Mr. NEUGEBAUER, Mr. OLSON, Mr. THORNBERRY, Mr. SESSIONS, Mr. RYAN of Wisconsin, Mr. WESTMORELAND, and Mr. PAUL.
H.R. 2899: Mr. WOLF.
H.R. 2930: Mr. DOLD and Mr. DUFFY.
H.R. 2966: Ms. LORETTA SANCHEZ of California, Mr. NEAL, Mr. SIRES, and Mr. LEWIS of Georgia.
H.R. 2982: Mr. BARTLETT and Mr. LATHAM.
H.R. 3000: Mr. WESTMORELAND, Mr. WALSH of Illinois, Mr. FRANKS of Arizona, Mr. FLORES, Mr. HULTGREN, and Mrs. BLACK.
H.R. 3009: Mr. YOUNG of Alaska.
H.R. 3012: Mr. GRIFFIN of Arkansas.
H.R. 3014: Mr. HONDA.
H.R. 3024: Mr. HINCHEY.
H.R. 3035: Mrs. BLACKBURN.
H.R. 3039: Mr. CARNAHAN and Mr. SCHOCK.
H.R. 3052: Mr. DICKS and Mr. SMITH of Washington.
H.R. 3053: Ms. SCHAKOWSKY.
H.R. 3059: Mr. RANGEL and Mr. CARNAHAN.
H.R. 3067: Mrs. MCMORRIS RODGERS, Mr. KEATING, and Ms. RICHARDSON.
H.R. 3077: Mr. ELLISON, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. CONYERS, Mr. BLUMENAUER, and Mr. CAPUANO.
H.R. 3096: Mr. NUGENT.
H.R. 3126: Mr. SCOTT of Virginia and Ms. TSONGAS.
H.R. 3143: Mr. BILBRAY.
H. J. Res. 78: Mr. RUSH, Mr. BLUMENAUER, and Mr. WELCH.
H. Con. Res. 72: Mr. MARKEY, Ms. BROWN of Florida, and Ms. TSONGAS.
H. Res. 137: Mr. MURPHY of Connecticut.
H. Res. 253: Mr. HUIZENGA of Michigan, and Mr. ROGERS of Kentucky.
H. Res. 304: Mr. PETERSON.
H. Res. 401: Mr. MORAN.
H. Res. 407: Mr. TOWNS.
H. Res. 416: Mr. RIVERA.
H. Res. 427: Mr. REYES and Mr. LEVIN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2273

OFFERED BY: MS. EDWARDS

AMENDMENT NO. 1: At the end of the bill, add the following new section:

SEC. 4. VULNERABLE POPULATIONS; EFFECTIVE DATE.

(a) DETERMINATION OF IMPACT.—The Administrator of the Environmental Protection Agency shall determine whether the implementation of this Act (including the amendments made by this Act) will have an adverse impact on vulnerable populations.

(b) EFFECTIVE DATE.—This Act (including the amendments made by this Act) shall not be effective until the date that is 90 days after the Administrator makes a determination under subsection (a) that the implementation of this Act (including the amendments made by this Act) will not have an adverse impact on vulnerable populations.

(c) DEFINITION.—For purposes of this section, the term ''vulnerable population'' means a population that is subject to a disproportionate exposure to, or potential for a disproportionate adverse effect from exposure to, coal combustion residuals (as defined in section 4011 of the Solid Waste Disposal Act (as added by section 2 of this Act)), including—

(1) infants, children, and adolescents;

(2) pregnant women (including effects on fetal development);

(3) the elderly;

(4) individuals with preexisting medical conditions;

(5) individuals who work at coal combustion residuals treatment or disposal facilities; and

(6) members of any other appropriate population identified by the Administrator based on consideration of—

(A) socioeconomic status;

(B) racial or ethnic background; or

(C) other similar factors identified by the Administrator.

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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, TUESDAY, OCTOBER 11, 2011 No. 151

Senate

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, source of all goodness, teach us how to master ourselves that we may serve others. May this self mastery inspire our lawmakers to serve others by joining You in bringing deliverance to those in captivity because of life's painful circumstances. Support our Senators with Your strength, as You guide them with Your wisdom. May Your peace that surpasses all human understanding be with us all our days. Lord, unite our lawmakers in the common cause of justice, righteousness, and truth.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 11, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in morning business until 5:30 this evening. At 5:30 p.m., there will be three rollcall votes. The first vote will be on confirmation of the Triche-Milazzo nomination. That is a vote for a judge. We appreciate the cooperation we have gotten on that. The second vote will be on passage of S. 1619, the China currency legislation. The third vote will be on the cloture motion on the motion to proceed to S. 1660, the American Jobs Act.

Mr. CORKER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. I wonder if the——

The ACTING PRESIDENT pro tempore. The majority leader is still recognized.

Mr. REID. I have the floor. Does the Senator have a question?

Mr. CORKER. I would like to ask a question, if I could.

Mr. REID. I would be happy to yield to my friend for a question.

Mr. CORKER. Mr. President, it is my understanding that—first of all, I think most people in this body know it has been 995 days, and the free-trade agreements are just now coming to the floor. I had a very good conversation today with the majority leader, and I thank him so much for his courtesy. But it is my understanding, for all those who want to see the free-trade agreements ratified prior to the time the South Korea President comes on Thursday to make his joint address—for all those who want to see that passed and in hand in advance of that—if we were to get on the jobs bill, as I understand it, we would have to stay on the jobs bill for 30 hours. So by getting on the jobs bill, it would actually preclude us from being able to successfully pass those free-trade agreements in the time that all of us would like.

I would like for that to be verified by the leader, if that is possible.

Mr. REID. Mr. President, around here we can do anything by unanimous consent. The work the Republican leader and I went through—perhaps a little easier on his side than mine—to get the trade bills in the position they are in was fairly difficult, and it would take unanimous consent to get off a particular piece of legislation we are on to move forward on the trade bills. That is my understanding. As I have indicated, we are looking forward to the votes this evening, and I will be happy to be as cooperative as I can with everyone involved. But in direct response to my friend's question, I think it is pretty clear it would take unanimous consent to do that.

Mr. CORKER. Mr. President, my understanding is that unanimous consent would be very unlikely considering the fact there are a number of folks who actually do not want to see these trade agreements pass. The evidence is, if we were to get on the jobs bill—and I thank the leader for talking with me about this—it is very unlikely the free-trade agreements will pass in the time all of us would like to see prior to the President of South Korea being here.

I yield the floor and thank the majority leader for letting me have this dialog and for having the dialog we had on Thursday evening.

Mr. REID. Mr. President, I say through the Chair to my friend, I was happy to have that dialog. As we have

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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indicated, if at some time we get on a jobs bill, we will have—as I have indicated, I appreciate the comments of a number of people in the press today. Specifically, I direct myself to Mr. JOHN CORNYN, the junior Senator from Texas. He and I have not always seen the same picture on legislative matters, but I thought his statements in the press were very constructive. He, in effect, said he would hope we could get on legislation and work on it the way we used to and that would be to have some agreement on how we move forward with amendments. The Republican leader and I are trying to do that.

UPCOMING VOTES

Mr. REID. Mr. President, this evening, the Senate will vote on legislation to end the unfair practice of currency manipulation by the Chinese Government. It is pretty clear by now that China undervalues its currency to give its own exports an unwarranted advantage in the global marketplace. This costs American jobs—lots of them. It costs lots of jobs by unjustly tilting the playing field against American manufacturers.

America's trade deficit with China has ballooned from $10 billion in 1990 to $273 billion today. It has cost 3 million American jobs already. Two million of those lost jobs came from the manufacturing sector.

American businesses do not need special advantages to compete. They just need an even playing field.

Tonight we have the opportunity to stop China from continuing to cheat American workers, pump $300 billion into our economy, and support 1.6 million Americans jobs.

This legislation has twice advanced in this Chamber with bipartisan supermajorities. Thirty-one Republicans voted to move this legislation to the Senate floor early last week. I urge each of them to stand firm in their support for this job-creating legislation—to stand with American workers rather than siding with China. I remind my Republican colleagues that those who revoke support of this important measure for the sake of partisan politics must answer, first of all, as we all do, to our constituents.

Today, the Senate will vote to proceed to the American Jobs Act, President Obama's plan to put Americans to work without adding a penny to the deficit. This legislation will also ask the richest Americans to contribute their fair share to get our economy back on track.

The President's plan will put construction crews back to work building the things that make our country stronger—roads, bridges, dams, sewers, water systems, and up-to-date schools where our children can get the best education possible.

There are schools in our country that are not wired for the Internet. The average school in America is a little more than 50 years old. Technology has changed a lot since those schools were constructed, but, sadly, our schools have not. This work is essential, and Americans are desperate for jobs it will create.

The American Jobs Act would also extend unemployment insurance for Americans who are still struggling to find work. Economists agree this boosts the economy because the long-term unemployed spend the money immediately on groceries, gas, and rent.

This legislation would cut taxes for middle-class families and businesses—something Republicans have long supported. The President's plan contains many ideas that Republicans have supported consistently over the years, especially when their party controlled Congress or the White House or both. Republicans oppose those ideas now, I guess, because they have a proven track record of creating jobs—all these programs—but I guess Republicans think if the economy improves, it might help President Obama. So they root for the economy to fail and oppose every effort to improve it, and they resist anything the President proposes, no matter its common sense, including this jobs plan to create 2 million jobs, containing many of the issues the Republicans have supported many times.

Americans have demanded Congress pass legislation to create jobs—and pass it now. Americans support our plan to fund job creation by asking people who make more than $1 million a year to contribute their fair share by a margin of 3 to 1. That is 75 percent. Mainstream Americans agree we cannot ask seniors and the middle class to go on shouldering the heaviest burden.

Today we will see whether Republicans have gotten the message or if they still put the wants of millionaires and billionaires ahead of the needs of seniors and middle-class families. The American people demand that the Republicans finally admit that putting America back to work will require shared sacrifice—especially from those who can best afford to be part of the solution.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

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

JOBS VOTE

Mr. MCCONNELL. Mr. President, a little later today, the Senate will vote on President Obama's second attempt to address our Nation's ongoing jobs crisis with a stimulus bill, and Republicans actually welcome the opportunity. If voting against another stimulus is the only way we can get Democrats in Washington to finally abandon this failed approach to job creation, then so be it.

The President has been calling for this vote for weeks, and, in my view, we cannot have it soon enough. In fact, on the previous bill, I kept trying to get a vote on the President's first version of the stimulus bill. We will be voting on the second sort of modified version of the stimulus bill this afternoon. This is a vote Republicans are anxious to have.

For nearly 5 years, Democrats have controlled the Senate. For the last 3 of those years, they have also controlled the White House. By proposing a second stimulus, Democrats are showing the American people they have no new ideas for dealing with our jobs crisis.

Today's vote is conclusive proof that Democrats' sole proposal is to keep doing what has not worked—along with a massive tax hike we know will not create jobs. So it is hard to overstate the importance of this vote.

The President's first stimulus was a legislative and economic catastrophe. Nearly 3 years after passage, we are still learning about its failures and its abuses. We knew it was a bailout for States. We knew all about the absurd projects it funded. Over the past few weeks, we have also learned that the Obama administration was doing the very thing with solar companies that it once rightly criticized many others for doing on Wall Street: gambling with other people's money; the Federal Government playing venture capitalist with our tax money.

But there is only one thing we need to know about the first stimulus to oppose the second one and it is this: $825 billion later, there are 1.7 million fewer jobs in this country than there were when the first stimulus was signed. That is the clearest proof it was a monstrous failure, and it is the surest proof we have that those who support the second stimulus are not doing so to create jobs.

As I see it, that is what today's vote boils down to. Everyone who votes for this second stimulus will have to answer a simple but important question: Why on Earth would we support an approach that we already know will not work?

Of course, the truth is most Democrats know just as well as I do that passing another stimulus and tax hike is a lousy idea, which is why the Democrats are having such a hard time convincing their colleagues to vote for it.

Here is what they have decided to do instead. Democrats have designed this bill to fail—they have designed their own bill to fail—in the hopes that anyone who votes against it will look bad for opposing a bill they mistakenly refer to as a ''jobs bill.''

That is not just my interpretation. The senior Senator from New York has

been out there telling reporters that what the Democrats are going for today is ''contrast.'' The senior Senator from New York said this is all about contrast—not about jobs, about contrast.

It does not seem to matter that this bill will not pass or that even if it did pass, American businesses would be stuck with a permanent tax hike. Forget about all of that. What matters most to the Democrats who control the Senate, according to the stories I have been reading, is that they have an issue to run on for next year. This whole exercise, by their own admission, is a charade that is meant to give Democrats a political edge in an election that is 13 months away.

Well, with all due respect to the senior Senator from New York, the American people don't want contrast, they want jobs. They want the Democrats who control the Senate to stop thinking about how they can improve their own political prospects 13 months from now and start thinking about how they can help other people's job prospects right now. They want Democrats to focus on job creation, not political preservation. So I have a better idea. How about we get this vote that Democrats already know will not pass behind us so we can focus on real job-creating legislation that we actually know is worthy of passing with bipartisan support. Republicans have been calling on Democrats to work with us on bipartisan job-creating bills for 3 years, and every once in a while we convince them.

Tomorrow, we will approve three free-trade agreements I have been calling on the President to approve since his first day in office. These agreements will not add a dime to the deficit, and they are expected by Democrats and Republicans to create tens of thousands of jobs. They will have strong bipartisan support, and they do not contain a single job-destroying tax hike.

Both parties also came together earlier this year to pass a patent reform bill President Obama and Democrats in Congress touted as a job creator, and Democrats and Republicans came together this summer to pass a highway bill extension, FAA extension, that will lead to just the kind of job creation that has bipartisan support. You don't hear much about any of this from the President. It gets in the way of his campaign strategy. But that does not mean Republicans cannot continue to urge the President to work with us, and that is just what we plan to do.

Over the next weeks and months, Republicans will continue to press our friends on the other side to work with us on legislation that will actually do something to create jobs in this country. Our first criteria for any proposal is that it would actually lead to more jobs, not fewer. I know that may seem crazy to some, but in our view it is not a jobs bill if it leads to fewer jobs. Our second criteria is that it does not add to the deficit. There is no reason we need to exacerbate one crisis in an effort to tackle another one.

Democrats like to point out that the second stimulus we will have a vote on today is ''paid for with tax hikes'' and that it contains a ''tax cut.'' What they do not tell you, of course, is the tax cut lasts for 13 months, while the tax hikes last forever. They hide the fact that over the next 5 years it will actually increase the deficit, by nearly $300 billion next year alone: Permanent tax increases, temporary tax cuts, increase the deficit by $300 billion next year alone.

Another thing the Democratic supporters of this bill fail to mention is that about four out of five of the people who would be hit with their new taxes are, in fact, businesses, including thousands of small businesses across the country—in other words, the very people Americans rely on to create new jobs. So the legislation we will be voting on today is many things, but it is not a jobs bill. Republicans will gladly vote against any legislation that makes it harder to create jobs right now.

The President's advisers have said they are counting on a do-nothing Congress. That is why we will be voting for legislation today that is designed to fail. If you ask me, this is a pretty sad commentary on the state of the Democratic Party in Washington.

I think the American people deserve better. I think the 16.5 percent of Americans who are looking for work or who stopped looking for work deserve better. I think the 4.5 million Americans who have been out of work for more than a year deserve better. I think the nearly 15 percent of young Americans who cannot find work right now deserve better. Americans deserve more than a clumsy political stunt. They deserve better than the same well-rehearsed talking points we have been hearing from Democrats over the past few weeks. Above all, they deserve a different approach to this crisis than the one they have gotten from Democrats over the past few years. For nearly 3 years, Democrats in Congress have done virtually everything the President asked of them—everything he asked of them. And I would remind everyone that they owned the government the first 2 years of the Obama administration. They got everything they wanted. They passed his health care bill. They passed his financial regulations bill. They passed his stimulus. They waved through all the regulations, the bailouts, and the massive spending bills. And what did we get? A bad economy became worse; record deficits and debt; a first ever credit downgrade; and 1.7 million fewer jobs. Democrats may have run out of ideas, but Republicans are ready to work with them on a new approach. It is why we are here. And we are ready to act.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 5:30, with Senators permitted to speak therein for up to 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

JOBS AGENDA

Mr. CORKER. Mr. President, I rise to talk a little bit about the conversation we just had on the floor.

There is no question that in the State of Tennessee and all across our country, I think the biggest item on anybody's mind is our economy and people having jobs in each of our States.

I still believe the very best thing we can do to create a sound economy is for this deficit committee to do what it needs to do in November and December and for us to show the American people we have the ability to deal with the big structural issues our country faces. I believe that with all my heart.

I don't think there is a business in our country today that is looking for some sugary stimulus bill that will be here and gone, leaving us with lots of debt and increased taxes down the road. I believe that.

I guess I am disappointed that again we are in a situation, just as we were last Thursday night, where we are really not here to solve problems—neither side, candidly—we are here to have some political stunt take place.

I do want to say to my friends on both sides of the aisle that there are numbers of people here who have worked hard to get the free-trade agreements in the place they need to be, and I think we are all expecting them to pass tomorrow. I think all of us who support these three free-trade agreements that have been languishing for 995 days—by the way, that includes lots of Senators on both sides of the aisle. I think what we just heard the leader say—that if we were to get on this jobs bill, as he is advocating we get on today, the likelihood of us actually taking up these free-trade agreements and passing them tomorrow is almost nil. I mean it is not going to happen. We know there are people who oppose the free-trade agreements, and I doubt very seriously that we are going to see a unanimous consent to move off a jobs bill that everyone knows is really for show on to something that is serious, such as the free-trade agreements that some people oppose.

So I have had lots of conversations with Senators on both sides of the aisle over the course of the last 72 hours regarding the need for us to have a real

debate on jobs. I hope that at some point we will actually have a real debate on a real jobs bill that people really want to pass. I would say that to make that happen, that would actually mean the Republican leader and the Democratic leader would actually have to sit down and craft a piece of legislation on which there is common ground. Of course, that is not what is happening, and we know that. And for all of us who have things we have done in life that are productive, and we have chosen to come serve our country in this way—we have the ability to be productive in other ways—for all of us to come up here and to watch this continual charade taking place in this body is disappointing. It burns up a lot of time, and we accomplish nothing for the American people.

So, candidly, I want to have a debate on jobs. I know that, again, moving to the jobs bill tonight would negate the opportunity for the only thing we could do recently to actually create jobs, which is passing these three free-trade agreements, and what they will do is enhance American manufacturers' ability to make and sell things overseas, enhance farmers across our country and their ability to sell their goods overseas. It is a one-way positive street for us because these countries already have low trade tariff barriers in our own country. So it lowers those barriers for us into their country.

I am going to vote against proceeding to the jobs bill. I am disappointed that we cannot do things—we know we have a Republican House, and we know that to pass something that is good for this country, it requires a negotiation between all of the players. So each time we bring up these bills that are totally crafted in partisan ways, we know all we are doing is wasting time.

I do have one glimmer of hope; that is, this deficit reduction committee. The fact is that this committee was put together with six Republicans and six Democrats, so this committee has the ability to do some things that no one can blame the other side for. I mean we are talking about something that is totally split.

I will say one other thing. This committee was put together and solely conceived by leadership in the Senate and the House. So we had four people, the leaders of the House and Senate, who conceived of this supercommittee, and they are the ones who appointed the members to this supercommittee. They decided who the members of this committee were going to be. They set it up purposefully so that it was equally balanced—six and six. Candidly, the success of this committee is totally in the hands of our leadership. So it appears to me that for the first time in a long time, we actually have within leadership's hands totally the ability to pass something that is great for our country, and anything short of getting to the $1.5 trillion that is laid out in this legislation is totally a failure.

What I am sure of is that since this was totally set up in a bipartisan way by leadership on the Republican and Democratic side in both the House and Senate and they choose the members, there is no question in my mind that this is going to be successful or, candidly, be viewed by many as a failure—failure of leadership, candidly. So I am certain we are going to get to $1.5 trillion, and I am hopeful, as are a number of Republicans and Democrats within the Senate—I think we have a list of over 40—that we are actually going to get to a $3 trillion reduction in the deficit, that we are going to go big or, as some have said, we end up with something that is qualitatively equal to that. Many of us know that trying to get $3 trillion in savings over a 10-year period might be difficult. I still hope it happens. I still think it can happen. I think there are numbers of people in this body who have worked to make that happen.

But some people have said: Well, maybe we can get some major reforms to Medicare and other kinds of programs in the second 10, and maybe qualitatively that is equally as good. I am certainly willing to look as one Senator at all of those things. It is a waste of time to be bringing up totally partisan bills in this body, knowing that to become law they have to pass the House of Representatives, which means anybody who brings up something in this body today that is totally partisan knows that in advance. That is discouraging to me, discouraging to waste time talking about something we know is never going to become law for campaigns for House Members, Senate Members, and the President to run on.

But at least I am hopeful that in November and December we are going to have something big happen because, again, this is totally in the hands of bipartisan leadership, who totally appointed the Members, who totally are working with this group.

Again, Mr. President, to me, that is the best stimulus we can possibly create for this country. It is for small businesses and big businesses, for Republicans and Democrats all across this country to see that this body actually has the ability to do something to create some stability in this country and actually tackle the No. 1 issue that can continue to dissipate our country's standard of living, which is our inability to deal with debt.

To me, that is the greatest job stimulus we can deal with. There are all kinds of regulatory issues and American energy issues and others that, to me, we can take up in a true jobs bill. It is my hope we will do that soon. All I had to hear today, in addition to knowing this is a partisan effort which, again, I hate to see ever taking place on this floor—the fact is, for any Senator who wants to see the three free-trade agreements that have been languishing, any Senator on the Democratic side, any Senator on the Republican side who wants to see the three free-trade agreements passed into law tomorrow as has been planned, anybody who wants to see that happen must vote no on the jobs bill being debated because, as the majority leader stated today, if we begin to debate the jobs bill, that means we cannot, without unanimous consent—which we know will not happen in this body—pivot and go to the trade agreements.

In addition to the fact that I know this is not a serious effort—although I would love to debate jobs—and the fact that I know if we get on this bill we cannot pass these free-trade agreements in time, I certainly plan to vote no on proceeding to them and hope at a date when we want to take up a true jobs bill, we will have a vigorous debate in this body and actually have the ability to pass something that will create jobs.

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

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

The legislative clerk proceeded to call the roll.

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

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

UPCOMING VOTES

Mr. LIEBERMAN. Mr. President, I come to the floor to speak about two of the votes we will be casting at approximately 5:30 this afternoon, and to explain how I am going to vote and why. On the first, the legislation regarding China's currency policy, I am going to vote no, and I want to explain why.

Managing our economic, military, and diplomatic relations with China is going to be one of the great challenges of this century. China is obviously a rising power today, though not one without problems, as I will get to in a moment. We have come to a point—China and the United States—where we not only interact and sometimes bump up against each other militarily, diplomatically, and economically, we also, in many ways, have become dependent on one another. What each of us does has an effect on the other, and often a significant effect. That is why I say one of the great challenges of this century will be to manage our relations with China in a way that is certainly beneficial and protective to the United States but, hopefully, to China, from its perspective, as well.

I say this as background to what I want to say about China's currency policy. I am troubled by China's currency policy. China has obviously kept its currency too low. It is undervalued, and that has resulted in products being made in China selling elsewhere at a price that is lower than other manufacturers can compete with, including American manufacturers that are directly in conflict with China. So we are right to be upset about that policy. Our government has been expressing its frustration, its anger, to the Chinese

Government. We have been negotiating, cajoling. I must say, in acknowledgment of reality, that the Chinese have slowly allowed their currency to rise approximately 30 percent in value over the last 6 years, but it should be allowed to rise more.

On the other hand, I do want to say, in fairness, that China's currency policy does have effects that are not all bad for everybody in the United States. The fact its currency is undervalued means some of the products it brings into our country sell at a lower cost, and that is obviously particularly important to middle-income and lower income families who are out buying products that otherwise would cost more. So I understand this legislation to be an expression of anger at the Chinese Government and an attempt to pressure the Chinese Government to more rapidly allow its currency to rise.

I would say, as I understand it, the legislation before us is intended as a warning shot across China's bow, as it were. But China may, from its perspective, see this as an attempt to make a direct attack, a direct hit on its bow, and it may be tempted to retaliate economically. And of course the worst result would be that we would end up in a mutually damaging trade war.

In some sense, it is no surprise we are considering legislation such as this now—though I think at any time we would be concerned about China's currency policy—because throughout history, during times of economic recession, such as the one we are in now—a recession that we are fighting to come out of and another recession we worry we are about to go into—nations have repeatedly become protectionist in their economic and trade policies. But history also shows most of the time that protectionist policy makes the economic problems worse, not better.

Today—and here I get back to what I said about China being a rising power but not one without problems—China's economy, in its way, is also fragile. It is dealing with a bubble in real estate values that is growing. As the papers today indicate, its banks are losing their credibility, inflation is rising, and unemployment is rising. So it would be foolish for China to get into a trade war with us in response to legislation such as this. China, in fact, may be more vulnerable in a trade war than we are. But China's vulnerability economically today carries great risk for the United States and the world. If a trade war sends China's economy into a recession or worse, the resultant economic instability would seriously hamper prospects for the global economic recovery that everybody hopes for, and of course it would greatly dampen our hopes for an American economic recovery and creation of more jobs here at home.

Bottom line: I think the risks this proposal will aggravate the current global and American economic problems which concern us most are greater than the rewards of again trying to force China to allow its currency to rise more rapidly, and that is why I will vote against the China currency legislation when it comes before us later this afternoon.

I also want to speak about the American Jobs Act, which will come before us for a cloture vote. We are, obviously, hearing of Americans—related to what I have just talked about—going through what I think is the most difficult economic period in our history since the Great Depression of the 1930s. Unemployment hovers at around 9 percent, which translates into millions and millions of people out of work, and millions more who are worried they are going to be next to lose their jobs. Confidence in our future among the American people, among critical decision-makers and businesses, is at a real low. Confidence in our national government is low and falling. Anger at our rising national debt is high and rising. The American people are demanding we do something, particularly to protect the jobs they have and create new jobs if they have already lost them.

It is in that context the President proposed the American Jobs Act—a series of interesting ideas aimed at creating jobs that will cost almost $½ trillion. So what am I going to do on this one? On this one, I am going to vote against the filibuster of the American Jobs Act, because I believe our country and our constituents need and deserve a debate here in the Senate on what each of us, all of us, think we should do to get our economy moving again. It should be an open debate, without an effective limit on amendments, with many ideas being offered as to what we should do, and hopefully that will lead us to some consensus. So I am going to vote against filibuster in the hope we will bring about such a debate.

But I must say, if cloture is granted and the filibuster is ended, I will seek to amend the American Jobs Act down to a very few of its constituent parts that I think are worth their cost. If a vote were called on the American Jobs Act as it is now—in other words, if the tree were filled and that is what happened—I would vote against the American Jobs Act, and I want to explain why.

The bottom line here is I don't believe the potential in this act for creating jobs justifies adding another $½ trillion to our almost $15 trillion national debt. In fact, I think the most important thing we can do to improve our economy, reduce unemployment, and create jobs is to bring our national debt under control. The best way to do that is to adopt a tough, comprehensive, balanced debt reduction plan, such as the one recommended by the bipartisan Simpson-Bowles commission.

The Budget Control Act, which we adopted over the summer to deal with the debt ceiling, created a so-called supercommittee, the Joint Special Committee, and that committee of 12 now gives us another chance to deal with our debt in a constructive and bipartisan way.

We all know it is not going to be easy, but the American Jobs Act would make the task of the Joint Special Committee even more difficult because it spends almost $½ trillion we don't have, $½ trillion the act now proposes to raise with a surtax on people making more than $1 million a year.

I don't have any objection to a tax increase of that kind. But if we use it for the American Jobs Act, it is not going to be there to be used by the Joint Special Committee as part of an overall bipartisan debt reduction plan. We desperately need to have some sources of revenue, along with spending cuts, to adopt the kinds of reductions in our debt that the country's future urgently needs.

Let me come back to what I said a moment ago and try to explain briefly why I believe these two great problems we have, our limping economy, our persistent level of high unemployment and our national debt, come together and, more explicitly, why I believe that reducing our debt is actually the best thing we can do to create jobs.

The jobs we need are going to come from the private sector. Government in our system economically never has created the jobs itself. It shouldn't. It can't, anymore, because we don't have the money to do so. The jobs always will come where most people have been employed in our country, and that is in the private sector.

If you chart corporate investment on the same graph as job creation, you will see the two lines follow each other almost exactly. This is a chart prepared by the Bureau of Economic Analysis at the Bureau of Labor Statistics of the Federal Government. Over the last 50 years, beginning in 1961 and going to 2011, it charts two things. The gray line is investment in real equipment and software spending, and the purple line is private employment numbers.

When I saw this, I thought it was a stunning chart and very compelling, because you can see that corporate and private business investment is almost exactly along the same line. There is a little bit of a digression here because jobs fell more than investment, but investment was falling and jobs fell at the same time for 50 years.

I think the single most significant predictor of job growth in our country is business investment. So we have to ask ourselves, how could we stimulate that kind of business investment today. Because that is what we need, we need these jobs. I regret to say I don't believe we can do it with the mix that is in the American Jobs Act. It seems to me like a kind of ministimulus. The stimulus of $800 billion that was adopted a few years ago, which I supported, I think made the economy better than it otherwise would have been, but it didn't give the economy what the President said he hoped and we all hoped it would give,

which was a jolt. This American Jobs Act, which is kind of a ministimulus that will cost $½ trillion, is less likely, for obvious mathematical reasons, to give the economy the jolt. But it will cost $½ trillion we won't have and will have to find somewhere to raise.

To me, what we have got to do is restore confidence in people in the business sector to invest. That is what is missing today in our economy. They don't have confidence in our economic future. They don't have confidence in our government—us. They don't have confidence that we will work together to reduce our debt, to create some predictability for them in the years ahead.

That is why I say the best thing we can do to restore the confidence of the business community necessary for them to begin investing again—they have got the money; they are just not spending it because they are nervous about the future—is for us to come together, hopefully led by the Joint Special Committee, in a bipartisan debt reduction program. It is not this American Jobs Act. I know it has been put forward with good intentions, but I don't think it does the job we need it to do for America, and I know it will cost another $½ trillion we desperately need to reduce our debt which will do the job we need it to do to create new jobs for our fellow Americans.

I thank the Chair, and I yield the floor.

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

Mr. WEBB. Mr. President, first, let me say there is a great deal the Senator from Connecticut just said that we are in nearly full agreement on. I find it ironic that we are probably going to cancel ourselves out on these two votes later in the day, for essentially the same reasons that the Senator just gave. I thank the Senator for his comments, and particularly on this second piece of legislation which I have been struggling with and in exactly the same way the Senator from Connecticut has.

I wish to begin my comments today by expressing my strong support for the majority leader in terms of how he handled a very difficult discussion on Thursday night.

I think we can all agree that the Senate at times has become quite dysfunctional over the past couple of years. I was very interested to hear Senator CORKER's comments. He and I arrived at the Senate at the same time, and I empathize with a lot of the comments he was making, although I guess looking for accountability depends on which end of the telescope you are looking through.

For me, looking at the situation we faced on Thursday night, we have to start with the reality that these were not serious amendments that were being offered at the end of the debate of this piece of legislation. They in many ways epitomize the paralysis of serious debate here in this body and how it affects all of our ability to get serious things done. Only one of those nine proposals was germane, and that was the proposal from my good friend Senator HATCH. They were not relevant. This is what the majority leader is being faced with time and again. We are talking about one amendment on the bill with respect to China currency that wanted to talk about the regulation of nuisance dust. We had another one that wanted to talk about the use of pesticides in navigable waters, and another one that wanted to talk about EPA regulation on cement manufacturing. There may be a time and a place for that kind of discussion; but if you look at the impact of this type of—and I have to agree with the majority leader's characterization—this type of dilatory conduct, it prevents responsible, germane legislation from moving forward.

I will give you one example from my own attempt to amend this bill, and that was the amendment I offered last week that would have prohibited American companies from transferring intellectual property and technologies that were developed with the assistance of the American taxpayer to such countries as China that require technology transfer as a matter of doing business there. That amendment is not going to get a vote. I believe that amendment is something that most people in this body and most Americans would want to see passed. But because we have been in this state of paralysis, these types of issues have been deflected off the screen, off the debate on the Senate floor, and now we are moving forward with a bill that doesn't have these sorts of issues in it. I am going to vote for this bill, by the way.

With respect to the jobs bill, I wish to make a couple of comments here, first associating with some of the comments that Senator LIEBERMAN made. But also, there is an issue here with respect to economic fairness and the disparity in this country between top and bottom that I don't think is being properly debated in the context of this bill.

In the end, as Senator LIEBERMAN pointed out, I strongly believe the way to bring good jobs back is to improve our economy in the private sector, and that means more capital investment.

Winston Churchill once said something to the effect that, You can't tax your way out of an economic downturn any more than you can pick up a bucket if you are standing in it.

There is a lot of money out there. The Senator from Connecticut mentioned that. We can't control whether that money is going to be invested, but we can work to incentivize conduct that might encourage investment. I think people on both sides need to set aside the partisan debate that is going on looking into next year's election and work toward that end.

At the same time, there are two difficulties I have with this legislation. The first is the timing. Senator LIEBERMAN was very eloquent in his concerns about the timing of this bill, with the supercommittee working on these issues in a larger context, getting ready to report out within the next month or so. Senator CORKER made a very valid point that I hadn't thought about, and that is that we have worked—and I have been one of those who has worked—to bring these free-trade agreements to fruition. We have a very short window with the President of South Korea arriving this week and hopefully having a free-trade agreement passed by the time he makes his presentation to a joint session of the Congress.

But there is another issue, and that is the pay-for. We are talking about this millionaire surcharge, this 5.6 percent that would be put on top of these other tax increases for the ''millionaires.'' But in many cases, this isn't even a tax on the wealthiest Americans it is designed to reach.

Let me preface what I am going to point out here by saying I believe I have been one of the loudest and most consistent voices on the issue of economic fairness and executive compensation in this body. I raised it in every speech during my Senate campaign. I put it on the table nationally when I responded to President Bush's State of the Union Address in 2007. I put the issue of the disparity in executive compensation from when I graduated from college when a CEO was making 20 times what the average worker makes, to today, when it is about 400 times. I introduced a windfall profits tax after it became clear that the money we put into TARP was going to be used to unjustly reward executives from the companies that had been bailed out by our taxpayers. This was a very narrowly focused bill that said, If your company got $5 billion or more, you could get your compensation, you could get a $400,000 bonus, and anything after that you had to share with the people who bailed you out because they were bailing out the economy. I couldn't get a vote.

Let's be fair. I couldn't get a vote because neither side wanted a vote. People don't want to take a vote on something that is that directly related to how they finance their campaigns. That is the honest truth. I didn't get a vote on it, but I think my record on this issue is absolutely clear.

One thing I have stated from the first moment I ran for office is that I do not believe we should raise taxes on ordinary earned income. When this proposal was first put in front of the American people, there was a part of it in the pay-for that was called the Warren Buffet rule. But what I just said is the Warren Buffett rule—and it has been misrepresented in this debate. Warren Buffett has the same position.

My understanding of his position, and I have read it very carefully, is that we should not tax ordinary earned income. In fact, he made a clarification about a week ago. This is Warren Buffett on the Warren Buffett rule:

My program would be on the very high incomes that are taxed very low. Not just high incomes. Somebody making $50 million a year playing baseball, his taxes won't change. If they make a lot of money and they pay a very low tax rate, like me, it would be changed by a minimum tax.

How do we do that, and does it matter? It matters a whole lot because we are not talking about this distinction when we are addressing issues of fairness in society, the true nature of what has happened at the very top in this country.

The proposal of the President looks good at first glance; it sounds good on a TV bite. But in all respect to the people who put it forward, I do not believe it is smart policy, and it does not go where the real economic division lies in our country. This is what Warren Buffett is talking about.

If we look at the top .1 percent of our taxpayers, the very top, two-thirds of the money they take in is from capital gains and dividends. Only one-third is from wages.

What does that mean with respect to this surcharge we are going to put down? This is what the surcharge on earned income for millionaires will do: It will bring the tax on ordinary earned income from 35 percent—first, under the assumption of 39 percent, which is the failure to renew the Bush tax cuts—and then to 45.2 percent, someone making wages.

Who is in this category? Very few people. Let's say someone is an athlete, as Warren Buffett mentioned, and they have 3 or 4 years in their career where they can make the money. They are going to get their income, because it is ordinary earned income, taxed at 45 percent of everything they make, just for the Federal taxation, at the same time that capital gains tax, which is where two-thirds of the top .1 percent of our earners make their money, is going to stay at 15 percent. That is what Warren Buffett is talking about.

He is sitting here saying: I make my money off of stock sales, basic transactions where I get capital gains, and I am at 15 percent. My secretary is paying double what I am. The people who have ordinary earned income are going to pay three times the rate of what somebody is making on capital gains, and that is two-thirds of what the people at the very top make.

If we went after capital gains—let's just say, notionally, let's say we allow the Bush tax cuts to expire on capital gains but keep them on ordinary earned income. This margin would be 35 percent of ordinary income versus 20 percent. What would that do? According to the Joint Committee on Taxation, over 5 years they could recoup $402 billion. That is almost as much as this other surcharge could make over 10 years in order to pay for this legislation.

Most important, we are going into issues of fairness that we have been trying to bring to the table; that is, to truly focus on those at the very top who have benefitted the most from what has happened in what is frequently becoming a fractured economic society.

I am going to vote the exact opposite way the Senator from Connecticut is going to vote, but I think he and I share many of the same concerns. It is just how we get there. If people are ready to discuss capital gains, moving it back up to what it was, from 15 to 20 percent—if we are willing to discuss capital gains, I will know we are serious. If we are not willing to discuss capital gains, I think we have seen this movie before.

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.

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

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

Ms. AYOTTE. I ask unanimous consent to engage in a colloquy with Senator JOHN MCCAIN.

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

DEFENSE AUTHORIZATION

Ms. AYOTTE. Mr. President, I rise today to talk about the state of affairs and where we are in the Senate, particularly with regard to the Defense authorization bill. Right now in the Senate—I am a freshman Member of this body—it has been over 2 years since we passed a budget. We have only passed one appropriations bill. Last week, the Democrats changed the rules in the Senate because they did not want to vote on amendments.

For the first time in my lifetime, the Defense authorization bill is not being brought to the floor by the majority leader. This is at a time when we are engaged in two wars and the threats to us and our allies from the Islamist terrorists remain. In fact, today authorities broke up an alleged plot to bomb the Israeli and Saudi Arabian Embassies in Washington and to assassinate the Saudi Arabian Ambassador to the United States. At a time such as this, when there is nothing more important we can do in the Senate than to ensure the national security of the American people, the majority leader is refusing to bring forward the Defense authorization bill to this floor because he objects to one provision in it addressing detainees.

I am concerned that this is no longer the most deliberative body in the world. I am new here, and I am often asked what has surprised me most as a new Senator, and I have to say, honestly, how few votes I have taken since I have been in the Senate. In fact, the number of votes I have taken in the Senate since I have been here is far below what we took last year and what we took the year before.

What could be more important than voting on the Defense authorization bill when our country faces issues such as these in terms of our national security?

I would ask my distinguished colleague from Arizona, who is a senior Member of this body, whether he has seen the Senate like this. Is this how the Senate is supposed to operate?

Mr. MCCAIN. I would like to respond to my colleague—by the way, I noticed she said it would be the first time in her lifetime that we had not passed a Defense authorization bill. It would not be the first time in my lifetime since it has been 41 years.

I would say to my friend and colleague, who has played a very important and essential role on many issues before the Armed Services Committee, not only because of the military background of her family, including a husband who is a distinguished A–10 pilot, but also as a former attorney general of her State, you are very familiar with many of the detainee issues.

I would like to say to my colleague that it was her amendments that were passed in the committee concerning detainee treatment that became part of the legislation. I believe the legislation in that section was passed by a vote of 25 to 1 in the committee. It is not as if there were sharp divisions between both sides of the aisle on the issue of detainee treatment. Yet apparently that seems to be the objection of the administration not only to the bill but even to taking up the bill for consideration before the full Senate, as the Senator from New Hampshire has pointed out, for the first time in 41 years.

I would like to explore with her for a second this whole issue of detainee treatment. Just in the last week or so, we were able to kill one of the leading al-Qaida operatives. I think that action was supported by the majority of opinion in America, thanks to passage of legislation after 9/11 including the fact that the President had a finding that this individual was a terrorist. Yet somehow the President's counterterrorism expert seems to say that under our legislation, we would never be able to turn the page on Guantanamo—and I quote from his speech at Harvard—and he went on to say:

> Our counterterrorism professionals would be compelled to hold all captured terrorists in military custody.

First of all, I would ask my colleague, isn't there a national security waiver the President could exercise if he wanted to in the legislation? Second of all, is it not true that you would have to be a designated member of al-Qaida before you would be required to be held in military custody?

So my question is, Is Mr. Brennan misinformed or simply contradicting what is actually the case in the legislation we passed by a unanimous vote through the Senate Armed Services Committee?

Ms. AYOTTE. Senator MCCAIN, first of all, is absolutely right. This was an

overwhelmingly bipartisan vote in support of the detainee provisions, according to Senator REID, and that is why they are not being brought forward to the floor.

In my view, the President's counterterrorism adviser, Mr. Brennan, has it wrong. I am not sure he has read this legislation based on the objections he has raised because we are giving the President authority to detain, which is very important authority which he can exercise based on the national security of this country.

In order to have military custody, you have to be a member of al-Qaida or an affiliated force and planning an attack against us or our coalition partners. That is where the military custody comes in place, and I think that is very important because, of course, if you are a member of al-Qaida and you are planning an attack against the United States of America or our coalition partners, it seems to me that is a very appropriate instance for military custody given that we remain at war with al-Qaida and that the threats from al-Qaida are still very grave to our country, as demonstrated by——

Mr. MCCAIN. So the statement Mr. Brennan made in his speech on September 16 at Harvard Law School saying that our counterterrorism professionals would be compelled to hold all captured terrorists in military custody is not correct?

Ms. AYOTTE. I am really concerned that Mr. Brennan, again, has not read this legislation because that statement is not correct. As the Senator knows—he worked very hard on a compromise with the chairman of the Armed Services Committee, Chairman LEVIN, and Senator GRAHAM, and in that compromise provision that we passed in a very strong, overwhelmingly bipartisan vote to have military custody, you have to be a member of al-Qaida and planning an attack against us or our coalition partners. It is limited to a very narrow category of very dangerous individuals. It isn't every single terrorist who is encountered.

The important issue is that when you read Mr. Brennan's speech, did you see anywhere in his speech to Harvard where he talked about this topic where he ever mentioned what is happening with those who have been released from Guantanamo?

Mr. MCCAIN. It is interesting that he didn't because those who have been released, the latest number I have is about a 20-percent, roughly—and I don't know if the Senator from New Hampshire has different information, but at least one out of every five has returned to the fight and some of them in leadership positions of al-Qaida, which is, obviously, unacceptable.

Mr. President, I ask for an additional 3 minutes for the Senator from New Hampshire and myself.

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

Mr. MCCAIN. I just want to mention very quickly—because in some respects, the Senator from New Hampshire comes from a military family—that it is so important that we care for the men and women in the form of pay raises, in the form of housing, in the form of benefits, in the form of all of the things that are Congress's obligation to the men and women who are serving in the military. Now we are telling those men and women: Well, because of one provision in this legislation, which should be resolved through debate and amendments and votes, we are not going to take up the bill that authorizes the men and women the things that are necessary and vital for the men and women fighting in two wars.

Ms. AYOTTE. Senator MCCAIN is absolutely right. It is outrageous that one provision that was a bipartisan provision is holding up the authorization from coming forward when it addresses things such as pay raises for our military. It addresses services for our wounded warriors. It addresses military construction that is needed for our soldiers. Those are very important issues. To hold this up at a time when we are at war, at a time when our soldiers need to know we are fully behind them, does a huge disservice to our country. This is an issue that, if there are problems with the detainee issues, should be debated on the floor. The American people deserve to know.

Guantanamo Director Clapper testified before the Intelligence Committee that the recidivism rate now is 27 percent for those reengaging in the battle, detainees whom we have released who are encountering our soldiers and our coalition partners, trying to harm Americans. So to not bring forward the Defense authorization bill, A, to help our soldiers and, most importantly, to do what is right for them, but also, B, to have a rigorous debate over this very important issue of protecting our soldiers from those detainees who have gone back and making sure we are protecting them and that we have a place to put those who are captured now, seems to me to be a disservice to this body and to our country.

Mr. MCCAIN. I thank the Senator from New Hampshire, who has played a very important role in the Armed Services Committee, particularly on the issue of detainee treatment, which is important to the American people. As she just mentioned, one out of four returns to the fight. It is a badge of courage and legitimacy and leadership now in al-Qaida for someone who has been released from Guantanamo.

I hope the majority leader and our colleagues would agree that we could sit down and bring this bill to the floor, have votes, amendments, and then let the men and women who are serving and those who have served, including our wounded warriors, know we care enough to pass legislation that is vital to their ability to defend this Nation and to make sure they are properly equipped and properly compensated.

I thank the Senator from New Hampshire.

Ms. AYOTTE. I thank very much the Senator from Arizona. No one has been more dedicated to our military through his own service and the service of his family but also as a ranking member of the Armed Services Committee who has worked across the aisle to bring forward this Defense authorization bill. I would share in his comments, and I hope the majority leader will bring this forward. It is so important for our country.

I yield the floor.

GULF OILSPILL

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. As the Senator from Arizona is in the back of the Chamber, I just want to say this Senator appreciates his long public service and his dedication to this country.

Mr. President, as one of the Senators from a State that borders the Gulf of Mexico, naturally we have been quite concerned in the followup to the Deepwater Horizon oilspill. You will remember that was an oilspill that at first BP said: Oh, it was only 1,000 barrels a day. It was not until Senator BOXER, the chairman of the environment committee, and I were able to wrangle the actual streaming video from 5,000 feet below the surface and put it up on my Web site that the scientists could then calculate how much oil was coming out. It was not anywhere close to 1,000 barrels a day. In fact, it ended up being 50,000 barrels of oil a day that was gushing into the Gulf of Mexico. As a result of that total number of days, almost 5 million barrels of oil has gushed into the gulf, we can expect some serious economic and environmental consequences and particularly the consequences on the critters.

It is hard to go down to 5,000 feet and get data, because of the pressure there, about what is happening to the critters. But we have an opportunity to find out what is happening by where all that oil seeped in toward shore, onto the beaches and into the estuaries. Of course, the estuaries that were closest to the oil spill were the ones along the coastline of Louisiana and a lot of those marshes.

What I have learned in public service is that when we are addressing a problem, if it is a problem of this enormous consequence to not only the livelihoods of people who live up and down the gulf, whether their livelihoods be tourism, as so much of our State of Florida was affected, or whether it be the health of the actual critters themselves and, therefore, the livelihoods of a lot of people because of the shrimping and the fishing industry, which is major, coming from the gulf—what I have learned over my years in public service is what we have to do is dig down and start relying on science to inform us as to what is at the root of

the problem and how we go about solving the problem. I can tell my colleagues that even though they shut off the oil gushing in, the spill is not over yet. So we are going to have to do the kind of informed planning as to what we are going to do to address this environmental disaster, and science is the key to developing a plan.

We got a pretty good indication from former Gov. Ray Mabus, who is now our Secretary of the Navy and whom the President had tapped to head the task force on what is the best way to address the damage. Based on Governor Mabus's recommendations, the President then issued an Executive order, and it established an ecosystem restoration task force comprised of the relevant Federal agencies and each Gulf Coast State.

In the meantime, what we have done is worked with our colleagues in trying to figure out how to fund this important work. For this work, for this Senator, science is one of the key components. I can tell my colleagues from my experience in doing Everglades restoration in the State of Florida, if we don't have the science first to determine what to do, then we don't know how to do it; we waste a lot of money and a lot of time in the process. The science will help us make sure we accomplish what we are planning to do. Then our efforts are going to pay off. In other words, when a patient is sick, the doctor is first going to determine what is wrong and then will figure out the treatment options and then will monitor the patient's progress. Similarly, in this case, to get the best outcome for restoring the gulf, we must use the same scientific framework.

Why am I harping on this? Nine gulf coast Senators—minus only one gulf coast Senator—and all five State Senators signed up as cosponsors of this legislation headed by MARY LANDRIEU. When we filed this RESTORE Act, to take care of the money—in fact, most of the money is from the fine the Department of the Interior is going to level under the already existing law of the Oil Pollution Act—whatever that fine turns out to be, we have filed legislation to direct that money that comes from the fine. Naturally, some of it is for environmental restoration. Some of it is for economic restoration. Some of it is for planning for the future. A lot of it we hope will be going into the determination of science. Even though some economic development will come out of this legislation that passed unanimously out of the environment committee just a few weeks ago—even though economic development is going to be part of it—we have to know if we, in fact, are achieving our goal. The science is the key to that.

So just this week I met with two scientist professors at Louisiana State University. I will not say what the outcome was of what happened in the football stadium that afternoon when the University of Florida met with Louisiana State University, but that morning I met with these two LSU professors who received a RAPID grant from the National Science Foundation. In their research on what are called killifish, Dr. Whitehead and Dr. Galvez found that even in areas where the visible oil has disappeared, these little fish—about that large—and their embryos sustained long-term genetic damage.

Let me show my colleagues what I am talking about. The killifish is a small egg-laying fish found in the Gulf of Mexico. They spawn from March to October in shallow water in the marsh grass beds. Killifish, which when adult are about that long, are a popular bait fish and they eat a lot of mosquito larvae, so they become part of Mother Nature's natural pest control. So in April of 2010, when the Deepwater Horizon began to gush the oil, it was in the midst of killifish spawning season. When the oil continued to flow all summer, inching ever closer to the marshes, the killifish were exposed to it. Here is the proof.

The LSU researchers set minnow traps near the oiled areas off Louisiana in an area close to a barrier island between Barataria Bay and the Gulf of Mexico. This is what that particular marshy area looked like. We can see all the oil on the surface in this photograph. The problem is not the oil on the surface. When it gets into the marshes and gets into the grasses, this oil will eventually sink all the way through the water column and then it gets mixed up in the sediment. These small fish that are part of the natural chain of fisheries out in the gulf will root around down in that sediment.

I wish to show my colleagues now the gill tissue of healthy killifish. This is the tissue taken from the gills that were not exposed to the oiled marsh. The LSU professors had set these traps in six different locations, from Louisiana all the way to Alabama, where the oil had come in. It went, of course, as far as on into Florida, but they set these six locations. They found the area outside this area near Barataria Bay was where there was very little exposure. So this is a cross-section of some of the gills of killifish. Remember, for a fish, its gill is like our lungs. It oxygenates the blood and it removes the carbon dioxide. It is like us breathing, except it is a fish that is breathing. This gill tissue looks as though it has the main trunk and the branches coming off and they are evenly spaced. This was outside the area where we found a lot of the oil down in the sediment, as in the previous picture of where that marsh was off Louisiana. What this healthy tissue does is it provides a lot of surface area for oxygen to enter into the fish's bloodstream.

Let me show my colleagues the slide that shows the gill tissue of a killifish from the marsh where all the oil was. The reddish brown we see is the staining used by the researchers. There is a protein that will react to the uptake of oil and show where there has been exposure. That is the reddish brown we see on these branches coming off the trunks. We can see just how dark it has stained.

Look at something else on this exposed tissue of the fish's gill. Look how disorganized and warped these branches now look. Compare that to the symmetrical shape of what we saw on the healthy fish. This, of course, is going to interfere with oxygen and carbon dioxide and the ion transfer in the bloodstream of these fish, and it is going to make it harder for the fish to breathe.

So in an area that is as economically and ecologically important as the gulf, this information is crucial to determining the extent of the harm. The gulf provides almost one-third of the Nation's gross domestic product—about one-third of the seafood—one-third of the Nation's seafood is coming from areas that are being exposed.

I asked the professors: Does that mean we can't eat the fish? They said there is no evidence it is harmful to eat the fish. But what it is showing is that when their ability to breathe starts being incumbered, it means these fish are not going to live or they are going to be significantly reduced in size or the population is going to be significantly reduced. If that is happening to this little fish called the killifish, can we imagine what is happening to the whole food chain?

I talked to one of the owners of one of the major New Orleans restaurants. I said: Tell me about your fishing. Tell me about your shrimpers. He said that some of the shrimpers off Louisiana are having to go 200 miles away in order to get their catch of shrimp. Naturally, that is having an economic effect because they are having to spend all that much extra time and money and fuel to get their catch of shrimp.

In a region that is so economically and ecologically important as the gulf, as a producer of one-third of all this Nation's seafood, you can see we potentially have a problem. Historically, we do not know much about the gulf. It is, on the average, a mile and a half deep. Where the Deepwater Horizon spilled, it is a mile deep. As the oil hit, we began to realize we did not have good baseline data about the resources that are in jeopardy. So moving forward, science is going to have to be a priority. We have to know the extent of the impacts so the American people do not pay for BP or Transocean's actions. Why should the American taxpayer pay for this? We have to find out how best to restore the gulf so it can continue to be the source of the environmental and economic wealth it has historically been to this country.

There are a number of us here who are going to continue to press for baseline data collection, long-term monitoring, and innovative research to inform gulf coast restoration. I hope our colleagues are going to join us in the first step toward that, which is the passage of the RESTORE Act, which has

come out of the Environment Committee, which is bipartisan, supported by almost all the Senators from the gulf, and for which we need to allocate defined money so it will go to good uses instead of, under current law, being poured into the Oil Spill Liability Trust Fund.

We are going to have the opportunity in the coming weeks to pass it in the Senate, send it to the House, and see if we can get our colleagues there to make a strong and bold step for letting science inform us as we try to restore the health of the gulf.

It is somewhat providential that my colleague from Alabama has come to the floor, probably to speak on another subject. But I would point out to the Senate he is a cosponsor of the RESTORE Act to try to restore the health of the Gulf of Mexico and to understand the changes I have just talked about, some of the initial research that has come from—sourced by, funded by—the National Science Foundation. I thank the Senator from Alabama for his cosponsorship, along with our other colleagues from the gulf coast.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank my colleague from Florida and appreciate his work on this issue. We have had a bipartisan effort. I was pleased Chairman BOXER, at the Environment and Public Works Committee, of which I am a member, joined with us in moving the legislation forward. I think it is time for us to do that now while we have an opportunity to make a decision that is fair to all parties. I believe this legislation is a thoughtful way to do it that would make the gulf a more healthy place. I thank the Senator for his leadership.

CHINA CURRENCY LEGISLATION

Mr. SESSIONS. Mr. President, I am here to share a few thoughts as we move to the final vote on the China currency legislation that I believe we must pass. I find it difficult, almost impossible, to believe there is a universal acceptance of the fact that the manipulation of currency by the Chinese Government—their efforts to keep their currency low, tied directly to the U.S. currency, regardless of the economic forces in the world that would argue for and set a different relationship between those currencies—the net result of that has been to damage the American economy, and I do not think anybody disputes it.

In fact, some of my colleagues in this body who have opposed the legislation out of fear of a trade war or something else have all acknowledged that the currency factors set by China are not good. They all acknowledge it adversely impacts the economy of the United States and costs American jobs. It is not right. It is just not right, and we are losing jobs dramatically.

The Federal Reserve Chairman—I would ask us to ask ourselves: Is Mr. Bernanke, the Chairman of the Federal Reserve, a protectionist? Is he somebody who does not believe in trade? Is he somebody who is trying to stop trade? I do not think so. This is what he said last week on the question of jobs in his testimony before the House:

> Right now, our concern is that the Chinese currency policy is blocking what might be a more normal recovery . . . in the global economy.

Blocking a normal recovery from a recession. He goes on to say:

> It is to some extent hurting the recovery.

That is the Federal Reserve Chairman. So I do not understand the thought that somehow—when we say we have an obligation to our constituents to defend their legitimate interests on the world's stage in a global economy, to make sure the global economy, where trade is so valuable to us, is conducted in a fair way—it is not a fair system and it has been going on for over a decade. Our leaders—former Presidents, President Obama—all of them, when the chips are down, do not do anything significant to confront this problem. They just allow it to continue, and we are hemorrhaging jobs. Maybe more than a million jobs have been lost as to this one currency manipulation alone. I think it is unhealthy for the country.

I am worried about the middle class in America. I do not believe you can have a middle class in America without a vibrant manufacturing base. Many of those supporting free trade say we are going to become a service economy. But I do not see people working in the service industries making the kind of $50,000, $60,000, $70,000 a year salaries that people do in major manufacturing companies. They just do not. There are various benefits from some of those jobs, and some of the people enjoy it, and it fits their skill level and what they want to do, and it is fine to say that. But to acknowledge we no longer are going to be a manufacturing nation does not make sense to me.

I believe we have no choice but to develop a sustained, effective policy to raise this question in a way that it cannot be avoided, and to confront our trading partners—China—with this manipulation and to say we wish to have a great, positive relationship here, we are not afraid to trade, we are not trying to hamper your economy, we think the world would be better if China's economy is healthy and growing, but not at our expense, not in a way that unfairly places American manufacturing at a disadvantage.

When your currency is 25 to 30 percent under value, it means that when we export a product, the product costs 30 percent more in China than it would otherwise have cost if the currency were right. China is not going to buy it if it costs 30 percent more. If you import a product from China—manufactured in China—to the United States, not only do they have an advantage of lower wages, but they have a 30-percent, a 25-percent currency advantage. We are just going to say: ''Oh, this is just the way of the world. There is nothing we can do about it. We believe in free trade''?

Well, as I have said, I believe in trade. I believe in good trade. My record I think will indicate that. But I have told my constituents—and I think most of us in the Senate and in the House talking to our constituents—we say we believe in trade, but we believe in fair trade. We believe in defending our workers from unfair competition. We will stand up and take our lumps and we will take our gains in a fair competition. But we do not sit by and let our workers lose their jobs, have our plants close as a result of an unwillingness on behalf of the government in Washington to defend their interests. How much common sense is that?

Mr. Bernanke, the Wall Street Journal, all the others—the Club for Growth—they all acknowledge this is an unfair trade practice. They all acknowledge it hurts us. But they say we cannot do anything about it. Well, we will keep on talking. We will let the administration keep talking and maybe they can work this thing out. But it has been going on for years and it has not been worked out, for reasons I am not able to understand.

A major American manufacturer can decide that: Well, China has lower wages and now they have a 30-percent advantage in currency, why, we could close our plant here in New Mexico or we could close our plant in Alabama or Ohio and we will move it to China, and we will make that product over there, and we can import it with a 30-percent currency advantage on top of labor, and we will make more money that way.

I think that is how decisions are being made in this country right now. They are being made in that fashion. If you are a stockholder in one of those companies, you would say: That makes common sense to me. But I am not here as a stockholder in a company. I am here as a U.S. Senator, representing 4 million Alabama constituents, really representing the interests of the United States of America, and I do not think it is good for America. It might be good for this company or that company, but it is not good for America. I do not think—in fact, I am confident it is not. It has to end, and we need to defend aggressively on the world stage the legitimate interests of American manufacturing and American workers. We have not done that. It has caused a lot of frustration out there and it has caused a lot of job loss, in my opinion.

Well, they say, if you stand up here and you tell the Chinese, look, you have had 9 percent growth last year and are looking for another 9 percent growth this year—you are the No. 2 economy now in the whole world—if we tell them a lot of this has been the result of taking advantage of U.S. trade policy, and they have to stop, this will somehow make them mad and this will

make them angry and they will commence a trade war against us. That is what the argument basically is.

And they say: Oh, you remember during the Depression the Smoot-Hawley Tariff Act. That created a tariff war around the world and helped prolong the Depression. And it did. Well, let me tell you, this is not the Smoot-Hawley Tariff Act. It is not. First of all, the United States was a major exporting juggernaut in the 1930s, and we placed tariffs on goods coming into our country to try to give an advantage to our folks, and others retaliated, and we, as an exporting nation, ended up losing more than they did. It was stupid policy and it redounded to our disadvantage.

It was a worldwide tariff we placed on all products. Hopefully, there will not be any tariffs imposed under this legislation. Hopefully, as the process goes forward our Chinese trading partners will begin to retreat from their indefensible position, and it will not happen. But, again, it is only targeted where we have major currency manipulation.

It is not a worldwide tariff, No. 1; and, No. 2, as Mr. Gordon Chang, writing in Forbes magazine, noted, indisputably: China is the exporting juggernaut in today's world. We are the world's biggest importer.

I don't guess there has ever been in the history of the world a larger trade imbalance than between the United States and China. We import, they export. So as he noted, in a trade tariff situation, which is bad for everybody, I acknowledge the nation that is hurt the worst is the exporting nation. That would be China.

So why would China, despite their bluster, why would they create a real trade war with the United States? One-third of their exports or more go to the United States. This is a huge part of their growing economy, and I am happy that China is making financial progress. I sincerely hope they will be able to continue to do so, but it cannot be done at our expense.

So I would say the Smoot-Hawley argument is not a good one. Neither is the fact that China would execute a trade war with the United States. It just makes no sense for them to do so. They would be cutting off their noses to spite their faces.

One thing that is good in a manufacturing economy is that we sell products and we bring home wealth. If we can manufacture and we can export that product, we can bring home wealth, and that wealth can be used to purchase other foreign products and bring those into the country. It is the kind of thing that can, if properly conducted, benefit the entire world.

I tease my free-trade colleagues—those for whom free trade is a religion—that they believe that trade, once it breaks out in the world, peace will abound and cancer will be cured. That is all we have to do is eliminate all trade barriers. But the trade barriers are not being eliminated. That is the problem.

One of the biggest trade barriers we have is the currency manipulation by China. It is by far—they do a lot of things. They steal our manufacturing copyrights and secrets and techniques in violation of international law. They subsidize domestic manufacturing in many different ways. If we want to do business in China, we have to partner with a Chinese company and give them half the company. They block the sale of rare earth minerals around the world. They do all kinds of things that are not the kinds of things good trading partners ought to be doing, not to mention their foreign policy which buddies up with North Korea, Iran and other rogue nations.

China needs to be participating positively in the world community, not trying to take advantage of other countries, making bucks off them, and trying to do things that seem, at times, for no other purpose than to frustrate the legitimate interests of the United States and the world community.

So China has some problems. It is time for them to get straight. I urge them to do so. They cannot continue currency manipulation. That is destroying jobs in the United States, and we will not have it. When we have this vote that will be coming up before long, I think it will be more than just a normal vote around here. I believe it will be a vote that says to the whole world: The United States is waking up. We are free traders, all right, but not any trade agreement is going to be good in the future. If you are not complying with your promises under trade agreements, we are going to hold you accountable. We will do what it takes to hold you to the agreement, and we will not trade with you if you manipulate the trade rules. We insist that the world economy operate on a fair and lawful basis, that is healthy for us.

If we do this right, we can do it in a way that is not protectionist, not antitrade, but creates the foundations for even more and healthier, better trade for the whole world. That is my vision of where we are today. I think we should move forward and pass this legislation. I urge my colleagues in the House to do likewise. In the long run we will benefit.

I thank my Republican colleague, Senator GRAHAM, and others on this side who voted for it, and Senator SCHUMER and Senator BROWN and Senator STABENOW and others on the Democratic side who have been leaders in this effort. I believe it is time for the President to get the message. I think it is time for Wall Street to get the message. I think it is time for the American people to get focused that there are some decisions being made now—without protectionism, without nativism, but legitimate public interests that will create jobs in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

AMERICAN JOBS ACT

Ms. KLOBUCHAR. Mr. President, I rise today to speak in support of the American Jobs Act. Rarely is our economy discussed these days without mention of the 14 million Americans who are currently out of work and searching for a job. But as you know, I am from your home State. This is not just a statistic. It is real people—people who are struggling, people who have had their hours cut, people who may have worked at a job for a very long time and, poof, it is gone away. That is what this is about.

Two years after the recession officially ended, unemployment is still stubbornly high, at 9.1 percent—9.1 percent. When we factor in those who are working part time because they cannot find a full-time job, that number goes much higher, up toward 16 percent.

Now, my home State, the State of Minnesota, is much better. We have an unemployment rate of 7.2 percent. But there are still too many people out of work or who are struggling with reduced hours at their jobs. While no group of workers has been spared by the high rates of long-term unemployment, the hardest hit have been older workers, those with a high school diploma, and then those I am sure you have seen in the construction trades. They have been hit very hard.

We also have had issues with our timber industry in northern Minnesota. We have had some trouble in our iron ore mines, but they are bouncing back. The biggest problem I have heard of is for those in the construction industry.

It is my firm belief that the role of Congress is to promote the interests of the American people, and the American people have said loudly and clearly that we need to focus on initiatives that stimulate job creation—in particular, private sector job creation. In fact, the majority of Americans want us to pass the American Jobs Act that we are debating today.

When Americans are asked about specific provisions in the bill, that message is even clearer: 74 percent say they support providing money to State governments to allow them to hire teachers and first responders; 65 percent say they support cutting the payroll tax for all American workers; 64 percent say they support increased spending to build and repair roads, bridges, and schools.

Of course, no one knows that better than me and my State. I live just a few blocks from that bridge that collapsed in the middle of a summer day. I said that day: A bridge should not just fall down in the middle of America. But that is what happened. So, obviously, people in my State understood the need to continue funding bridges and roads.

Fifty-eight percent of Americans say they support cutting the payroll taxes

for all American businesses. But passing this bill is not the right thing to do just because it is popular. It is the right thing to do because it will have a positive impact on our economy.

Economists from across the political spectrum agree that steps taken in this legislation would increase economic activity and add jobs. According to Mark Zandi, chief economist of Moody's:

> The plan would add 2 percent points to GDP growth next year, add 1.9 million jobs, and cut the unemployment rate by a percentage point.

That is an economist's words, not mine. It would accomplish this by initiating targeted measures, many of which have garnered overwhelming bipartisan support in the past. The employee payroll tax cut that would be extended under the American Jobs Act was originally introduced by my friends, Senator SCHUMER and Senator HATCH. It was ultimately included in the HIRE Act, which ultimately passed the Senate by a 68-to-29 vote early in 2010. Just over a year ago it was extended again. This time, 139 House Democrats and 138 House Republicans joined to support it. In the Senate, 37 Republican Senators joined 43 Democratic Senators in voting for the extension.

Cutting the payroll tax for all American businesses is another idea that has gained strong bipartisan support. In fact, it has been the centerpiece of several jobs packages put forward by my colleagues on the other side of the aisle.

We all know the neglected state of our Nation's infrastructure. Crumbling infrastructure just does not threaten public safety, as it did in Minnesota when that bridge collapsed, it also weakens our economy. Congestion and inefficiencies in our transportation network limit our ability to get goods to market.

We all know one of the main ways we are going to get out of this downturn is with exports. Well, to truly have the kind of exports we want to see in this country, we have to be able to get our products on a truck or get them on a train and get them to a port and get them across the sea or get them on an airplane. The only way we are going to do that is if we have a transportation system that matches the economic system we want to have.

The congestion, the inefficiencies in transportation exacerbate the divide between urban and rural America. They constrain economic development and competitiveness. They reduce productivity as workers idle in traffic.

Americans spend a collective 4.2 billion hours a year stuck in traffic—4.2 billion hours a year stuck in traffic—at a cost to the economy of $78.2 billion or $710 per motorist. Think about that, over $700 per motorist simply because of people waiting in line on our highways.

What better way to get our struggling economy back on track than to build the 21st-century transportation network our economy demands, while creating jobs in the construction industry, which, as I mentioned, has been one of the hardest hit industries. The American Jobs Act would establish the infrastructure bank as a new financing authority to help address some of our Nation's most important transportation projects. Roads, freight rail, and water projects in my State of Minnesota and across the Nation would benefit from access to loans and loan guarantees from this public-private partnership.

This approach has bipartisan support in the Senate, as do the other proposals I discussed. In March of this year, U.S. Chamber of Commerce President Tom Donohue endorsed the idea saying this:

> A national infrastructure bank is a great place to start securing the funding we need to increase our mobility, create jobs and enhance our global competitiveness.

So pieces of this bill have been supported by the chamber; pieces of this bill have been supported by my Republican colleagues. In fact, the major provisions of this bill have been supported on a bipartisan basis. There are other great ideas in this bill as well, such as an extension of the bonus depreciation, which would allow businesses to continue to immediately write off the cost of investments in new property and equipment.

I have to say this was the one thing—when I met with our small businesses over the last few years, this was the one thing they kept mentioning, that this was very helpful for them and would create an incentive for them to invest in equipment.

This bill includes a returning heroes tax credit for veterans, which would provide a tax credit up to $9,600 to encourage companies to hire unemployed veterans. At a time when the percentage of unemployed veterans of Iraq stands at 11.7 percent, the importance of a provision such as this is clear. There is no reason that those people who have served our country should have to come back to the United States and not have a job. When they signed up to serve our country, there wasn't a waiting line. When they come back to America and they need a job or they need college or they need health care, there should not be a waiting line. I am glad this provision is included in the bill to create an incentive to hire returning veterans. The post-9/11 time period is most important when you look at the unemployment rate.

With our economy struggling and 14 million Americans still out of work, Minnesotans want Congress to put the politics aside and come together to move our economy forward. It is time to step forward and show some leadership, and it is time for us to work together to show the American people that Washington isn't broken—that, instead, we are willing to put aside politics to do what we were elected to do, to do what is right for America.

I urge my colleagues to vote for this important piece of legislation that would put Americans to work and help our struggling economy get back on track.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, we are in morning business, right?

The PRESIDING OFFICER. That is correct.

CHINA'S CURRENCY POLICY

Mr. BROWN of Ohio. Mr. President, in an hour or so, the Senate will be voting on our currency bill, S. 1619, the bipartisan bill I am a prime sponsor on, along with Senators SCHUMER, GRAHAM, and SESSIONS, and a host of other Senators in both parties, including Senators STABENOW, SNOWE, COLLINS, and HAGAN.

I thank my colleagues for the vote last week of well in excess of 60 bipartisan votes, allowing us to consider this measure. I am struck by some of my colleagues who dismiss this bill as a ''message'' bill. There are opponents of the bill, and there are always people who don't want to stand up to China. I think they are undercutting our ability to stop the hemorrhaging of our manufacturing jobs. That is their decision to make. Again, I am struck by how some of my colleagues dismiss this as a message bill. I don't know what a message bill means to anybody outside of Washington. I know this bill is a jobs bill. I was talking to an anchor on MSNBC, who said we lost almost 3 million jobs to China in the last decade, most of them manufacturing jobs. This is legislation that will stand up to the Chinese and say: You are not going to game the currency system or export from China into our market and have a 25-, 30-, 35-percent subsidy, and you are not going to put up a tariff using currency as that tariff, by and large, in effect, to add 25, 30, 35 percent to the cost of an American good sold into China.

This legislation is all about jobs in industries that have been holding on for their life, such as paper, steel, tires, and aluminum. But it is not just paper, steel, and tires; it is no longer a trade deficit in T-shirts and bicycles. This trade deficit, which has more than tripled in the last decade, is now almost $800 million a day. That means every day companies buy $800 million more in Santa Fe and in Dayton than we sell to China. We buy $800 million more than we sell. We cannot keep doing that.

This trade deficit has risen through the economic food chain all the way to advanced technology products. It is not just tires and steel, as important as they are to many workers in this country; it is also jobs in solar, wind, and clean energy components manufacturing, and in the auto supply chain. Those are millions of jobs in our country. What this legislation means in so many ways is that we can be competitive on all fronts with China, Germany, and Japan. We can compete on productivity. We have skilled workers and

world class infrastructure. But how do you compete against a 25-, 30-percent subsidy? How can workers in Findlay who make tires or in Chillicothe who make paper or in Defiance who make engines compete with $1 billion in subsidies? As a leader in this effort, Senator MERKLEY noted currency manipulation is a 20- to 30-percent tax on our exports. If a company in Albuquerque or Atlanta or Ashtabula makes a product and sends it to China, it costs 25, 30 percent more because they put a currency tariff on that product.

I find it hard to believe that some of my colleagues—about 30 of them—would want to continue this tax on our exporters. It is, pure and simple, a tariff and a tax on our exporters trying to sell products into the Chinese market.

Senator FEINSTEIN spoke about the compelling image she saw from her San Francisco home. Looking out at the San Francisco Bay, she counted the cargo ships departing for Asia, half filled with mostly scrap paper and other scrap, while the incoming ships are filled with goods. That tells you that we buy $800 million a day more from China than we sell to China. It is not because our workers are not productive or that our companies are not efficient or because our scientists and researchers aren't the most innovative in the world; it is because China has a 25-, 30-, 35-percent tax on our products and a subsidy on their products. That is pure and simple.

For a State such as mine, trying to get a foothold on clean energy technology research and production, the race against China will only accelerate in the coming years. That is why it is imperative that we not sit idly by while China subsidizes its exports through its currency regime. This is no message bill. This is level-the-playing-field legislation.

Let me speak about some other charges that have been made. Some of my colleagues note that China's currency has increased about 30 percent in recent years. No doubt the RMB has appreciated about 30 percent. Since the Senate acted in 2005, the Chinese currency, the RMB, has appreciated about 30 percent. But as the Peterson Institute for International Economics has shown—which is not an anti-free trade, pro-fair trade, liberal, progressive, socialist organization; it is a middle-of-the-road, mostly free trade organization, staffed by sort of elite economists in the Northeast—Even the Peterson Institute for International Economics has shown that the RMB is more undervalued than a year ago because of China's rapid growth in the past few years, as well as inflation and productivity. The Peterson Institute estimates that China's currency manipulation increased from 24.2 percent in 2010 to 28.5 percent in 2011, despite the fact that China's real exchange rate appreciated over the past year. That means it is getting worse. If we want to call it a message bill, it may work with some in this institution but not with the American public. This is getting worse and worse for our manufacturers. I will tell you about one, the Bennett brothers in Brunswick, Ohio, who came to me. I was talking to them in northeast Ohio a couple weeks ago. They run a family company that has been around for about 35 years in northeast Ohio. This company is called Automation Tool and Dye. They were about to have a million dollar sale to an American company looking for their product and, at the last minute, the Chinese came in and undercut them by 20 percent. Why? Because they got a 25-percent, 30-percent subsidy bonus because of their currency.

The point is that China is massively and increasingly intervening in its currency. The International Monetary Fund knows it. The IMF has estimated that China's global current account surplus—the broadest measure of its trade balance—will more than double from $305 billion in 2010 to $852 billion in 2016. The problem is getting worse.

If one thing is clear since the Senate voted in 2005 to slap tariffs on Chinese goods, it is this: The RMB is pegged to American political pressure. If we can predict anything, we know that if we take the pressure off, China will get worse. If we can predict another thing, we know that if this passes and begins to work its way through the House to the President's desk, the Chinese will respond by significantly appreciating their currency.

Some of my colleagues wring their hands, saying we might set off a trade war, and that this is the second coming of Smoot-Hawley. The facts are clear that this is very different. When Smoot-Hawley was enacted by Congress, in those days the United States had a trade surplus. So countries around the world were angered that while we had a trade surplus we were enacting Smoot-Hawley, more tariffs. Today, we have one of the largest trade deficits in world history, so we are in a very different position.

As Senator SESSIONS said, when he heard this criticism that we might set off a trade war, we have been in a trade war for a long time. The Chinese seem to be doing very well. They have declared a trade war. That is why they subsidize water, paper, steel, capital, and land. This features spies, features theft of intellectual property, and that 30-percent stealth subsidy that gets applied to every export China sends to the United States. So we are already in a trade war. The only difference is that today on the floor of the Senate we have taken a big step toward abandoning the failed tactics of unilateral disarmament.

Workers in my State know that we have been waving the white flag in this trade war. I remind my friends that the United States has more leverage than any of China's trading partners, as China is overly dependent on access to our market to maintain its own exports and jobs.

This isn't Smoot-Hawley, as some want you to believe. This legislation does not mandate sanctions against China or any other nation. It does not slap an across-the-board tariff on Chinese imports tomorrow as China has effectively done to ours. In fact, if this bill becomes law, the duties would apply to less than 3 percent of Chinese imports.

When you think about this, of all Chinese exports, about one-third come to the United States. If Senator DURBIN is in business in Chicago, and he has a company—or he has a customer in his company who buys one-third of all of their goods, he is going to be good to that customer. He will not declare war on them. The Chinese won't declare economic trade war on us, because we buy so many of their exports.

I will close with this. If China is found to be manipulating its currency, this bill sets in motion a series of steps to place pressure on the Chinese Government to stop rigging the exchange rate in its favor. It is simple.

According to a recent New York Times op-ed by C. Fred Bergsten of the Peterson Institute:

> To be sure, some American corporations will fret that these actions would needlessly antagonize the Chinese and threaten a trade war. . . . I believe these fears are overblown. The real threat to the world trading system is protectionist policies, including undervalued currencies, of other countries, and the vast trade imbalances that result.

As Presidential contender Mitt Romney put it, taking action to remove protectionist market distortions would not result in a "trade war," but failing to act will mean the United States has accepted "trade surrender."

We can vote yes today and it will mean we will stand up to the Chinese and, more importantly, it will be a victory for American workers, and especially American small manufacturers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

IRAN SANCTIONS

Mr. KIRK. Mr. President, I want to talk briefly about the breaking news today that the Justice Department and Attorney General Eric Holder announced that a plan was conceived, sponsored, and directed from Iran to conduct bombings in Washington, DC, and potentially also in Buenos Aires, Argentina. This is from a government that Secretary of State Clinton designated as a state sponsor of terror. It is what I would think of as a very audacious, forward-leaning plan to attack the United States, its people, and foreign embassies in the Nation's capital.

Tomorrow, in the Senate Banking Committee, we will meet with our Under Secretary of the Treasury, a very able man named David Cohen. I urge the administration to look at what is the most effective sanction currently pending on our docket against the terrorists in Iran.

Earlier this year, we had 92 Senators—just about the entire Senate—

sign a letter to the President calling for the Treasury Department to execute a strategy to collapse the Central Bank of Iran.

These are the pay masters of the Iranian Revolutionary Guard Corps and the intelligence service of Iran—the MOIS—that appear to be involved in the plot that the Attorney General revealed today. It is that action—to cut the Central Bank of Iran off from the central payment backbone of the Federal Reserve; obviously, to do it in cooperation with Saudi and Israeli officials, and given indications from London, from Paris, and from Berlin, probable action by our NATO allies as well—to cripple Iran's currency, to make sure what is called Bank Markazi has no access to the payment mechanisms of the West that will lead to a collapse of its currency.

I applaud David Cohen for designating at least five individuals as sponsors of terror who were part of the Iranian Revolutionary Guard's force—Quds Force—but I think this doesn't go far enough. With the Attorney General of the United States directly blaming the Government of Iran for this bomb plot against targets in the capital city of the United States, it is clear, with overwhelming bipartisan support and 92 Senators behind the effort to collapse the Central Bank of Iran, that would be an effective nonmilitary way to address what is clearly an utterly irresponsible and largely out of control IRGC and MOIS, who were seeking to attack American targets.

With that, I yield the floor.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. DURBIN. Before speaking on the issue of the bombing, let me commend my colleague from Illinois for speaking out on this Iranian plot, state-sponsored Iranian plot, to destroy the Saudi and Israeli Embassies in Washington, DC. It is an outrage that they would reach this far, obviously, into the United States. We know they have backed terrorism forever, as my colleague said, having been recognized by our government as a state sponsor of terrorism. We need to heighten the sanctions on Iran and make it clear this type of action will not be countenanced.

Many of us still recall it is only a few days after the 10th anniversary of 9/11, the last time terrorists decided they would strike in the United States. Regardless of whether the Embassy is for the United States, it is in the United States. Being here, it is protected property of our Nation.

I would say to the administration—to back my colleague from Illinois—let's look for every available means to let the Iranians know this conduct is not only unacceptable but we will do everything we can to disable them from any further actions along these lines through sanctions.

THE AMERICAN JOBS ACT

Mr. DURBIN. Mr. President, this afternoon, the Republican leader of the Senate came to the floor to talk about a vote we will have later this afternoon. It is a vote which is historically important. We all know the state of our economy. We are in a position now with 14 million Americans out of work, 9.1 percent unemployment and private-sector jobs going up so slowly, it isn't getting us back into the kind of economic progress we need. We listen monthly as the unemployment statistics come out, and we are reminded of the weakness of our economy. We have to do something. The choices are to allow this economy to languish or decline or to step up and do something.

President Obama has decided he needs to lead on this issue and bring together Democrats and Republicans for that purpose. He spoke to a joint session of Congress which we all attended. It was widely reported. He said: I am going to put my best ideas on the table, and I invite the Republicans to do the same. We cannot stand idly by and do nothing.

So the President put his proposal forward. It was clear what he wanted to do, and he reminded the Republicans that many of the things he proposed were actually ideas they had proposed in the past. Then we waited and we waited. At the end of the day, I am afraid when this vote is taken, we will find few, if any, Republican Senators will support any effort to try to create jobs in the United States, as President Obama has proposed.

The President has made his position clear. Those of us who will vote in support of the President's plan have made our positions clear. But the position on the other side of the aisle is becoming increasingly clear as well, and it comes down to two things: First, the Republicans will not countenance, approve or even consider $1 more in taxes for the wealthiest people in America. For them, that is unacceptable. It is better to do nothing than to impose $1 more in taxes on people making over $1 million a year. They have said that consistently, at every level of the Republican Party.

That position doesn't reflect the feeling of Republicans in America, with 59 percent of them believing the President is right. It is not unfair to ask those who are making over $1 million a year to share the burden and sacrifice of moving the economy forward. Independents feel strongly about it, and obviously Democrats do as well. The only Republicans who don't share that belief happen to serve in the Senate, and they believe $1 more in taxes to pay for the President's jobs programs—if it came from the accounts of people making over $1 million a year—is unfair. So we know they are clear on that position.

But there is a second position the Republicans have taken that is equally clear. They are prepared to oppose any ideas coming from the Obama administration, even ideas they have conceived and voted for in the past. I asked my staff to take a look at some of the proposals of President Obama in his jobs bill, which will come up later this afternoon, to see what the record on the Republican side has been, and it is interesting.

Senator MCCONNELL and 32 of his Republican colleagues supported President Bush's Economic Stimulus Act of 2008. It included tax rebates for individuals, which we find in the Obama plan; tax cuts for small business, which we find in the Obama plan—and no offset, incidentally. It wasn't paid for. It added directly to the deficit. Senator MCCONNELL and 32 of his Republican colleagues voted for that because it had President Bush's name associated with it. I am afraid most, if not all of them, will vote against this proposal because President Obama has brought it forward.

Republicans have supported a payroll tax consistently in the past. Here is what Senator MCCONNELL said on FOX News in January of 2009:

> If you want a quick answer to the question of what would I do, I'd have a payroll tax holiday for a year or two that would put taxes in the hands of everybody who has a job, whether they pay income taxes or not. And, of course, businesses pay the payroll tax too, so it would be both a business tax cut and individual tax cut immediately.

That is the centerpiece of President Obama's jobs plan. It is a plan that was criticized on the floor this morning by Senator MCCONNELL. The approach the President is taking is exactly what Senator MCCONNELL said when he was speaking in the bosom of the lodge at FOX News in January of 2009. Republicans have supported Federal help to States. I will not go through the list, but they have in the past.

Incidentally, it used to be dogmatic when it came to building infrastructure in America—roads and highways and bridges and ports and airports. It was a bipartisan issue. When the President puts it in his jobs bill, it is rejected. You know what the Republicans say about the President's jobs bill? We have tried all this before and it didn't work, so let's not try it again. So they are summarily rejecting payroll tax cuts they have supported in the past for families, they are rejecting tax cuts for businesses to hire the unemployed—even unemployed veterans, which they have supported in the past; they are rejecting the notion we need to build America's infrastructure for the future of our economy; and they have basically said, when it comes to trying to make this economy move forward, the only thing they want to do is to pass a trade agreement.

We will consider three of those trade agreements tomorrow. At least two, maybe all of them, are likely to pass. How quickly do the Republicans think there will be a turnaround in the economy if we start increasing our trade with Korea, Colombia or Panama? It may increase trade but certainly not in the near term and certainly not to the

benefit of 14 million Americans who are currently unemployed.

It comes down to this. We are going to have a vote later this afternoon. It is going to be a vote on President Obama's jobs proposal. He has spoken to it clearly in a joint session of Congress. He has taken his case to the American people. He has included provisions which the Republicans have historically supported but that I am afraid they are going to walk away from on this. The Republican approach to this is to do nothing—absolutely nothing. Protect millionaires from tax increases and don't give President Obama a victory.

I will say this. This is not about a victory for President Obama. It is a victory for unemployed people across America that we would do something specific, something direct, and something that would have a measurable impact in creating jobs. I am troubled the Republican approach, as Senator MCCONNELL described it, is one of ''just say no.''

That is the Republican answer to the weakness of our economy. He talks about the tax hike that is included in our bill. That tax hike is a surtax—on those making over $1 million in income—of 5.6 percent. It is not too much a sacrifice to ask from those who are most well off in America.

When the Senator from Kentucky comes and tells us the earlier stimulus bill failed, I would say to him: Remember, over 40 percent of that bill consisted of tax cuts, something most Republicans usually support. It also invested in America in ways that will pay off for years to come. For example, the stimulus bill paid for and built a new terminal at the Peoria National Airport—a terminal that created jobs today and will serve that community for decades to come. That stimulus bill also led to the creation of an intermodal center in Bloomington, in downstate Illinois, a proposal that will create jobs now for construction and build for transportation in that community for decades to come.

So for that stimulus to be dismissed as not creating results, I am afraid Senator MCCONNELL needs to journey a little north of Kentucky, and we will show him results in Illinois and all across the United States.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CHINA'S CURRENCY POLICY

Mr. SCHUMER. Mr. President, I thank my colleague from Illinois for his remarks. In a few minutes, we are going to vote on a bill that could actually change the course of how we trade with China. For a decade, getting worse every year, China has taken advantage of America in every way. Currency is at the top of the list, but it has been the theft of intellectual property, it has been the subsidy of indigenous Chinese businesses, it has been monopolizing things such as rare earth, and it has been excluding American products from China when those products would have a competitive advantage. For the first time, this body, in a bipartisan way, has the ability to say enough is enough. Uncle Sam is no longer Uncle Sap. We are going to create fair trade with China.

This relates to our future because it no longer is competition over shoes or clothing or furniture—labor-intensive businesses. It is competition over the most high-end things we do. Our companies can win and create jobs here in America if China plays by the rules and plays fairly. But everyone who has been up close and seen the way the Chinese operate know that will not happen by persuasion, by multilateral talks, by wishing it were so or even by the healing of time. It will only happen if America stands up for itself—for fairness, for equal treatment. For the first time, we have the opportunity to get that to happen.

Some say this is a symbolic bill. It is not. If we pass this bill by a bipartisan majority, I will tell everybody what will happen. The House will vote on something—hopefully strong—and we will have a conference committee with something going to the President's desk. Long before that occurs—long before that occurs—the Chinese will begin to step back from their unfair trade policies. So we can indeed win the trade argument with China.

Some say it will create a trade war. We are already in a trade war, and we are losing. We are getting our clocks cleaned. But we can stop it, and this is the opportunity.

Mr. President, every one of us has spoken to companies that make high-end products throughout our States, and that China competes unfairly and takes jobs and wealth away from America, we know that. No one disputes that. No one disputes that they manipulate currency. No one disputes that they take jobs and wealth unfairly from America. The issue is what to do about it.

Some say talk to the Chinese. We have done that for 7 years. Some say have multilateral agreements. We have tried that; China just doesn't listen. The only way to get China to change its policies is by requiring them to do so by putting in place a system that says: If you don't, the consequences will be worse for you than if you do. That is how China operates. Unfortunately, my belief is the new leadership in China, without any reformers on the executive committee of the Politburo, will get worse, not better, unless we, together, Democrats and Republicans, say to China: Enough is enough.

American workers have said enough is enough. American businesses have said enough is enough. When is the Congress, when is this government going to say enough is enough instead of just twiddling our thumbs and hoping and praying China might change out of the goodness of their hearts? Well, the time is now. This is a unique opportunity not simply to have a symbolic vote. Believe me, this is not at all political to me. Senator GRAHAM and I have tried to keep this a bipartisan issue religiously for 7 years. To me, this is something that relates to the very future of our country, like educating our kids, like creating jobs so that the next generation has a better opportunity than this, like the greatness of America itself.

We are in a tough world. We know that. But America always wins in a tough world. We compete and we survive. The only way we won't is if the deck continues to stay stacked against us. My colleagues, even up the playing field. This legislation will start us on the road to doing that so that our children and our grandchildren will have a better future than they will if we continue the present policies and let China take industry after industry unfairly away from us.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

SENATOR COBURN

Mr. REID. Mr. President, I just learned that my friend, Senator TOM COBURN, has undergone surgery to treat prostate cancer. The junior Senator from Oklahoma is expected to make a full recovery. His cancer was in the early stages, and he should be back to work in a few weeks. Senator COBURN has battled cancer twice before, and he has beaten the disease twice before. Those of us who know TOM COBURN know with certainty that this fighter will beat it again.

My thoughts are with Senator COBURN and his family, and I wish him a complete and speedy recovery. I understand how difficult a cancer diagnosis can be on the patient as well as the family. The entire Senate community is pulling for Senator COBURN, his wife Carolyn, and their three children and five grandchildren.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GRASSLEY. I would like to take a few moments before we have a vote this afternoon to discuss a serious concern I have about the original stimulus package, and I want the Senate to consider my remarks and my research as we consider the President's latest modified so-called jobs bill—in actuality, stimulus bill No. 2. I want to ensure the taxpayers' money is spent responsibly on programs that create viable, long-term jobs, not lost to waste, fraud, and abuse. The marching orders for the stimulus funding under the Obama administration have been ''spend now, chase later.'' But when governments spend money quickly, it

leads to massive waste, fraud, and abuse.

President Obama promised us he would use ''the new tools that the Recovery Act gives us to watch the taxpayers' money with more vigor and transparency than ever'' before. He also said that ''if a Federal agency proposes a project that will waste that money,'' he would ''put a stop to it.'' It is past time for the President to live up to his words because we all know, up to now, that certainly hasn't been the case. I will give several examples.

A year ago, I asked the Department of Labor to explain why $500 million in green job training grants had been spent when the Department had just asked the public to help them define just what a green job is. Now, over a year later, the Department of Labor's inspector general issued an audit report showing that the President's promises are much different from reality. The reality is that only 8,000 program participants found employment—only 10 percent of the promised results. The reality is that $300 million still remains unspent in the program. The reality is that this money won't be spent or produce the jobs before the grants expire. But instead of learning from this failure and using this money for more effective job training, the administration continues to push good money after bad into so-called green jobs, which I don't think has actually even yet been defined to this very day.

The administration left much of stimulus 1 oversight to the inspector general offices of the respective departments but has largely disregarded their findings and recommendations. I strongly support efforts of our inspectors general and am extremely frustrated that the administration ignores rather than enforces the recommendations of the various inspectors general.

Thanks to the audit work performed by these IGs, I have also questioned the administration's ability to track stimulus funding after it was distributed to the first recipients. For instance, the Department of Education provided $1.7 billion to the State of New York even though the inspector general reported that the State has ''serious internal deficiencies'' that would make tracking the money extremely difficult.

The Housing and Urban Development Office of Inspector General released a series of reports that questioned why additional funding was given to troubled housing authorities with significant financial and management problems. HUD Secretary Donovan stated that these housing authorities needed that money to improve their inventory and make needed upgrades.

The weatherization program has also been fraught with waste. The inspector general found that in many cases contractors never did the work, and some work was so shoddy that it endangered the health and safety of the owners.

I continue to raise strong concerns about the Department of Energy's failure to monitor State and territory programs.

I am not aware that the administration has ever demanded any of the taxpayers' money back, even for the blatant cases of waste, fraud, and abuse.

The administration also spent $84 million of the stimulus funding to establish the Recovery Accountability and Transparency Board to guard against wasteful spending. The Recovery Accountability and Transparency Board can hold hearings and compel testimony about stimulus fund waste. I have referred two cases to this board, but so far it has refused to use this authority. In the first case, HUD's Office of Inspector General questioned nearly $32 million of stimulus money spent by the Philadelphia Housing Authority to rehabilitate scattered-site housing. According to the inspector general's report, most of the work was never done and the housing authority couldn't provide detailed invoices to show what the contractors were charging the government for.

I also referred the $535 million loan guarantee from the Department of Energy to Solyndra because I understand the board may have detected possible problems with guarantees.

So President Obama made lots of promises about transparency and accountability when he asked Congress to pass the first stimulus bill. Before we consider giving him another over $400 billion, the President needs to turn his promises into reality or it is the American taxpayers who will lose once again, even beyond the examples I have already given.

I urge my colleagues to oppose the motion to proceed to this latest modified tax-and-spend proposal that even the Washington Post has called ''political.''

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New Mexico.

SENATE RULES

Mr. UDALL of New Mexico. Mr. President, I rise today to talk about changing our Senate rules by a simple majority vote. That is what we did last week.

Mr. President, as you know, the new classes that came in in your year and the year after have worked on these rule change issues, and the last 2 years, I have been working to find a way for the Senate to break through the gridlock and to function on behalf of the American people, to focus, as we are doing with this bill, on jobs for the American people.

Last week, the Senate took the step of changing our rules with a simple majority vote. This was done in accordance with the Constitution, article I, section 5. The Senate has done this on many occasions in the past, and, like those previous rule changes, the action taken last week was not intended to destroy the uniqueness of the Senate but, instead, to restore the regular order of the body.

I applaud the majority leader for getting us back on track. The Senate should be focused on the jobs agenda of the American people, and Majority Leader REID has put us on the right path. He may be forced to do this again, but it is important that he stay focused on that agenda and all of us stay focused on the jobs agenda of the American people.

At the beginning of this Congress, I, along with Senators HARKIN and MERKLEY, tried to do that. Ultimately, our success was limited. We didn't achieve the broad reforms we wanted . . . but we did initiate a debate that highlighted some of the most egregious abuses of the rules, and resulted in a ''gentleman's agreement'' between Majority Leader REID and Minority Leader MCCONNELL.

There was some hope that the agreement would encourage both sides of the aisle to restore the respect and comity that is often lacking in today's Senate. Unfortunately however, that agreement rapidly deteriorated and the partisan rancor and political brinksmanship quickly returned.

What unfolded last Thursday in this chamber is yet another example of what this body has become. The Senate had invoked cloture on the Chinese currency bill, thus limiting further debate on the measure to 30 hours. It was at this point Republicans moved to offer a potentially unlimited number of nongermane amendments to the bill.

Each of these amendments would have required a suspension of the Senate rules, meaning the approval of 67 Senators rather than 60, in order to consider them. This was not an effort to improve the bill but simply a procedural strategy to score political points and force votes on unrelated legislation. Majority Leader REID raised a point of order that motions to suspend the rules post-cloture were dilatory, which was rejected by the Chair. A majority of Senators then voted to overturn the decision of the Chair, thus changing the precedent and limiting how amendments can be considered once cloture is invoked.

As expected, many of my Republican colleagues called last week's action by the majority a power grab and ''tyranny of the majority.'' They decried the lack of respect for minority rights. I agree: We must respect the minority in the Senate. But respect must go both ways. When the minority uses their rights to offer germane amendments, or to extend legitimate debate, we should always respect such efforts. But that is not what we have seen. Instead, the minority often uses its rights to score political points and obstruct almost all Senate action. Instead of offering amendments to improve legislation, we see amendments that have the sole purpose of becoming talking points in next year's election.

It is hard to argue that the majority is not respecting the traditions of the Senate, when the minority is paralyzing this body purely for political gain.

During the debate over rules reform we had in January, many of my colleagues argued that the only way to

change the Senate rules was with a two-thirds supermajority. As we saw last week, that's simply not true. Some call what occurred last week the ''constitutional option,'' while others call it the ''nuclear option.'' I think the best name for it might be the ''majority option.''

As I studied this issue in great depth, one thing became very clear—Senator Robert Byrd may have said it best during a debate on the floor in 1975 when he said, ''at any time that 51 Members of the Senate are determined to change the rule . . . and if the leadership of the Senate joins them . . . that rule will be changed.''

We keep hearing that any use of this option to change the rules is an abuse of power by the majority. However, a 2005 Policy Committee memo provides some excellent points to rebut this argument. And just to be clear, these citations are from a Republican Policy Committee memo.

Let me read part of the Republican memo:

This constitutional option is well grounded in the U.S. Constitution and in Senate history. The Senate has always had, and repeatedly has exercised, the constitutional power to change the Senate's procedures through a majority vote. Majority Leader Robert C. Byrd used the constitutional option in 1977, 1979, 1980, and 1987 to establish precedents changing Senate procedures during the middle of a Congress. And the Senate several times has changed its Standing Rules after the constitutional option had been threatened, beginning with the adoption of the first cloture rule in 1917. Simply put, the constitutional option itself is a longstanding feature of Senate practice.

The Senate, therefore, has long accepted the legitimacy of the constitutional option. Through precedent, the option has been exercised and Senate procedures have been changed. At other times it has been merely threatened, and Senators negotiated textual rules changes through the regular order. But regardless of the outcome, the constitutional option has played an ongoing and important role.

The memo goes on to address some ''Common Misunderstandings of the Constitutional Option.''

One misunderstanding addressed a claim we heard last week that, ''The essential character of the Senate will be destroyed if the constitutional option is exercised.''

The memo rebuts this by stating:

When Majority Leader Byrd repeatedly exercised the constitutional option to correct abuses of Senate rules and precedents, those illustrative exercises of the option did little to upset the basic character of the Senate. Indeed, many observers argue that the Senate minority is stronger today in a body that still allows for extensive debate, full consideration, and careful deliberation of all matters with which it is presented.

Changing the rules with a simple majority is not about exercising power but it is about restoring balance. There is a fine line between respecting minority rights and yielding to minority rule. When we cross that line, as I believe we have many times in recent years, the body is within its rights to restore the balance.

This is not tyranny by the majority, but merely holding the minority accountable when it abuses the rules to the point of complete dysfunction. Neither party should stoop to that level.

Many of my colleagues argue that the Senate's supermajority requirements are what make it unique from the House of Representatives, and other legislative body around the world. I disagree. If you talk to the veteran Senators, many of them will tell you that the need for 60 votes to pass anything is a recent phenomenon. Senator HARKIN discussed this in great detail during our debate in January and I highly recommend reading his statement.

Senator LEAHY raised the issue on the floor last week when he said;

I keep hearing this talk about 60 votes. Most votes you win by 51 votes, and this constant mantra of 60 votes, this is some new invention.

I think this gets at the heart of the problem. We are a unique legislative body but not because of our rulebook. Complete gridlock and dysfunction can't be what our Founders intended. Rather than a body bound by mutual respect that moves by consent and allows majority votes on almost all matters, we have become a supermajoritarian institution that often doesn't move at all.

With the tremendously difficult economic circumstances facing this country, the American people cannot afford a broken Senate. They are frustrated. And they have every right to be. This is not how to govern, and they deserve better. Both sides need to take a step back and understand that what we do on the Senate floor should not be about setting up the next Presidential election or winning the majority next November but about helping the country today.

Mr. President, I ask unanimous consent to have printed in the RECORD the Executive Summary of The Constitutional Option.

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

THE SENATE'S POWER TO MAKE PROCEDURAL RULES BY MAJORITY VOTE

EXECUTIVE SUMMARY

The filibusters of judicial nominations that arose during the 108th Congress have created an institutional crisis for the Senate.

Until 2003, Democrats and Republicans had worked together to guarantee that nominations considered on the Senate floor received up-or-down votes.

The filibustering Senators are trying to create a new Senate precedent—a 60-vote requirement for the confirmation of judges—contrary to the simple-majority standard presumed in the Constitution.

If the Senate allows these filibusters to continue, it will be acquiescing in Democrats' unilateral change to Senate practices and procedures.

The Senate has the power to remedy this situation through the ''constitutional option''—the exercise of a Senate majority's constitutional power to define Senate practices and procedures.

The Senate has always had, and repeatedly has exercised, this constitutional option. The majority's authority is grounded in the Constitution, Supreme Court case law, and the Senate's past practices.

For example, Majority Leader Robert C. Byrd used the constitutional option in 1977, 1979, 1980, and 1987 to establish precedents that changed Senate procedures during the middle of a Congress.

An exercise of the constitutional option under the current circumstances would be an act of restoration—a return to the historic and constitutional confirmation standard of simple-majority support for all judicial nominations.

Employing the constitutional option here would not affect the legislative filibuster because virtually every Senator supports its preservation. In contrast, only a minority of Senators believes in blocking judicial nominations by filibuster.

The Senate would, therefore, be well within its rights to exercise the constitutional option in order to restore up-or-down votes for judicial nominations on the Senate floor.

Mr. UDALL of New Mexico. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa.

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

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

NOMINATION OF JANE MARGARET TRICHE-MILAZZO

Mr. GRASSLEY. Mr. President, today we are going to consider the nomination of Jane Margaret Triche-Milazzo to be U.S. district judge for the Eastern District of Louisiana. Before I make my remarks regarding the nomination, I want to respond to some comments made on the floor last Thursday evening because I am really amazed and very disappointed by the continuing allegations that Senate Republicans are delaying, obstructing, or otherwise blocking judicial nominations. One Member stated that we ''filibuster everything and require 60 votes on everything, including judges.'' That statement is without merit, and so I am here to set the record straight.

We are making very good progress in the consideration and confirmation of President Obama's judicial nominations. In fact, we have taken positive action on 84 percent of President Obama's judicial nominees. We heard from five judicial nominees in committee last week, reported five more to the floor, and continue to hold regular votes on judicial nominees. President Obama's circuit court nominees are waiting, on average, only 66 days to receive a hearing. Now, compare that to the 247 days President Bush's circuit nominees were forced to wait. The same can be said for district court nominees, who have only waited 79 days under President Obama. Nominees

from President Bush waited on average 100 days for a hearing. You can understand why I am disturbed because some people say there is a Republican effort not to cooperate on moving these judges.

The reporting process has also favored President Obama's judicial nominees. On average, President Obama's circuit court nominees have only waited 116 days to be reported out of committee. President Bush's circuit court nominees waited over 369 days to be reported. District court nominees are no different. President Obama's nominees for the district courts have waited 129 days, while President Bush's district court nominees waited over 148 days.

The accusations that we are filibustering or requiring 60 votes on everything including judges is not supported by the facts. We have confirmed 43 judicial nominees this year. With the vote today we will have confirmed over 66 percent of President Obama's judicial nominees since the beginning of his administration. During our consideration of the 98 judicial nominations submitted during this Congress, there have been two cloture votes. One of those nominees was confirmed. The other was withdrawn.

In the last Congress there were four cloture motions made in relationship to 105 judicial nominations submitted. I remind my colleagues that at least 18 of President Bush's judicial nominations were subjected to cloture motions, many of them having multiple cloture votes. According to my count, there were approximately 30 cloture votes on Bush judicial nominees.

There has to be a double standard on the part of my colleagues who somehow forget the history or somehow do not know how to count or sometimes, if they do read the numbers, do not know what the numbers mean.

Another colleague of mine stated last Thursday night that he could not remember a time during his long service in the Senate when judges would sit on the calendar for months. It was not that long ago, while the current majority party was in the minority, when qualified nominees sat on the Senate calendar for months. In most cases, when finally afforded a vote, they received unanimous support. These included Juan Sanchez, who was nominated for the Eastern District of Pennsylvania; William Duffey, Jr., who was nominated for the Northern District of Georgia; Mark Filip, who was nominated for the Northern District of Illinois; Gary Sharpe, who was nominated for the Northern District of New York; and James Robart, who was nominated for the Western District, State of Washington. These are just a few of President Bush's district court nominees who sat on the calendar for well over 3 months, yet received unanimous support in their confirmation votes.

I wonder if my colleagues remember William Haynes, President Bush's nominee to sit on the Fourth Circuit. He waited 638 days on the Senate calendar in the 108th Congress alone before being returned to the President. All in all, Mr. Haynes put his life on hold for 1,173 days without ever receiving an up-or-down vote.

Another of President Bush's circuit court nominees, Raymond Kethledge, waited 23 months before being confirmed by the Senate and was then confirmed—can you believe it—on a voice vote.

I am not providing these facts to engage in a tit-for-tat, but when I hear colleagues misstate facts and can't understand numbers and can't count, I have to set the record straight.

Shortly we will vote on Jane M. Triche-Milazzo, who is nominated to be the U.S. district judge for the Eastern District of Louisiana. She graduated magna cum laude with a bachelor's degree from Nicholls State University in 1977 and then worked for some time as an elementary school teacher before beginning to work in her father's law office. In 1992, Judge Triche-Milazzo graduated with a juris doctorate from Louisiana State University, Paul M. Herbert Law Center. She spent the entirety of her legal career practicing at Risley Triche, LLC, first as an associate and later to become a partner.

In 2008 she was elected judge for Louisiana's 23rd judicial district. She is a Louisiana State District Court judge for Division D of the 23rd judicial district bench. She was the first female judge elected to that judicial district bench. Judge Triche-Milazzo received a unanimous ''qualified'' rating from the ABA Committee on the Federal Judiciary, so I am pleased to support this fine nominee and thank her for her service.

Mr. LEAHY. Mr. President, in a few moments the Senate has the opportunity to proceed to the American Jobs Act. The bill the President asked us to pass a month ago includes bipartisan proposals that have received broad approval in the past from Members of both parties, including road and bridge repairs, teacher retentions and extensions of tax relief for businesses to encourage hiring. We should answer the President's call and the American people's needs and act to help get Americans back to work and grow the economy.

There is another unacceptable rate that we can help change to the benefit of all Americans. That is the judicial vacancy rate. It now stands at nearly 11 percent, with 92 vacancies on Federal courts around the country. I will ask to have printed in the RECORD an editorial on this topic entitled ''The Other Federal Crisis'' that appeared in McClatchy—Tribune papers last week.

We can act today to bring down that rate dramatically by considering and confirming 26 judicial nominations approved by the Senate Judiciary Committee that are awaiting final Senate action.

Today we are voting on only one of those judicial 26 nominees. With Republican agreement, all 26 could have been voted on today. Of the 25 judges who will remain on the Executive Calendar after today's vote, 21 were reported with the unanimous support of all Democrats and all Republicans serving on the Judiciary Committee. All of them have the support of their home State Senators, 10 include Republicans home State Senators.

Today, the Senate will finally vote on the nomination of Jane Triche-Milazzo to serve as a district judge in the U.S. District Court for the Eastern District of Louisiana. While I am pleased that we are finally having a vote on Judge Triche-Milazzo's nomination, after 3 months of unnecessary delay, more than two dozen well-qualified, consensus nominees still await a Senate confirmation vote. At a time when vacancies on Federal courts throughout the country have remained near or above 90 for more than 2 years, delaying votes on these nominees needlessly undermines the ability of our Federal courts to provide justice to Americans around the country.

The Senate could take significant steps today to address this ongoing crisis in judicial vacancies just by acting on the nominations thoroughly vetted by the Judiciary Committee and reported with bipartisan support. This week, with Republican cooperation, the Judiciary Committee could report five more consensus nominees to fill judicial emergency vacancies on the Eleventh Circuit and in Utah, as well as vacancies in Missouri, Nebraska, and Washington. I have repeatedly noted Senator GRASSLEY's willingness to work with me to make sure that the Judiciary Committee makes progress on nominations. Regrettably, the Judiciary Committee's efforts to act on nominations have not been matched by action by the Senate, where the Republican leadership has refused promptly to consider even consensus nominations. They are delayed for months. The Republican leadership's refusal to promptly schedule votes on pending judicial nominations is a departure from the Senate's action in regularly considering President Bush's nominations, which we did whether the Senate had a Democratic or Republican majority. At this point in George W. Bush's presidency, the Senate had confirmed 162 of his nominees for the Federal circuit and district courts, including 100 during the 17 months that I was chairman of the Judiciary Committee during his first term. By this date in President Clinton's first term, the Senate had confirmed 163 of his nominations to circuit and district courts. In stark contrast, after today's vote, the Senate will have confirmed only 105 of President Obama's nominees to Federal circuit and district courts. In the next year, we need to confirm 100 more of his circuit and district court nominations to match the 205 confirmed during President Bush's first term.

We can and must do better to address the serious judicial vacancies crisis affecting Federal courts around the

country. Nearly half of all Americans—136 million—live in districts or circuits that have a judicial vacancy that could be filled today if the Senate Republicans just agreed to vote on the nominations currently pending on the Executive Calendar. As many as 21 states are served by Federal courts with vacancies that would be filled by nominations stalled on the Senate calendar. Millions of Americans across the country are being harmed by delays in overburdened courts. The Republican leadership should explain to the American people why they will not consent to vote on the qualified, consensus candidates nominated to fill these extended judicial vacancies.

The unnecessary delays in our consideration of judicial nominations have contributed to the longest period of historically high vacancy rates in the last 35 years. The number of judicial vacancies rose above 90 in August 2009, and it has stayed near or above that level ever since. Vacancies are twice as high as they were at this point in President Bush's first term when the Senate was expeditiously voting on consensus judicial nominations. We must bring an end to these needless delays in the Senate so that we can ease the burden on our Federal courts so that they can better serve the American people.

Last week, the Senate voted to confirm Judge Jennifer Guerin Zipps, who was nominated to fill the emergency judicial vacancy created by the tragic death of Judge Roll in the Tucson, AZ, shootings. I was pleased that, with cooperation from Republican Senators, the time from when the Judiciary Committee reported Judge Zipps' nomination to full Senate consideration was less than a month even including a recess period. All nominations should move at that rate. It should not take a tragedy to spur us to action to fill a judicial emergency vacancy. Indeed, the time it took the Senate to consider Judge Zipps' nomination was in line with the average time it took for the Senate to consider President Bush's unanimously reported judicial nominations, 28 days. Her nomination would not have been an exception during those years as it regrettably has become today. President Obama's consensus nominations, reported with the unanimous support of every Republican and Democrat on the Judiciary Committee, have waited an average of 79 days on the Executive Calendar before consideration by the Senate. Today's nominee is a good example. She was reported unanimously on July 14. That was nearly 3 months ago.

Last week, I invited Justice Scalia and Justice Breyer to appear before the Judiciary Committee and discuss the important role that judges play under our Constitution. Justice Scalia agreed that the extensive delays in the confirmation process are already having a chilling effect on the ability to attract talented nominees to the Federal bench. Chief Justice Roberts has also described the ''persistent problem of judicial vacancies in critically overworked districts.'' Hardworking Americans are denied justice when their cases are delayed by overburdened courts. While people appearing in court are waiting years before a judge rules on their case, they feel they are being forced to live the old adage ''justice delayed is justice denied.''

Today the Senate will confirm an experienced, consensus nominee who could and should have received a vote prior to the August recess. Jane Triche-Milazzo is nominated to fill a vacancy in the U.S. District Court for the Eastern District of Louisiana. Currently a Louisiana State court judge, she previously spent 16 years in private practice in her family's law firm in Napoleonville, LA. Judge Triche-Milazzo has the bipartisan support of her home State Senators, Democratic Senator MARY LANDRIEU and Republican Senator DAVID VITTER. The Judiciary Committee favorably reported her nomination without a single dissenting vote almost 3 months ago. I expect that the Senate will confirm her unanimously today.

We must do more to make progress in considering the other 25 judicial nominations pending on the Senate's Executive Calendar. The excessive number of vacancies has persisted in Federal courts throughout the Nation for far too long. The American people should not have to wait for the Senate to do its constitutional duty of confirming judges to the Federal bench. With millions of Americans currently affected by the vacancy crisis in our courts, there is serious work to be done.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial to which I referred.

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

[From the Miami Herald, Oct. 2, 2011]

THE OTHER FEDERAL CRISIS

In the month since Congress returned from the summer recess, the crisis over the deficit and federal spending has been the focus of attention, with ideological gridlock obstructing progress. But partisan politics has also produced a separate crisis in the nation's federal courts.

During September, the Senate confirmed a grand total of three federal judges—leaving 95 vacancies in courthouses around the country. This means that there are simply not enough federal judges to handle the judicial workload, resulting in justice delayed in both criminal and civil cases. In 35 of those instances, including two district seats in the Southern District of Florida, the courts have declared a judicial emergency, meaning the dockets are overloaded to the breaking point.

According to a recent report by the Congressional Research Service, this is a historically high level of vacancies, and the prolonged slowness in filling the empty seats makes the Obama presidency the longest period of high vacancy rates in the federal judiciary in 35 years.

Clearly, the Senate is not fulfilling its constitutional duty to confirm judges. Some 58 Obama administration nominees are pending in the Senate to fill the 95 vacancies. Republican senators have complained that there should be a nominee for every vacancy—fair enough—but that does not explain why so many of the nominations have been stalled for so long.

The Senate, of course, has a duty to ensure that nominees are qualified. No one wants a ''fast-tracked'' judge hearing cases. But it's hard to escape the conclusion that partisan politics rather than the quality of the nominees is the root of the problem when even consensus candidates must wait for prolonged periods.

This Monday, for example, the Senate is expected to fill some of those vacancies when six of the nominations go to the floor for a vote, meaning there has been a preceding agreement not to block the vote.

That generally leads to confirmation. Of those six, five have been pending since May and June—and all of them were approved with a unanimous vote by Democratic and Republican members of the Senate Judiciary Committee. In other words, there is no question that the nominees have the qualifications to do the job—so why the delay?

In the past, Democrats have been slow to approve nominees from Republican presidents. But the record shows that approvals for nominees by the last Republican president, George W. Bush, moved faster even when Democrats had the power to block confirmation.

At this point in the presidency of President Bush, 144 federal circuit and district court judges had been confirmed. By comparison, according to Vermont Sen. Patrick Leahy, chairman of the Judiciary Committee, total confirmations of federal circuit and district court judges during the first three years of the Obama administration have been only 98. ''The Senate has a long way to go before the end of next year to match the 205 confirmations of President Bush's judicial nominees during his first term,'' he said.

This is a problem senators can solve easily. First, vote on all 27 pending nominees who have already won committee approval, beginning with those who received a unanimous vote. Then move the other nominations to the floor without unreasonable delay. The deterioration of the federal judiciary because of partisan politics is inexcusable.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF JANE MARGARET TRICHE-MILAZZO TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider

the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Jane Margaret Triche-Milazzo, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided prior to a vote on the nomination.

Mr. ISAKSON. I ask that all time be yielded back.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I yield back our time.

The PRESIDING OFFICER. Without objection, it is so ordered. All time is yielded back.

Mr. BINGAMAN. I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Jane Margaret Triche-Milazzo, of Louisiana, to be United States District Judge for the Eastern District of Louisiana?

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Hampshire (Mrs. SHAHEEN) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 158 Ex.]

YEAS—98

Akaka	Gillibrand	Mikulski
Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Hatch	Nelson (FL)
Bennet	Heller	Paul
Bingaman	Hoeven	Portman
Blumenthal	Hutchison	Pryor
Blunt	Inhofe	Reed
Boozman	Inouye	Reid
Boxer	Isakson	Risch
Brown (MA)	Johanns	Roberts
Brown (OH)	Johnson (SD)	Rockefeller
Burr	Johnson (WI)	Rubio
Cantwell	Kerry	Sanders
Cardin	Kirk	Schumer
Carper	Klobuchar	Sessions
Casey	Kohl	Shelby
Chambliss	Kyl	Snowe
Coats	Landrieu	Stabenow
Cochran	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Lee	Toomey
Coons	Levin	Udall (CO)
Corker	Lieberman	Udall (NM)
Cornyn	Lugar	Vitter
Crapo	Manchin	Warner
DeMint	McCain	Webb
Durbin	McCaskill	Whitehouse
Enzi	McConnell	Wicker
Feinstein	Menendez	Wyden
Franken	Merkley	

NOT VOTING—2

Coburn	Shaheen

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1619, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1619) to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

Pending:

Reid amendment No. 694, to change the enactment date.

AMENDMENT NO. 694 WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be withdrawn.

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

The clerk will read the bill for the third time.

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

The PRESIDING OFFICER. Under the previous order, the bill having been read the third time, the question is, Shall the bill pass?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Hampshire (Mrs. SHAHEEN) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

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

The result was announced—yeas 63, nays 35, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—63

Akaka	Collins	Johnson (SD)
Baucus	Conrad	Kerry
Begich	Coons	Klobuchar
Bennet	Crapo	Kohl
Bingaman	Durbin	Landrieu
Blumenthal	Feinstein	Lautenberg
Boxer	Franken	Leahy
Brown (MA)	Gillibrand	Levin
Brown (OH)	Graham	Manchin
Burr	Grassley	Menendez
Cardin	Hagan	Merkley
Carper	Harkin	Mikulski
Casey	Hoeven	Nelson (NE)
Chambliss	Isakson	Nelson (FL)
Cochran	Johanns	Portman
Pryor	Schumer	Udall (CO)
Reed	Sessions	Udall (NM)
Reid	Shelby	Warner
Risch	Snowe	Webb
Rockefeller	Stabenow	Whitehouse
Sanders	Tester	Wyden

NAYS—35

Alexander	Heller	McConnell
Ayotte	Hutchison	Moran
Barrasso	Inhofe	Murkowski
Blunt	Inouye	Murray
Boozman	Johnson (WI)	Paul
Cantwell	Kirk	Roberts
Coats	Kyl	Rubio
Corker	Lee	Thune
Cornyn	Lieberman	Toomey
DeMint	Lugar	Vitter
Enzi	McCain	Wicker
Hatch	McCaskill	

NOT VOTING—2

Coburn	Shaheen

The bill (S. 1619) was passed, as follows:

S. 1619

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Currency Exchange Rate Oversight Reform Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTERING AUTHORITY.—The term ''administering authority'' means the authority referred to in section 771(1) of the Tariff Act of 1930 (19 U.S.C. 1677(1)).

(2) AGREEMENT ON GOVERNMENT PROCUREMENT.—The term ''Agreement on Government Procurement'' means the agreement referred to in section 101(d)(17) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(17)).

(3) COUNTRY.—The term ''country'' means a foreign country, dependent territory, or possession of a foreign country, and may include an association of 2 or more foreign countries, dependent territories, or possessions of countries into a customs union outside the United States.

(4) EXPORTING COUNTRY.—The term ''exporting country'' means the country in which the subject merchandise is produced or manufactured.

(5) FUNDAMENTAL MISALIGNMENT.—The term ''fundamental misalignment'' means a significant and sustained undervaluation of the prevailing real effective exchange rate, adjusted for cyclical and transitory factors, from its medium-term equilibrium level.

(6) FUNDAMENTALLY MISALIGNED CURRENCY.—The term ''fundamentally misaligned currency'' means a foreign currency that is in fundamental misalignment.

(7) REAL EFFECTIVE EXCHANGE RATE.—The term ''real effective exchange rate'' means a weighted average of bilateral exchange rates, expressed in price-adjusted terms.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(9) STERILIZATION.—The term ''sterilization'' means domestic monetary operations taken to neutralize the monetary impact of increases in reserves associated with intervention in the currency exchange market.

(10) SUBJECT MERCHANDISE.—The term ''subject merchandise'' means the merchandise subject to an antidumping investigation, review, suspension agreement, or order referred to in section 771(25) of the Tariff Act of 1930 (19 U.S.C. 1677(25)).

(11) WTO AGREEMENT.—The term ''WTO Agreement'' means the agreement referred to in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)).

SEC. 3. REPORT ON INTERNATIONAL MONETARY POLICY AND CURRENCY EXCHANGE RATES.

(a) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than March 15 and September 15 of each calendar year, the Secretary, after consulting with the Chairman of the Board of Governors of the Federal Reserve System and the Advisory Committee on International Exchange Rate Policy, shall submit to Congress and make public, a written report on international monetary policy and currency exchange rates.

(2) CONSULTATIONS.—On or before March 30 and September 30 of each calendar year, the Secretary shall appear, if requested, before the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate and the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives to provide testimony on the reports submitted pursuant to paragraph (1).

(b) CONTENT OF REPORTS.—Each report submitted under subsection (a) shall contain the following:

(1) An analysis of currency market developments and the relationship between the United States dollar and the currencies of major economies and trading partners of the United States.

(2) A review of the economic and monetary policies of major economies and trading partners of the United States, and an evaluation of how such policies impact currency exchange rates.

(3) A description of any currency intervention by the United States or other major economies or trading partners of the United States, or other actions undertaken to adjust the actual exchange rate relative to the United States dollar.

(4) An evaluation of the domestic and global factors that underlie the conditions in the currency markets, including—

(A) monetary and financial conditions;

(B) accumulation of foreign assets;

(C) macroeconomic trends;

(D) trends in current and financial account balances;

(E) the size, composition, and growth of international capital flows;

(F) the impact of the external sector on economic growth;

(G) the size and growth of external indebtedness;

(H) trends in the net level of international investment; and

(I) capital controls, trade, and exchange restrictions.

(5) A list of currencies designated as fundamentally misaligned currencies pursuant to section 4(a)(2), and a description of any economic models or methodologies used to establish the list.

(6) A list of currencies designated for priority action pursuant to section 4(a)(3).

(7) An identification of the nominal value associated with the medium-term equilibrium exchange rate, relative to the United States dollar, for each currency listed under paragraph (6).

(8) A description of any consultations conducted or other steps taken pursuant to section 5, 6, or 7, including any actions taken to eliminate the fundamental misalignment.

(9) A description of any determination made pursuant to section 9(a).

(c) CONSULTATIONS.—The Secretary shall consult with the Chairman of the Board of Governors of the Federal Reserve System and the Advisory Committee on International Exchange Rate Policy with respect to the preparation of each report required under subsection (a). Any comments provided by the Chairman of the Board of Governors of the Federal Reserve System or the Advisory Committee on International Exchange Rate Policy shall be submitted to the Secretary not later than the date that is 15 days before the date each report is due under subsection (a). The Secretary shall submit the report to Congress after taking into account all comments received from the Chairman and the Advisory Committee.

SEC. 4. IDENTIFICATION OF FUNDAMENTALLY MISALIGNED CURRENCIES.

(a) IDENTIFICATION.—

(1) IN GENERAL.—The Secretary shall analyze on a semiannual basis the prevailing real effective exchange rates of foreign currencies.

(2) DESIGNATION OF FUNDAMENTALLY MISALIGNED CURRENCIES.—With respect to the currencies of countries that have significant bilateral trade flows with the United States, and currencies that are otherwise significant to the operation, stability, or orderly development of regional or global capital markets, the Secretary shall determine whether any such currency is in fundamental misalignment and shall designate such currency as a fundamentally misaligned currency.

(3) DESIGNATION OF CURRENCIES FOR PRIORITY ACTION.—The Secretary shall designate a currency identified under paragraph (2) for priority action if the country that issues such currency is—

(A) engaging in protracted large-scale intervention in the currency exchange market, particularly if accompanied by partial or full sterilization;

(B) engaging in excessive and prolonged official or quasi-official accumulation of foreign exchange reserves and other foreign assets, for balance of payments purposes;

(C) introducing or substantially modifying for balance of payments purposes a restriction on, or incentive for, the inflow or outflow of capital, that is inconsistent with the goal of achieving full currency convertibility; or

(D) pursuing any other policy or action that, in the view of the Secretary, warrants designation for priority action.

(b) REPORTS.—The Secretary shall include a list of any foreign currency designated under paragraph (2) or (3) of subsection (a) and the data and reasoning underlying such designations in each report required by section 3.

SEC. 5. NEGOTIATIONS AND CONSULTATIONS.

(a) IN GENERAL.—Upon designation of a currency pursuant to section 4(a)(2), the Secretary shall seek to consult bilaterally with the country that issues such currency in order to facilitate the adoption of appropriate policies to address the fundamental misalignment.

(b) CONSULTATIONS INVOLVING CURRENCIES DESIGNATED FOR PRIORITY ACTION.—With respect to each currency designated for priority action pursuant to section 4(a)(3), the Secretary shall, in addition to seeking to consult with a country pursuant to subsection (a)—

(1) seek the advice of the International Monetary Fund with respect to the Secretary's findings in the report submitted to Congress pursuant to section 3(a); and

(2) encourage other governments, whether bilaterally or in appropriate multinational fora, to join the United States in seeking the adoption of appropriate policies by the country described in subsection (a) to eliminate the fundamental misalignment.

SEC. 6. FAILURE TO ADOPT APPROPRIATE POLICIES.

(a) IN GENERAL.—Not later than 90 days after the date on which a currency is designated for priority action pursuant to section 4(a)(3), the Secretary shall determine whether the country that issues such currency has adopted appropriate policies, and taken identifiable action, to eliminate the fundamental misalignment. The Secretary shall promptly notify Congress of such determination and publish notice of the determination in the Federal Register. If the Secretary determines that the country that issues such currency has failed to adopt appropriate policies, or take identifiable action, to eliminate the fundamental misalignment, the following shall apply with respect to the country until a notification described in section 7(b) is published in the Federal Register:

(1) ADJUSTMENT UNDER ANTIDUMPING LAW.—For purposes of an antidumping investigation under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.), or a review under subtitle C of such Act (19 U.S.C. 1675 et seq.), the following shall apply:

(A) IN GENERAL.—The administering authority shall ensure a fair comparison between the export price and the normal value by adjusting the price used to establish export price or constructed export price to reflect the fundamental misalignment of the currency of the exporting country.

(B) SALES SUBJECT TO ADJUSTMENT.—The adjustment described in subparagraph (A) shall apply with respect to subject merchandise sold on or after the date that is 30 days after the date the currency of the exporting country is designated for priority action pursuant to section 4(a)(3).

(2) FEDERAL PROCUREMENT.—

(A) IN GENERAL.—The President shall prohibit the procurement by the Federal Government of products or services from the country.

(B) EXCEPTION.—The prohibition provided for in subparagraph (A) shall not apply with respect to a country that is a party to the Agreement on Government Procurement.

(3) REQUEST FOR IMF ACTION.—The United States shall inform the Managing Director of the International Monetary Fund of the failure of the country to adopt appropriate policies, or to take identifiable action, to eliminate the fundamental misalignment, and the actions the country is engaging in that are identified in section 4(a)(3), and shall request that the Managing Director of the International Monetary Fund—

(A) consult with such country regarding the observance of the country's obligations under article IV of the International Monetary Fund Articles of Agreement, including through special consultations, if necessary; and

(B) formally report the results of such consultations to the Executive Board of the International Monetary Fund within 180 days of the date of such request.

(4) OPIC FINANCING.—The Overseas Private Investment Corporation shall not approve any new financing (including insurance, reinsurance, or guarantee) with respect to a project located within the country.

(5) MULTILATERAL BANK FINANCING.—

(A) IN GENERAL.—The Secretary shall instruct the United States Executive Director at each multilateral bank to oppose the approval of any new financing (including loans, other credits, insurance, reinsurance, or guarantee) to the government of the country or for a project located within the country.

(B) MULTILATERAL BANK.—The term ''multilateral bank'' includes each of the international financial institutions described in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r).

(b) WAIVER.—

(1) IN GENERAL.—The President may waive any action provided for under subsection (a) if the President determines that—

(A) taking such action would cause serious harm to the national security of the United States; or

(B) it is in the vital economic interest of the United States to do so and taking such

action would have an adverse impact on the United States economy greater than the benefits of such action.

(2) NOTIFICATION.—The President shall promptly notify Congress of a determination under paragraph (1) (and the reasons for the determination, if made under paragraph (1)(B)) and shall publish notice of the determination (and the reasons for the determination, if made under paragraph (1)(B)) in the Federal Register.

(c) REPORTS.—The Secretary shall describe any action or determination pursuant to subsection (a) or (b) in the first semiannual report required by section 3 after the date of such action or determination.

SEC. 7. PERSISTENT FAILURE TO ADOPT APPROPRIATE POLICIES.

(a) PERSISTENT FAILURE TO ADOPT APPROPRIATE POLICIES.—Not later than 360 days after the date on which a currency is designated for priority action pursuant to section 4(a)(3), the Secretary shall determine whether the country that issues such currency has adopted appropriate policies, and taken identifiable action, to eliminate the fundamental misalignment. The Secretary shall promptly notify Congress of such determination and shall publish notice of the determination in the Federal Register. If the Secretary determines that the country that issues such currency has failed to adopt appropriate policies, or take identifiable action, to eliminate the fundamental misalignment, in addition to the actions described in section 6(a), the following shall apply with respect to the country until a notification described in subsection (b) is published in the Federal Register:

(1) ACTION AT THE WTO.—The United States Trade Representative shall request consultations in the World Trade Organization with the country regarding the consistency of the country's actions with its obligations under the WTO Agreement.

(2) REMEDIAL INTERVENTION.—

(A) IN GENERAL.—The Secretary shall consult with the Board of Governors of the Federal Reserve System to consider undertaking remedial intervention in international currency markets in response to the fundamental misalignment of the currency designated for priority action, and coordinating such intervention with other monetary authorities and the International Monetary Fund. In doing so, the Secretary shall consider the impact of such intervention on domestic economic growth and stability, including the impact on interest rates.

(B) NOTICE TO COUNTRY.—At the same time the Secretary takes action under subparagraph (A), the Secretary shall notify the country that issues such currency of the consultations under subparagraph (A).

(b) NOTIFICATION.—The Secretary shall promptly notify Congress when a country that issues a currency designated for priority action pursuant to section 4(a)(3) adopts appropriate policies, or takes identifiable action, to eliminate the fundamental misalignment, and publish notice of the action of that country in the Federal Register.

(c) WAIVER.—

(1) IN GENERAL.—The President may waive any action provided for under this section, or extend any waiver provided for under section 6(b), if the President determines that—

(A) taking such action would cause serious harm to the national security of the United States; or

(B) it is in the vital economic interest of the United States to do so, and that taking such action would have an adverse impact on the United States economy substantially out of proportion to the benefits of such action.

(2) NOTIFICATION.—The President shall promptly notify Congress of a determination under paragraph (1) (and the reasons for the determination, if made under paragraph (1)(B)) and shall publish notice of the determination (and the reasons for the determination, if made under paragraph (1)(B)) in the Federal Register.

(d) DISAPPROVAL OF WAIVER.—If the President waives an action pursuant to subsection (c)(1)(B), or extends a waiver provided for under section 6(b)(1)(B), the waiver shall cease to have effect upon the enactment of a resolution of disapproval described in section 8(a)(2).

(e) REPORTS.—The Secretary shall describe any action or determination pursuant to subsection (a), (b), or (c) in the first semiannual report required by section 3 after the date of such action or determination.

SEC. 8. CONGRESSIONAL DISAPPROVAL OF WAIVER.

(a) RESOLUTION OF DISAPPROVAL.—

(1) INTRODUCTION.—If a resolution of disapproval is introduced in the House of Representatives or the Senate during the 90-day period (not counting any day which is excluded under section 154(b)(1) of the Trade Act of 1974 (19 U.S.C. 2194(b)(1))), beginning on the date on which the President first notifies Congress of a determination to waive action with respect to a country pursuant to section 7(c)(1)(B), that resolution of disapproval shall be considered in accordance with this subsection.

(2) RESOLUTION OF DISAPPROVAL.—In this subsection, the term ''resolution of disapproval'' means only a joint resolution of the two Houses of the Congress, the sole matter after the resolving clause of which is as follows: ''That Congress does not approve the determination of the President under _____ of the Currency Exchange Rate Oversight Reform Act of 2011 with respect to _____, of which Congress was notified on _____.'', with the first blank space being filled section 7(c)(1)(B) or section 6(b)(1)(B), whichever is applicable, the second blank space being filled with the name of the appropriate country, and the third blank space being filled with the appropriate date.

(3) PROCEDURES FOR CONSIDERING RESOLUTIONS.—

(A) INTRODUCTION AND REFERRAL.—Resolutions of disapproval—

(i) in the House of Representatives—

(I) may be introduced by any Member of the House;

(II) shall be referred to the Committee on Financial Services and, in addition, to the Committee on Rules; and

(III) may not be amended by either Committee; and

(ii) in the Senate—

(I) may be introduced by any Member of the Senate;

(II) shall be referred to the Committee on Banking, Housing, and Urban Affairs; and

(III) may not be amended.

(B) COMMITTEE DISCHARGE AND FLOOR CONSIDERATION.—The provisions of subsections (c) through (f) of section 152 of the Trade Act of 1974 (other than paragraph (3) of such subsection (f)) (19 U.S.C. 2192 (c) through (f)) (relating to committee discharge and floor consideration of certain resolutions in the House and Senate) apply to a resolution of disapproval under this section to the same extent as such subsections apply to joint resolutions under such section 152.

(b) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and the rules provided for in this section supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules provided for in this section (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 9. INTERNATIONAL FINANCIAL INSTITUTION GOVERNANCE ARRANGEMENTS.

(a) INITIAL REVIEW.—Notwithstanding any other provision of law, before the United States approves a proposed change in the governance arrangement of any international financial institution, as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)), the Secretary shall determine whether any member of the international financial institution that would benefit from the proposed change, in the form of increased voting shares or representation, has a currency that was designated a currency for priority action pursuant to section 4(a)(3) in the most recent report required by section 3. The determination shall be reported to Congress.

(b) SUBSEQUENT ACTION.—The United States shall oppose any proposed change in the governance arrangement of the international financial institution (described in subsection (a)), if the Secretary renders an affirmative determination pursuant to subsection (a).

(c) FURTHER ACTION.—The United States shall continue to oppose any proposed change in the governance arrangement of the international financial institution, pursuant to subsection (b), until the Secretary determines and reports to Congress that the proposed change would not benefit any member of the international financial institution, in the form of increased voting shares or representation, that has a currency that is designated a currency for priority action pursuant to section 4(a)(3).

SEC. 10. ADJUSTMENT FOR FUNDAMENTALLY MISALIGNED CURRENCY DESIGNATED FOR PRIORITY ACTION.

(a) IN GENERAL.—Subsection (c)(2) of section 772 of the Tariff Act of 1930 (19 U.S.C. 1677a(c)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting '', and''; and

(3) by adding at the end the following:

''(C) if required by section 6(a)(1) of the Currency Exchange Rate Oversight Reform Act of 2011, the percentage by which the domestic currency of the producer or exporter is undervalued in relation to the United States dollar as determined under section 771(37).''.

(b) CALCULATION METHODOLOGY.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end the following:

''(37) PERCENTAGE UNDERVALUATION.—The administering authority shall determine the percentage by which the domestic currency of the producer or exporter is undervalued in relation to the United States dollar by comparing the nominal value associated with the medium-term equilibrium exchange rate of the domestic currency of the producer or exporter, identified by the Secretary pursuant to section 3(b)(7) of the Currency Exchange Rate Oversight Reform Act of 2011, to the official daily exchange rate identified by the administering authority.''.

SEC. 11. CURRENCY UNDERVALUATION UNDER COUNTERVAILING DUTY LAW.

(a) INVESTIGATION OR REVIEW.—Subsection (c) of section 702 of the Tariff Act of 1930 (19 U.S.C. 1671a(c)) is amended by adding at the end the following:

''(6) CURRENCY UNDERVALUATION.—For purposes of a countervailing duty investigation

under this subtitle where the determinations under clauses (i) and (ii) of paragraph (1)(A) are affirmative, or a review under subtitle C of this title, the following shall apply:

''(A) IN GENERAL.—The administering authority shall initiate an investigation to determine whether currency undervaluation by the government of a country or any public entity within the territory of a country is providing, directly or indirectly, a countervailable subsidy as described in section 771(5), if—

''(i) a petition filed by an interested party (described in subparagraph (C), (D), (E), (F), or (G) of section 771(9)) alleges the elements necessary for the imposition of the duty imposed by section 701(a); and

''(ii) the petition is accompanied by information reasonably available to the petitioner supporting those allegations.

''(B) DESIGNATION OF FUNDAMENTALLY MISALIGNED CURRENCY FOR PRIORITY ACTION.—Upon designation of a currency as a fundamentally misaligned currency for priority action pursuant to section 4(a)(3) of the Currency Exchange Rate Oversight Reform Act of 2011, the administering authority shall initiate an investigation to determine whether the country that issues such currency is providing, directly or indirectly, a countervailable subsidy as defined in section 771(5), if—

''(i) a petition filed by an interested party (described in subparagraph (C), (D), (E), (F), or (G) of section 771(9)) alleges the elements necessary for the imposition of the duty imposed by section 701(a); and

''(ii) the petition is accompanied by information reasonably available to the petitioner supporting those allegations.''.

(b) BENEFIT CALCULATION METHODOLOGY.—Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677), as amended by section 10(b), is further amended by adding at the end the following:

''(38) CURRENCY UNDERVALUATION BENEFIT.—For purposes of a countervailing duty investigation under subtitle A of this title, or a review under subtitle C of this title, the following shall apply:

''(A) IN GENERAL.—If the administering authority determines to investigate whether currency undervaluation is a countervailable subsidy as defined in section 771(5), the administering authority shall determine whether there is a benefit to the recipient and measure such benefit by comparing the simple average of the real exchange rates derived from application of the macroeconomic-balance approach and the equilibrium-real-exchange-rate approach to the official daily exchange rate identified by the administering authority. The administering authority shall rely upon data that are publicly available, reliable, and compiled and maintained by the International Monetary Fund or the World Bank, or other international organizations or national governments if International Monetary Fund or World Bank data is not available.

''(B) DESIGNATION OF FUNDAMENTALLY MISALIGNED CURRENCY FOR PRIORITY ACTION.—In the case of designation of a currency as a fundamentally misaligned currency for priority action pursuant to section 4(a)(3) of the Currency Exchange Rate Oversight Reform Act of 2011, the administering authority shall determine whether there is a benefit to the recipient and measure such benefit by comparing the nominal value associated with the medium-term equilibrium exchange rate of the currency of the exporting country, identified by the Secretary pursuant to section 3(b)(7) of such Act, to the official daily exchange rate identified by the administering authority.

''(C) DEFINITIONS.—

''(i) MACROECONOMIC-BALANCE APPROACH.—The term 'macroeconomic-balance approach' means a methodology under which the level of undervaluation of the real effective exchange rate of the exporting country's currency is defined as the change in the real effective exchange rate needed to achieve equilibrium in the exporting country's balance of payments, as such methodology is described in the guidelines of the International Monetary Fund's Consultative Group on Exchange Rate Issues, if available.

''(ii) EQUILIBRIUM-REAL-EXCHANGE-RATE APPROACH.—The term 'equilibrium-real-exchange-rate approach' means a methodology under which the level of undervaluation of the real effective exchange rate of the exporting country's currency is defined as the difference between the observed real effective exchange rate and the real effective exchange rate, as such methodology is described in the guidelines of the International Monetary Fund's Consultative Group on Exchange Rate Issues, if available.

''(iii) REAL EXCHANGE RATES.—The term 'real exchange rates' means the bilateral exchange rates derived from converting the trade-weighted multilateral exchange rates yielded by the macroeconomic-balance approach and the equilibrium-real-exchange-rate approach into real bilateral terms.''.

(c) EXPORT SUBSIDY.—Section 771(5A)(B) of the Tariff Act of 1930 (19 U.S.C. 1677(5A)(B)) is amended by adding at the end the following new sentence: ''The fact that a subsidy may also be provided in circumstances that do not involve export shall not, for that reason alone, mean that the subsidy cannot be considered contingent upon export performance.''.

(d) EFFECTIVE DATE.—The amendments made by this section apply to countervailing duty investigations initiated under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and reviews initiated under subtitle C of title VII of such Act (19 U.S.C. 1675 et seq.) before, on, or after the date of the enactment of this Act.

SEC. 12. NONMARKET ECONOMY STATUS.

Paragraph (18)(B) of section 771 of the Tariff Act of 1930 (19 U.S.C. 1677(18)(B)) is amended—

(1) by striking ''and'' at the end of clause (v); and

(2) by redesignating clause (vi) as clause (vii) and inserting after clause (v) the following:

''(vi) whether the currency of the foreign country is designated, or has been designated at any time over the 5 years prior to review of nonmarket economy status, a currency for priority action pursuant to section 4(a)(3) of the Currency Exchange Rate Oversight Reform Act of 2011, and''.

SEC. 13. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), section 6(a)(1) and the amendments made by sections 10, 11, and 12 shall apply with respect to goods from Canada and Mexico.

SEC. 14. ADVISORY COMMITTEE ON INTERNATIONAL EXCHANGE RATE POLICY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established an Advisory Committee on International Exchange Rate Policy (in this section referred to as the ''Committee''). The Committee shall be responsible for—

(A) advising the Secretary in the preparation of each report to Congress on international monetary policy and currency exchange rates, provided for in section 3; and

(B) advising Congress and the President with respect to—

(i) international exchange rates and financial policies; and

(ii) the impact of such policies on the economy of the United States.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Committee shall be composed of 9 members as follows, none of whom shall be employees of the Federal Government:

(i) CONGRESSIONAL APPOINTEES.—

(I) SENATE APPOINTEES.—Four persons shall be appointed by the President pro tempore of the Senate, upon the recommendation of the chairmen and ranking members of the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate.

(II) HOUSE APPOINTEES.—Four persons shall be appointed by the Speaker of the House of Representatives upon the recommendation of the chairmen and ranking members of the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

(ii) PRESIDENTIAL APPOINTEE.—One person shall be appointed by the President.

(B) QUALIFICATIONS.—Persons shall be selected under subparagraph (A) on the basis of their objectivity and demonstrated expertise in finance, economics, or currency exchange.

(3) TERMS.—Members shall be appointed for a term of 4 years or until the Committee terminates. An individual may be reappointed to the Committee for additional terms.

(4) VACANCIES.—Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(b) DURATION OF COMMITTEE.—Notwithstanding section 14(c) of the Federal Advisory Committee Act (5 U.S.C. App.), the Committee shall terminate on the date that is 4 years after the date of the enactment of this Act unless renewed by the President pursuant to section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) for a subsequent 4-year period. The President may continue to renew the Committee for successive 4-year periods by taking appropriate action prior to the date on which the Committee would otherwise terminate.

(c) PUBLIC MEETINGS.—The Committee shall hold at least 2 public meetings each year for the purpose of accepting public comments, including comments from small business owners. The Committee shall also meet as needed at the call of the Secretary or at the call of two-thirds of the members of the Committee.

(d) CHAIRPERSON.—The Committee shall elect from among its members a chairperson for a term of 4 years or until the Committee terminates. A chairperson of the Committee may be reelected chairperson but is ineligible to serve consecutive terms as chairperson.

(e) STAFF.—The Secretary shall make available to the Committee such staff, information, personnel, administrative services, and assistance as the Committee may reasonably require to carry out its activities.

(f) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

(2) EXCEPTION.—Except for the 2 annual public meetings required under subsection (c), meetings of the Committee shall be exempt from the requirements of subsections (a) and (b) of sections 10 and 11 of the Federal Advisory Committee Act (relating to open meetings, public notice, public participation, and public availability of documents), whenever and to the extent it is determined by the President or the Secretary that such meetings will be concerned with matters the disclosure of which would seriously compromise the development by the United States Government of monetary and financial policy.

SEC. 15. REPEAL OF THE EXCHANGE RATES AND ECONOMIC POLICY COORDINATION ACT OF 1988.

The Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5301 et seq.) is repealed.

Mr. UDALL of Colorado. Mr. President, I rise to discuss the recent vote on the Currency Exchange Rate Oversight Reform Act of 2011 that just passed in the Senate. The issue of currency misalignment and manipulation has brought to the surface a myriad of concerns that face our country's workers and businesses.

Coloradans are concerned that American businesses and producers are unable to compete fairly in the global marketplace when foreign countries keep the value of their currency artificially low. Those who have both supported and opposed this legislation agree that the artificial undervaluation of foreign currency has had a negative impact on the competitiveness of U.S. exports and that it needs to be remedied. In the case of China, numerous economists have estimated that its currency is undervalued by anywhere from 12 to 50 percent. The International Monetary Fund and the U.S. Treasury are also among those who have determined that the undervaluation of Chinese currency is real.

The implications of this artificial undervaluation include a detrimental effect on the competiveness of U.S. products abroad, making Chinese products artificially cheaper than U.S. products. The National Association of Manufacturers has affirmed ''that the excessive valuation of the dollar [relative to foreign currencies] simply prices U.S. exports out of the market.'' They highlight that their members ''have made it clear that the number-one factor affecting their exports is the value of the dollar.''

We can agree that artificial undervaluation of currency is a serious problem that harms our economy, our worldwide competitiveness, and our American workers. And it needs to be addressed. Yet the principle challenge here has been how we should ultimately go about making sure our economic partners, such as China, are honoring shared commitments to compete on a level playing field.

I understand the concerns of both sides in this debate and I know that many American businesses that have a presence in China and across our globe are concerned about the potential for retaliatory action from China. These companies, many of which also face ongoing issues of inadequate protection of intellectual property, discriminatory indigenous innovation and other industrial policies that limit access to Chinese markets, are understandably worried that China would further restrict their markets to fair competition.

I have also heard the frustration of domestic producers and U.S. workers who, together, produce a whole host of products in the U.S. and have felt the direct effect of being unable to compete fairly due to the discounting effect that China's currency undervaluation has on Chinese imports.

All of these concerns are valid, and despite some of my Senate colleagues' disagreement on whether to support the legislation that came before us, the common denominator in this debate has been a desire for fairness. And I believe that we will move closer to achieving fairness in the market place with a clearer commitment to a market-based exchange rate from our trade and economic partners.

As sovereign nations, we all have the economic well being of our respective countries at heart, but that does not justify the use of unfair trade practices, and we cannot turn a blind eye when this happens. Nor should we allow the specter of a ''trade war'' to distract us from the fact that China is not abiding by the international rules that were put in place to help prevent trade wars in the first place. China agreed to abide by these rules of the international community—including rules about intellectual property rights and unfair restrictions to market access, as well as rules against intentional currency misalignment—and we should not accept their adherence to certain rules but not others. They all apply.

After taking a closer look at the issue of China's currency undervaluation, taking into consideration the concerns that I have heard on this issue from a range of Coloradans, and reviewing the legislative proposal that was before us, I believed that the U.S. Senate needed to send a signal to China, and others who may be intentionally undervaluing their currencies. The message is that Americans value playing by the rules and that we expect our trade partners to live up to our shared commitment to compete fairly in the global marketplace.

I ultimately came to the conclusion that this bipartisan legislation, known as the Currency Exchange Rate Oversight Reform Act of 2011, was an appropriate way to send a signal that we are serious about working bilaterally and/or multilaterally, in a manner consistent with World Trade Organization agreements, to develop a responsible plan so that currencies identified as fundamentally misaligned can be valued appropriately based on relevant market factors. In the event that the misaligned currency goes unresolved, the legislation also authorizes the administration to take action to protect American businesses and workers from the discounting effect that the undervaluation of the currency can have on imports from the respective country. I believe that the mechanisms built into this legislation can promote a collaborative effort to address any undervaluation of a foreign currency, while also sending the message that we cannot allow American businesses to be undercut.

My choice to support this legislation aligns best with the common sense and pragmatic thinking of Coloradans. Unfortunately, China continues to characterize efforts on the part of the United States to ensure a level playing field for international trade as ''protectionist.'' Supporting fair competition, fair access to markets and fulfillment of the commitments of our shared expectations among economic and trade partners is far from protectionist. As former President Ronald Reagan once stated, ''To make the international trading system work, all must abide by the rules.'' I urge China to act in good faith and to remain committed to reaching economic stability through cooperative action that encourages fair competition. The legislation I just supported is one component to reaching that goal, and I believe it supports the American businesses and workers who are propelling our nation to continue to be the leader in the global economic race.

Mr. WARNER. Mr. President, I rise today to discuss S. 1619, known as the China Currency bill. I voted for that bill today because China has not made the progress that the U.S. and other countries have sought on currency issues. These currency issues can lead to economic distortions that cost the American economy jobs and increase economic risks for the global economy. Ideally, we would address these problems through negotiations with China and some other countries, but that course that has not yet yielded significant results. I hope we will make better progress on these currency issues in the future, and then perhaps legislation such as this won't be necessary. This bill is not perfect; ideally it would more clearly distinguish countries with unhelpful currency policies, from those which have taken a more measured course in managing their economies and currency. I would rather not resort to sanctions or countervailing duties, but the lack of progress on currency issues has made it appropriate to consider the steps set forth in this bill. While the final version of this legislation is not precisely as I would have written it, it is appropriate for the Congress to be heard on this issue, so tonight I voted for this bill. I hope that in the near future, we can resolve all of our currency issues with China and other nations.

AMERICAN JOBS ACT OF 2011—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. Under the previous order, there is now 5 minutes for debate equally divided between the two leaders or their designees prior to a vote on the motion to invoke cloture on the motion to proceed to S. 1660.

Mr. REID. Mr. President, we would yield back our time and use leader time for a colloquy between the two of us.

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

Mr. McCONNELL. Mr. President, we have done a lot of sparring back and

forth over the last week trying to get a vote on the President's so-called jobs proposal, and now we have before us cloture on the motion to proceed to the second version of the President's so-called jobs proposal. It strikes me it would be appropriate to try one more time to see if we could get a vote on the actual proposal. So I have indicated to my good friend the majority leader that I am going to ask unanimous consent that we vote on both the original President Obama jobs proposal and the revised Obama jobs proposal upon which we currently have pending cloture on the motion to proceed. It strikes me this would expedite the process. The President has been out on the campaign trail asking us to vote on his proposal and vote on it now without change. If that is a vote our friends on the other side do not want to have, we would be happy to have a vote on the President's proposal as changed, which I gather he also supports.

So bearing that in mind, I now ask unanimous consent that the cloture vote on the motion to proceed to S. 1660, the newly introduced jobs act, be vitiated, the Senate proceed to its consideration, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, with no intervening action or debate; provided further that if the bill does not receive 60 votes on passage, the bill then be placed back on the calendar.

I further ask unanimous consent that immediately following that vote, the Senate proceed to the consideration of S. 1549, the President's job package; that the bill be read the third time and the Senate proceed to vote on passage of the bill, with no intervening action or debate; provided further, that if the bill doesn't receive 60 votes on passage, the bill then be placed back on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, everyone should understand, on Thursday, on this side we agreed to a vote on the President's jobs bill. There have been a number of things that have occurred since then.

We seek today, with this motion, to proceed to get to the jobs bill—a good jobs bill. We seek to begin a legislative process. Senators from my side and Senators from the other side—the Republican side—have said they want to be able to get a bill where they can offer ideas to create jobs. I think that is commendable. That is what we seek to do to get on this bill.

I ask my colleague, the Republican leader, if he might modify his request to allow the Senate to proceed to the bill so we might begin consideration of an amendment to the bill. I also say, in response to modification, I have said to my friends on the Republican side of the aisle and on the Democratic side, as I said last Thursday, the President's original package we have talked about for some time. If people want to vote on that, they can vote on that. I think it would be to everyone's best interest to move to proceed to this so we can make this legislation even better than it now is. I ask for that modification.

The PRESIDING OFFICER. Does the Republican leader so modify his request?

Mr. MCCONNELL. I have been trying for a over a week to get a vote on the President's so-called jobs proposal, which he has been asking us to give him repeatedly. Our friends on the other side are not only objecting to voting on the President's original jobs proposal but his jobs proposal as modified.

The practical result, however, of voting for cloture on the motion to proceed, rather than going on and voting on the bill, as the President has asked us to do on 12 occasions out on the campaign trail, is we will not be able to proceed to one of the things that is rare here—we actually have a bipartisan agreement to go forward on these important trade agreements, pass them tomorrow night, and then have the President of South Korea address a joint session of Congress. South Korea is one of our most important allies—probably the most important ally in Asia. Why would we not just want to vote on the proposal tonight? I am sorry we will not be able to do that.

I will continue to look for opportunities to give the President the vote he has asked for repeatedly—not a procedural vote but a real vote on the matter he requested.

I object.

Mr. REID. Mr. President, I will continue to work with my friend to get on the jobs bill, so the Senate can work its will and provide to the American people jobs. I object to my friend's request.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Pursuant to rule XXII the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 187, S. 1660, the American Jobs Act of 2011.

Harry Reid, Richard J. Durbin, Charles E. Schumer, Sherrod Brown, Robert Menendez, Mark Begich, Barbara Boxer, Debbie Stabenow, Richard Blumenthal, Sheldon Whitehouse, Bernard Sanders, John F. Kerry, Frank R. Lautenberg, Jeff Merkley, Barbara A. Mikulski, Benjamin L. Cardin, Patrick J. Leahy

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1660, a bill to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs, shall be brought to a close? The yeas and nays are mandatory under the rules.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

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

The yeas and nays resulted—yeas 50, nays 49, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—50

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

NAYS—49

Alexander	Grassley	Nelson (NE)
Ayotte	Hatch	Paul
Barrasso	Heller	Portman
Blunt	Hoeven	Reid
Boozman	Hutchison	Risch
Brown (MA)	Inhofe	Roberts
Burr	Isakson	Rubio
Chambliss	Johanns	Sessions
Coats	Johnson (WI)	Shelby
Cochran	Kirk	Snowe
Collins	Kyl	Tester
Corker	Lee	Thune
Cornyn	Lugar	Toomey
Crapo	McCain	Vitter
DeMint	McConnell	Wicker
Enzi	Moran	
Graham	Murkowski	

NOT VOTING—1

Coburn

The PRESIDING OFFICER. On this vote, the yeas are 50, nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

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

The PRESIDING OFFICER. The motion is entered.

Mr. RUBIO. Mr. President, I strongly oppose S. 1660, the American Jobs Act of 2011.

I am eager to work with Members of both parties to find common ground on policies that will help grow the economy at a time when our nation continues to struggle with high unemployment and low economic growth. To be clear, there are certain proposals in the American Jobs Act that I would support individually, including an extension of the payroll tax cut, allowing businesses to fully expense the cost of acquiring new capital, and a delay of the three percent withholding penalty on government contractors. These provisions would provide piecemeal relief to the economy.

Unfortunately, the positive provisions in the American Jobs Act are

overshadowed by a massive $453 billion tax hike that would be highly damaging to the ability of businesses that pay individual tax rates to expand operations, hire new workers and compete internationally. According to data from the Department of the Treasury, 80 percent of taxpayers affected by this new 5.6 percent tax increase would be business owners. Furthermore, the Joint Committee on Taxation estimates that 34 percent of business income would be ensnared by the job-destroying tax increase in S. 1660.

Worse, if the 2001 tax relief expires as scheduled in 2013, this new tax surcharge would push the top marginal tax rate to nearly 50 percent when accounting for the new 3.8 percent Medicare tax on unearned income in the Patient Protection and Affordable Care Act. It would also sharply increase taxes on capital gains and dividends investment, hurting small businesses and investors.

Small businesses have been burdened by more than $1 trillion new taxes and penalties in the health care law and regulatory agencies have churned out over 60,000 pages of new Federal regulations this calendar year alone. Simply put, they cannot afford the burden of another tax hike from Washington under the guise of job creation.

This is why the Nation's leading business groups representing millions of American business owners, including the National Federation of Independent Business and the National Association of Manufacturers, all strongly oppose the permanent tax hike in S. 1660. This is why a growing group of Democrats vocally oppose this legislation, and why I oppose proceeding to it.

Since I joined the Senate 9 months ago, I have maintained my strong belief that Democrats and Republicans should work together to pass policies proven to boost economic growth like progrowth tax and regulatory reform, lowering barriers to free trade, and cutting spending to avert our looming debt crisis. Unfortunately, the huge tax increases on job creators and more debt-financed stimulus spending in the American Jobs Act would move our Nation in squarely the wrong direction.

Mr. WHITEHOUSE. Mr. President, this evening, I cast my vote in favor of the Senate moving forward with critical job-creation legislation. With 61,000 Rhode Islanders and millions of Americans currently looking for jobs, we must take swift action to help put people back to work. Sadly, as they have all-too-many times this Congress, Republicans chose to obstruct our efforts by blocking us from even debating the American Jobs Act.

This filibuster is particularly disappointing because the American Jobs Act, as introduced in the Senate by Leader REID, represents a balanced and already-tested approach to job creation. Indeed, the bill includes a host of provisions that have received wide bipartisan support in the past. It may not be the exact bill each of us would draft on our own, but it is a thoughtful and reasonable place to begin working on a Senate jobs plan.

I say the bill is ''balanced'' because it includes a full range of job-creating provisions from tax credits to help businesses hire, to infrastructure programs that will put people to work updating and upgrading our roads, bridges, and schools.

In addition to being ''balanced,'' I say the American Jobs Act is ''tested'' because it includes programs that have worked in the past. For example, the Federal Highway Administration estimated that $1 billion invested in our highways supports about 28,000 jobs. That means that the President's proposed investment of $27 billion would generate or save over 750,000 jobs. In addition to the upfront investment, the bill would deposit another $10 billion in a National Infrastructure Bank which could leverage the money with private investments to create hundreds of thousands of additional jobs. We know how well the National Infrastructure Bank would work from the experiences of local revolving funds like Rhode Island's Clean Water Finance Agency.

We also know that funds provided by the bill would prevent hundreds of thousands of teachers, police officers, and firefighters from losing their jobs. According to the Department of Education, $10 billion in emergency funds provided last summer have already spared 114,000 teachers' jobs. The $35 billion included in the American Jobs Act would keep hundreds of thousands of additional teachers and first responders from getting pink slips. A lot of small businesses count on teachers and firefighters and police officers with paychecks coming in to do business.

We are not just talking about statistics in this debate. The millions of jobs that would be created or preserved under the American Jobs Act would hit home for families who have been trying to find work for so long.

Just last week, I held a telephone town hall with Rhode Islanders from all across our State. We took questions from folks on issues from jobs to the future of Medicare and Social Security. There was one call in particular that really stuck with me. It was from a woman named Diane in Narragansett. Diane, a Marine veteran, and her husband are both out of work and struggling to put food on the table for their three young children. Her husband a trained heavy equipment operator and welder has taken temporary employment as a landscaper and a fisherman, but can not find a steady paycheck. They have missed bill payments and have struggled to keep a roof over their heads. On the call Diane said, ''[o]ur dream of owning a house is shot out the window . . . [We] don't know where to go [We] don't know what else to do.'' Diane and her husband are hardworking people doing their best to survive in a frustratingly sluggish economic recovery. They are just asking for a fair chance to provide for their kids and reclaim their portion of the American dream. We owe it to Diane and her family to set aside our differences and focus on getting something done to create jobs for the American people. It is not too late for us to work together to help solve our Nation's jobs crisis. Let us cut the politics and delay tactics and begin that critical work.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for 5 minutes each.

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

REMEMBERING STEVE JOBS

Mrs. BOXER. Mr. President, today I join my colleagues and so many around the world in paying tribute to Apple chairman and cofounder Steve Jobs, the Silicon Valley pioneer who died at age 56 after a long, brave fight with pancreatic cancer. I send my deepest condolences to Steve Jobs' family and friends on this devastating loss.

Steve was a California icon and one of America's greatest innovators who changed the way we work, communicate, and live our daily lives. Billions of people around the world have been touched by the power of his ideas.

His true genius lay in knowing what consumers wanted and needed before they themselves knew it, and then giving them simple, elegant products to meet those needs. Many of us who never knew we needed an iPad or an iPod now can't do without them.

Steve was a Californian through and through: He was born in San Francisco, raised in Los Altos, and changed the world from Cupertino. He embodied California's entrepreneurial spirit of creativity and optimism. In the process, he created millions of jobs in industries that he himself helped to create.

Even in the face of a deadly disease, Steve never lost his grace, his sense of humor, and his optimism. In a commencement address at Stanford University in 2005, he talked openly about his illness and urged graduates to devote their lives to following their passions. ''Your time is limited, so don't waste it living someone else's life,'' he told them. ''Don't be trapped by dogma—which is living with the results of other people's thinking. Don't let the noise of others' opinions drown out your own inner voice. And most important, have the courage to follow your heart and intuition.''

These were the principles he lived by. This was the guiding philosophy that helped create a revolution in communications. And these are the lessons that still inspire so many all across the world.

All of us are deeply grateful to Steve Jobs, who showed us once again how one person really can change the world.

IRAN CAPTIVE

Mr. BLUNT. Mr. President, I draw the Senate's attention to a troubling situation abroad. By now, many following the news have heard of the name Youcef Nadarkhani. Pastor Youcef is a Christian in Iran who has been sentenced to death for refusing to deny his faith. He was originally arrested in October 2009 while attempting to register his church. He allegedly questioned the Muslim monopoly on the religious instruction of children in the state.

To Iran, his crime is his Christian faith and evangelism, and the punishment is death. For as many problems as we face in America, we are blessed that this is not one of them. The American Center for Law and Justice and other national groups have been diligently working on the case since it was first reported earlier this year. At any moment, Pastor Youcef could be executed without notice to his family or the public. I would like to take this time to add my name to the list of those calling for his immediate, unconditional release.

This past weekend, Iran began to claim that Pastor Youcef's crimes were not of religion but of rape and threats to national security. These new allegations appear to be a new and unfounded attempt to justify his execution. None of these crimes were mentioned in his trial over the past 2 years.

While ''religious freedom'' may be the law of the land in Iran, it is certainly not the practice. This audience is well aware of the persecution of religious minorities and Christians abroad. We should not forget the plight of religious minorities throughout this region, especially the Coptic Christians in Egypt, Chaldo-Assyrian Christians in Iraq, the dwindling Christian population in the Holy Land, and other religious minorities in the Middle East.

I believe we can and we must do more to advance religious freedom abroad. Earlier this year, in coordination with Congressman FRANK WOLF in the House and my Senate colleague, Mr. LEVIN, I introduced the Near East and South Central Asia Religious Freedom Act. The bill creates a Special Envoy on religious freedom in the State Department to monitor the status of religious minorities in these particularly vulnerable regions. I am sincerely committed to this effort and believe that it is essential to promoting the God-given right to liberty around the world. I am hopeful that the Senate can soon join the House in passing this important legislation.

I ask that other Members of the Senate join me in this call to save Pastor Youcef Nadarkhani's life and condemn Iran's denial of the universal right to religious freedom.

CELEBRATING 100 YEARS OF THE WASHINGTON PARISH FAIR

Ms. LANDRIEU. Mr. President, located on the eastern edge of Louisiana, Washington Parish plays a central role in celebrating our State's unique culture and history. Every October, residents and leaders of the parish host the annual Washington Parish Fair, which marks its 100th anniversary this month.

This quiet but remarkable parish is known for its agriculture, its scenic rivers, and its thriving workforce, which spans across a number of industries, including paper and timber production. Once the center of the dairy industry, the area boasts a relatively low unemployment rate, with nearly 75 percent of its workforce belonging to the community's private sector.

The parish is also known for its genuine hospitality. Its residents volunteer tirelessly for the annual Washington Parish Fair, which is believed to be the largest fair of its kind in the country. The 5-day event, which began in 1911, now attracts families from all over the State. They spend the weekend enjoying the wide range of activities the fair has to offer—including a livestock show, a rodeo and carnival rides—while taking in the unique Louisiana scenery.

This popular event is a model of the community spirit and a prime example of the cultural and economic advancement that can be achieved when neighbors work together for a common goal. Every year, Washington Parish leaders and residents commit themselves to the success of the event, and I commend them for their efforts to continue such a first-rate Louisiana tradition.

CHILDHOOD OBESITY AWARENESS MONTH

Mr. BROWN of Ohio. Mr. President, as September ended, so did Childhood Obesity Awareness Month. While it is important to set aside a month for special attention to this epidemic, we must not forget that childhood obesity is a year-round battle.

The facts about childhood obesity are startling. Obesity rates have more than tripled in the last 30 years. In Ohio, more than 30 percent of children and adolescents are overweight or obese. Our children living with obesity experience lifelong health problems, including type 2 diabetes, heart problems, and bone and joint problems.

Combating childhood obesity might seem like an uphill battle, but with national attention on the issue, we can meet this urgent need. And communities across Ohio and the Nation are doing their part. Public and private partnerships are joining forces to unite in the fight against childhood obesity.

We see it with the U.S. Surgeon General's healthy youth for a healthy future initiative promoting healthy eating and physical activity to the Do Right! Campaign in communities in greater Cincinnati. We see it with Let's Move! events throughout the State, and collaborations between Federal and State governments and local communities, organizations, and individuals.

Last year, the Senate passed landmark child nutrition legislation, the Healthy, Hunger Free Kids Act, to help promote health and reduce childhood obesity. This bill will improve the nutritional quality of school meals through an increase in Federal reimbursement for school lunches. It also establishes national nutrition standards for all foods sold in schools so that vending machine food and snacks in the a la carte line are healthy and nutritious. The Healthy, Hunger Free Kids Act will connect more children to healthy, locally grown produce through farm-to-school programs with the dual benefit of making sure children know how their food is grown and supporting Ohio farmers.

Also worth noting is the U.S. Department of Agriculture's, USDA, progress in updating the nutrition standards for school meals so they are in line with current nutrition science. I commend the USDA for its efforts and urge it to finalize these new school lunch rules quickly so that children across the country get the benefit of more fruits, vegetables, whole grains, and low-fat dairy products.

I am also proud of the proactive efforts of Ohio hospitals in acknowledging their ability to combat the epidemic of childhood obesity.

The Cleveland Clinic's 5 to Go! Program is a comprehensive childhood wellness program. A partnership with family health centers, hospitals, schools, and neighborhood partners, 5 to Go! is working in Cuyahoga County to keep children healthy by encouraging them to get 1 hour of exercise a day and consume more fruits and vegetables in their meals.

University Hospitals Rainbow Babies and Children's Hospital is a national leader in addressing childhood diabetes—one of the more serious side effects of obesity. Through funding awarded by the Centers for Disease Control and Prevention, Rainbow is home to the Center of Excellence for Childhood Diabetes, Activity, and Nutrition. Rainbow is holding workshops to educate school nurses on childhood diabetes and hosting events with patients and their family focusing on breakthroughs in treatment and disease management.

By teaming up with the Kohl's Community Youth Fitness Program, Akron Children's Hospital is teaching 8 to 13-year-olds about healthy fitness and eating habits through participation in activities and games.

In Toledo, ProMedica is focusing its attention on community-based nutrition programs. The Fields of Green Program includes everything from hydroponic and community gardens tended to by neighborhood children to a scholarship program for high school students. And, through a partnership with the YMCA and the United Way, the Summer Feeding Program has increased the number of meals served to children under 18 from 1,500 to over 45,000 in only 1 year.

Nationwide Children's in Columbus is an Ohio Healthy Weight Outcome member, one of ten teams selected to participate in the National Health Weight Collaborative. Funded through the Affordable Care Act, the Collaborative's mission is to optimize health outcomes in children by implementing a multilevel obesity prevention and treatment demonstration project in a low-income area. Nationwide and the Ohio Healthy Weight Outcomes Program are implementing the Healthy Neighborhood Healthy Family (HNHF) zone with the goal of reducing the obesity rate in Columbus fifth graders by 10 percent in 5 years.

And Cincinnati Children's Hospital is working with both children and their parents to make simple yet effective dietary changes. The hospital is also working with local school districts to increase children's consumption of fruits and vegetables and replace sugary drinks in school lunches. Additionally, through a partnership with U.S. Bank and the Boys and Girls Club, over 3,000 children participated in Cincinnati Children's kids' marathon—an incremental marathon over an 8-week period that included running as well as nutrition and health education.

September brought an end to Childhood Obesity Awareness Month, but I look forward to continuing to work with schools and hospitals, teachers and parents, and all Ohioans to combat childhood obesity and ensure a healthier future for our Nation's children.

THE AMERICAN ACADEMY OF ARTS AND SCIENCES

Mr. BROWN of Massachusetts. Mr. President, today I would like to recognize the newest members of the American Academy for Arts and Sciences upon their induction on October 1, 2011, in Cambridge, MA.

The American Academy, which was founded during the American Revolution by John Adams, John Hancock and other notable scholar-patriots, includes some of the world's most notable scientists, scholars, artists, authors and leaders.

Its nonpartisan, independent research has provided us with a significant collection of knowledge in numerous fields of science, humanities, culture and education for more than 200 years.

The 231st class of members must therefore be recognized for their distinguished success in their respective fields, as well as their election to an institution of the world's most celebrated leaders.

On behalf of the Commonwealth of Massachusetts, I ask my colleagues to join me in congratulating the 211 new members of the American Academy of Arts and Sciences, particularly the 28 inductees from Massachusetts. It is an honor and pleasure to recognize their continuing service and intellectual leadership not only in Massachusetts, but also nationally and across the world. I wish the Academy good luck and continued success in their future endeavors.

ADDITIONAL STATEMENTS

PENNSYLVANIA AVENUE AFRICAN METHODIST EPISCOPAL ZION CHURCH

• Mr. CARDIN. Mr. President, today I wish to recognize and congratulate the Pennsylvania Avenue African Methodist Episcopal, AME, Zion Church in Baltimore as the congregation celebrates the church's 170th anniversary. Founded on May 31, 1841, Pennsylvania Avenue AME Zion Church has flourished for many decades under the guidance and spiritual leadership of its anointed pastors since it was founded on May 31, 1841.

Records from 1904 reveal that Reverend B.J. Bolding and 200 church members purchased Zion's first building at 1125 Pennsylvania Avenue for $16,000. Reverend Bolding served for 27 years until Rev. George Marion Edwards became the pastor in May 1931. Twenty-eight years later, on October 4, 1959, Rev. Clinton Rueben Coleman was chosen as Zion's new spiritual leader and served during the tumultuous years of the civil rights movement. Reverend Coleman was responsible for the renovation of the old Zion Church building and started the course toward planning and building a new church building. On May 12, 1972, he was elected to the AME Zion Church's 12-member Board of Bishops, the denomination's 72nd bishop in succession.

In 1972, Rev. Marshall H. Strickland was selected to lead Zion, and the journey continued towards constructing a new church. Three years later, Reverend Strickland led the groundbreaking ceremony at the southwest corner of Pennsylvania Avenue and Dolphin Street. On Sunday, April 10, 1977, after 16 years of vision, perseverance, and hard work, a jubilant congregation marched into the new church building. Eleven years later, on May 15, 1988, the mortgage note for the church was burned. On July 31, 1992, Reverend Strickland was elected the 88th bishop in succession in the AME Zion Church.

In September 1992, continuing the legacy of an historic church with great spiritual leaders, the Reverend Dr. Dennis Vernon Proctor was appointed pastor of the Pennsylvania Avenue AME Zion Church. Dr. Proctor's leadership and pastoral abilities, steadfastly applied for over a decade, increased the church's membership to over 1,800 congregants. After 16 years of faithful service to Zion Church, Dr. Proctor was elected the 97th bishop in succession during the Quadrennial Convention in Atlanta, GA, on July 18, 2008.

On September 14, 2008, less than 2 months before our Nation elected its first African American President, the Right Reverend Warren M. Brown, presiding prelate of the Mid-Atlantic II Episcopal District, announced the current pastor of the Pennsylvania Avenue AME Zion Church, Rev. Lester Agyei McCorn, to a standing-room-only congregation.

Pennsylvania Avenue AME Zion Church, located in Baltimore's Upton community, is committed to providing spiritual leadership and support to help people overcome the political, social, and educational struggles affecting them in the communities that the church serves. It is a Kingdom-focused church, whose legacy continues with a renewed vision to make new disciples, help believers to mature in their faith, and multiply outreach and service ministries.

I encourage all Senators to join me in congratulating Pennsylvania Avenue AME Zion Church on its 170th anniversary and its even brighter future.•

TRIBUTE TO DICK WILKERSON

• Mr. GRAHAM. Mr. President, I would like to recognize the achievements of one of South Carolina's most respected citizens.

Greenville, SC, is the home of Michelin's North American headquarters. One of the largest tire manufacturers in the world, Michelin has had a presence in the state for over thirty years and currently employs nearly 8,000 South Carolinians. Michelin is known for its innovation and the quality of its products. It is also one of the finest corporate citizens we have in South Carolina.

Dick Wilkerson, the current chairman and president of Michelin North America, will retire at the end of 2011 after 31 years with the company, the last 3-plus years in his current role. Upon his retirement, he will become chairman emeritus of Michelin North America, in recognition of his remarkable career and strong and effective leadership during a very difficult economic time.

Under Dick's leadership, Michelin became the largest tire maker in North America by sales and has remained the most profitable tire maker in North America for 7 consecutive years. That is quite an achievement given the tough economic circumstances.

Wilkerson also led the creation of major community programs, including Michelin Development Upstate South Carolina and Michelin Challenge Education.

Michelin Development provides low interest loans and access to our considerable business expertise to create quality sustainable jobs and promote economic growth. To date, investments in Upstate South Carolina total more than $2 million, 33 loans have been supported, and more than 750 potential jobs have been created inspiring new economic growth.

Michelin Challenge Education focuses on the support of public elementary schools located in close proximity

to major Michelin facilities. By forming a true partnership between each facility and its adopted school, Michelin provides support to meet the specific needs of each school. Several of these include low-income schools receiving Federal title I funds. The program formalizes an opportunity for Michelin's nearly 8,000 South Carolina employees to make a personal contribution to the improvement of public education through hands-on involvement. Michelin employees serve as mentors, tutors and volunteers.

Dick currently serves as chairman of the South Carolina State Chamber of Commerce Board of Directors. He also serves on the Clemson University President's Advisory Board and the University of South Carolina National Advisory Council. Nationally, he serves on the board of the Rubber Manufacturers Association and Board of Directors of the Yellowstone Park Foundation.

He is active in the Greenville, SC community, serving as chairman-elect of the United Way of Greenville County Board of Trustees. Previously, Dick served as chair of the United Way of Greenville County fundraising campaign. He has served on the boards of the Greenville Urban League, the chamber of commerce, the University Center, and the Greenville Symphony.

Dick has been a true leader in the State's business community. Michelin has turned in strong financial results, which reflects their strong commitment to their shareholders. Beyond that, is the company's commitment to its employees and the fact that Michelin is a true partner with the communities where their employees live and operate manufacturing facilities. Michelin is a superb example of how a good corporate citizen behaves. We are proud of the fact that Michelin calls South Carolina ''home.''

Dick, congratulations to you on your 31 years with Michelin. Thank you for your past contributions to South Carolina, and I look forward to continuing our work together to make South Carolina a great place to live and work.●

REMEMBERING HANNAH SOLOMON

● Ms. MURKOWSKI. Mr. President, I come before you today with a heavy heart, as another of Alaska's treasured elders has passed. Yesterday would have marked the 103rd birthday of Hannah Solomon, a revered Athabascan elder and Gwich'in matriarch. Hannah passed away peacefully at her home in Fairbanks, September 16, 2011.

Grandma Hannah, as she was lovingly referred to, was surrounded by family and loved ones as she passed from this world. She spoke her last words softly, saying to family in Gwich'in, her traditional language, that it was time.

Hannah was known for her devotion to God. She was a very familiar face at St. Matthew's Episcopal Church in Fairbanks, and it is said that she was the last person alive to remember the sound of Episcopalian Archdeacon Hudson Stuck's voice. In the days following her passing, a red rose sat atop a crocheted pink and blue pillow in the empty pew seat where Hannah sat in devotion for so many years.

She was also well known for her beautiful and intricate beadwork; many of her pieces can be seen in museum collections around the world. Hannah was not only an artist but a culture bearer. She was born in the Interior of Alaska near the Porcupine River and raised 14 children in a traditional subsistence lifestyle. With no running water or electricity, the family enjoyed all the wealth their traditional homelands offered and never considered themselves to be poor.

Hannah may be best remembered for her social activism. With the wellbeing of her Gwich'in people always in mind, she and her husband Paul Solomon, Sr., helped to form many Alaska Native organizations, including the Fairbanks Native Association and Denakkanaaga. Fluent in her Native language, Hannah also worked as one of the first early social workers in Alaska, helping to create services for those in need.

Her passing will leave a void in our hearts that is difficult to fill. With the passing of each Alaska Native elder we lose a connection to the past and our unique history. Hannah took her responsibility as a culture bearer very seriously, ensuring that future generations knew the stories and traditions of the Gwich'in culture. She was a role model, matriarch, and a leader of exceptional courage and strength, inspiring people to appreciate and love one another.

I would like to offer Hannah's Solomon's family and countless friends my heartfelt condolences. She served the Native people and our beloved State of Alaska brilliantly over the course of her entire life. It is my hope that her extraordinary life will continue to serve as an inspiration to all of us.●

REMEMBERING ERNEST HOUSE, SR.

● Mr. UDALL of Colorado. Mr. President, today I honor of my friend, Ernest House, Sr. I am deeply saddened by his death and I would like to take a few minutes to speak in his honor.

Mr. House was a member of the Weeminuche Band of the Ute Mountain Ute tribe. He was born and raised in Mancos Canyon, CO, in what is now the Ute Mountain Tribal Park in the Four Corners region of our State. Mr. House is the father of Michelle House, Jaque House Lopez, and Ernest House, Jr. He is the grandson of Chief Jack House, the Ute Mountain Ute's last hereditary chair. Ernest House, Sr., held a prominent role in the tribe's leadership over the course of the last three decades, serving several times as chairman and also as a tribal council member. In addition to his service with the tribe, he was also a veteran of the Colorado Army National Guard of the Special Forces Airborne Group, and he worked for the Bureau of Indian Affairs and the National Park Service through the U.S. Department of the Interior.

I have admired Mr. House's leadership for many years. He was renowned across Indian Country for his gentle but effective leadership. At the heart of all of his efforts was the goal of improving the lives of his people, which he accomplished on a daily basis. His tireless advocacy for tribal businesses and enterprises led to the completion of several building projects, including the creation of the National Indian Health Service's Tribal Epidemiology Center in New Mexico. His eloquent testimony before Congress on the Dolores and Animas La Plata water projects led to the creation of two water compacts that are critical to the tribe's development. During the latter part of his career, Mr. House focused much of his energy on tribal safety, helping to increase the tribal police force from two officers to more than a dozen.

Mr. House had a wide circle of friends within his tribal community, but he was well respected throughout Colorado and Native American communities across our country. I can feel the sorrow of his friends and family as we collectively grieve for the loss of a truly visionary leader, a kind human being, and a wonderful friend. His legacy of working across tribal, ethnic, and party lines is something we should all take to heart as we try to rise to the challenges before us.

We are all shocked by the sudden loss of someone so important to our collective community. My uncle, Stewart Udall, served as Secretary of the Interior under President Kennedy, and he was also a champion for the rights of Native peoples. He once said that we are not measured by the things we accomplish but by how we treat people. In both regards, Mr. House was an outstanding person, and while he will be dearly missed, his legacy of dedication to his people will live on. We will think of him as we continue to strive to improve the quality of life for native people everywhere.●

STATUE UNVEILING

● Mr. UDALL of Colorado. Mr. President, today we remember John Otto and the contributions he made to one of our State's natural treasures the Colorado National Monument.

One of western Colorado's most influential historical figures, a trailblazer and ever an eccentric, he was unwavering in his commitment to opening up public lands for all people and generations to enjoy. Otto, a solitary man, took up residence in the commonly known Monument Canyon in 1906. There he began building the first trails in the area, working with tenacious skill throughout the rocky spires and

smooth-faced red rock canyons, which were created by millions of years of erosion.

Otto was among the first to truly appreciate the full beauty of this red-hued gem spanning thousands of acres across western Colorado lands. To President Taft, Otto wrote a letter carrying a message of the unique wonders hidden just beyond the fruit orchards and small settlements of the Grand Valley. His enthusiasm took hold and spread, and President Taft established the Colorado National Monument with the issuance of a proclamation in 1911.

Otto singlehandedly scaled rock faces, hauled timber, and blasted through layers of Wingate and Entrada sandstone to carve out what would be the monument's first trails, and for $1.00 a month he would be the park's first custodian, ushering in people from every corner of the State and beyond to experience its natural grandeur.

This year we celebrate the monument's centennial, and it is only fitting that John Otto be a part of the occasion. With the unveiling of his statue, the last in a series of five Legends of the Grand Valley, his story and that of the monument will be preserved in the heart of downtown Grand Junction for generations to come. I am proud, and Colorado can be proud, of the stewardship and dedication Otto modeled in his journey to opening up this special place in the West.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:04 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2681. An act to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2681. An act to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3494. A communication from the Under Secretary of Commerce for Oceans and Atmosphere, transmitting, pursuant to law, a report relative to the activities of the Northwest Atlantic Fisheries Organization for 2010; to the Committee on Commerce, Science, and Transportation.

EC–3495. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report providing a statement of actions with respect to the Government Accountability Office report entitled ''Data Center Consolidation: Agencies Need to Complete Inventories and Plans to Achieve Expected Savings''; to the Committee on Commerce, Science, and Transportation.

EC–3496. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report providing a statement of actions with respect to the Government Accountability Office report entitled ''Social Media: Federal Agencies Need Policies and Procedures for Managing and Protecting Information They Access and Disseminate''; to the Committee on Commerce, Science, and Transportation.

EC–3497. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report providing a statement of actions with respect to the Government Accountability Office report entitled ''Space and Missile Defense Acquisitions: Periodic Assessment Needed to Correct Parts Quality Problems in Major Programs''; to the Committee on Commerce, Science, and Transportation.

EC–3498. A communication from the Government Affairs Liaison, National Transportation Safety Board, transmitting, pursuant to law, the Board's annual submission regarding agency compliance with the Federal Manager's Financial Integrity Act and revised Office of Management and Budget (OMB) Circular A–123; to the Committee on Commerce, Science, and Transportation.

EC–3499. A communication from the Secretary of Transportation, transmitting, a legislative proposal entitled ''Pipeline and Hazardous Material Transportation Safety Reauthorization Act of 2011''; to the Committee on Commerce, Science, and Transportation.

EC–3500. A communication from the Chief of the Revenue and Receivable Group, Financial Operations, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of the Schedule of Application Fees Set Forth in Section 1.1102 through 1.1109 of the Commission's Rules'' (FCC 11–27) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3501. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Telemarketing Sales Rule: Final Rule Amendments'' (RIN3084–AA98) received in the Office of the President of the Senate on September 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3502. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Commercial Porbeagle Shark Fishery Closure'' (RIN0648–XA658) received in the Office of the President of the Senate on October 3, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3503. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Parts and Accessories Necessary for Safe Operation; Saddle-Mount Braking Requirements'' (RIN2126–AB30) received in the Office of the President of the Senate on September 23, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3504. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Electronic Stability Control Systems'' (RIN2127–AL02) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3505. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Child Restraint Systems'' (RIN2127–AJ44) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3506. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries'' (RIN0648–XA630) received in the Office of the President of the Senate on October 3, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3507. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Emergency Rule to Increase the Recreational Quota for Red Snapper and Suspend the Red Snapper Closure Date'' (RIN0648–BB12) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3508. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 22'' (RIN0648–BA72) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3509. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Standards; Rotor Overspeed Requirements'' ((RIN2120–AJ62) (Docket No. FAA–2010–0398)) received

during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3510. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Tonopah, NV'' ((RIN2120–AA66) (Docket No. FAA–2011–0490)) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3511. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Glendive, MT'' ((RIN2120–AA66) (Docket No. FAA–2011–0560)) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3512. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Modification of Class E Airspace; Grand Junction, CO'' ((RIN2120–AA66) (Docket No. FAA–2011–0425)) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3513. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (71); Amdt. No. 3440'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3514. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (22); Amdt. No. 3441'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3515. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (50); Amdt. No. 3442'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3516. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (20); Amdt. No. 3443'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3517. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Eglin Air Force Base, FL'' ((RIN2120–AA66) (Docket No. FAA–2011–0087)) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3518. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Adam M. Robinson, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–3519. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Francis H. Kearney III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–3520. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Eric B. Schoomaker, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–3521. A communication from the Chief of Planning and Regulatory Affairs, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of Nondiscretionary, Non-Electronic Benefits Transfer-Related Provisions'' (RIN0584–AE13) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3522. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Sample Income Data to Meet the Low-Income Definition'' (RIN3133–AD76) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3523. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–3524. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65) (Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on October 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3525. A communication from the Deputy to the Chairman, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Disclosure of Information; Privacy Act Regulations; Notice and Amendments'' (RIN3064–AD83) received in the Office of the President of the Senate on October 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3526. A communication from the Deputy to the Chairman, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Resolution Plans Required for Insured Depository Institutions With $50 Billion or More in Total Assets'' (RIN3064–AD59) received in the Office of the President of the Senate on October 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3527. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Sudanese Sanctions Regulations; Iranian Transactions Regulations'' (31 CFR Parts 538 and 560) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3528. A communication from the Senior Counsel for Regulatory Affairs, Office of Financial Research, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Supplemental Standards for Ethical Conduct for Employees of the Department of the Treasury'' (RIN1505–AC38) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3529. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 ('CISADA') Reporting Requirements Under Section 104(e)'' (RIN1506–AB12) received in the Office of the President of the Senate on October 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3530. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Electric Reliability Organization Interpretation of Transmission Operations Reliability Standard'' (Docket No. RM10–29–000) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Energy and Natural Resources.

EC–3531. A communication from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Interpretation of Transmission Planning Reliability Standard'' (Docket No. RM10–6–000) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Energy and Natural Resources.

EC–3532. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the construction of a Mixed Oxide Fuel Fabrication Facility near Aiken, South Carolina; to the Committee on Energy and Natural Resources.

EC–3533. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Environmental Impact Considerations, Food Additives, and Generally Recognized as Safe Substances; Technical Amendments'' (Docket No. FDA–2011–N–0011) received in the Office of the President of the Senate on October 6, 2011; to the Committee on Environment and Public Works.

EC–3534. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Reinstatement of Listing Protections for the Virginia Northern Flying Squirrel in Compliance with a Court Order'' (RIN1018–AX80) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC–3535. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Removal of the Lake Erie Watersnake (Nerodia sipedon insularum)

From the Federal List of Endangered and Threatened Wildlife'' (RIN1018–AW62) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC–3536. A communication from the Acting Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Endangered Status for the Ozark Hellbender Salamander'' (RIN1018–AV94) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC–3537. A communication from the Acting Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Endangered Status for the Altamaha Spinymussel and Designation of Critical Habitat'' (RIN1018–AV88) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC–3538. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Marbled Murrelet'' (RIN1018–AW84) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC–3539. A communication from the Chief of the Branch of Operations, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Inclusion of the Hellbender, Including the Eastern Hellbender and the Ozark Hellbender, in Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)'' (RIN1018–AW93) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC–3540. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations'' (RIN1018–AX34) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC–3541. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds'' (RIN1018–AX34) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC–3542. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2011–12 Late Season'' (RIN1018–AX34) received during adjournment of the Senate in the Office of the President of the Senate on October 7, 2011; to the Committee on Environment and Public Works.

EC–3543. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to U.S. Army Corps of Engineer projects that have been identified as candidates for de-authorization; to the Committee on Environment and Public Works.

EC–3544. A communication from the Assistant Secretary of the Army (Civil Works), transmitting a report relative to watershed management studies of the Eastern Shore, Maryland and Delaware; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. MURRAY, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 914. A bill to amend title 38, United States Code, to authorize the waiver of the collection of copayments for telehealth and telemedicine visits of veterans, and for other purposes (Rept. No. 112–88).

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 1641. A bill to implement the United States-Colombia Trade Promotion Agreement.

S. 1642. A bill to implement the United States-Korea Free Trade Agreement.

S. 1643. A bill to implement the United States-Panama Trade Promotion Agreement.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

*Michael W. Punke, of Montana, to be a Deputy United States Trade Representative, with the Rank of Ambassador.

*Islam A. Siddiqui, of Virginia, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

*Paul Piquado, of the District of Columbia, to be an Assistant Secretary of Commerce.

*David S. Johanson, of Texas, to be a Member of the United States International Trade Commission for a term expiring December 16, 2018.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASEY:

S. 1677. A bill to amend titles I and II of the Elementary and Secondary Education Act of 1965 to strengthen connections to early childhood education programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. AYOTTE (for herself and Mr. BROWN of Massachusetts):

S. 1678. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to permit eligible fishermen to approve certain limited access privilege programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. THUNE:

S. 1679. A bill to ensure effective control over the Congressional budget process; to the Committee on the Budget.

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. HARKIN, and Mr. BARRASSO):

S. 1680. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself and Ms. AYOTTE):

S. 1681. A bill to assure that Congress acts on the budget resolution; to the Committee on the Budget.

ADDITIONAL COSPONSORS

S. 211

At the request of Mr. ISAKSON, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 260

At the request of Mr. NELSON of Florida, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 438

At the request of Ms. STABENOW, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 438, a bill to amend the Public Health Service Act to improve women's health by prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 481

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 481, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 587

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of

S. 587, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 596

At the request of Mr. WYDEN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 596, a bill to establish a grant program to benefit victims of sex trafficking, and for other purposes.

S. 634

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 634, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

S. 648

At the request of Mrs. GILLIBRAND, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 648, a bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

S. 649

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 649, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 810

At the request of Ms. CANTWELL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 838

At the request of Mr. THUNE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 939

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 939, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 986

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 986, a bill to amend the Internal Revenue Code of 1986 to regulate the subsidies paid to rum producers in Puerto Rico and the Virgin Islands, and for other purposes.

S. 1025

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1049

At the request of Mr. KYL, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1049, a bill to lower health premiums and increase choice for small business.

S. 1211

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1211, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases.

S. 1301

At the request of Mr. LEAHY, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, and for other purposes.

S. 1358

At the request of Mr. TESTER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1358, a bill to amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter.

S. 1468

At the request of Mrs. SHAHEEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1468, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

S. 1507

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1507, a bill to provide protections from workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1512, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1514

At the request of Mr. TESTER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1514, a bill to authorize the President to award a gold medal on behalf of the Congress to Elouise Pepion Cobell, in recognition of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice.

S. 1528

At the request of Mr. JOHANNS, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1528, a bill to amend the Clean Air Act to limit Federal regulation of nuisance dust in areas in which that dust is regulated under State, tribal, or local law, to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, and for other purposes.

S. 1541

At the request of Mr. BENNET, the names of the Senator from Delaware (Mr. COONS), the Senator from Virginia (Mr. WARNER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1541, a bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1567

At the request of Mr. ALEXANDER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1567, a bill to amend title II of the Elementary and Secondary Education Act of 1965, and for other purposes.

S. 1568

At the request of Mr. ALEXANDER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1568, a bill to amend section 9401 of the Elementary and Secondary Education Act of 1965 with regard to waivers of statutory and regulatory requirements.

S. 1577

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1577, a bill to amend the Internal Revenue Code of 1986 to increase

and make permanent the alternative simplified research credit, and for other purposes.

S. 1600

At the request of Mr. MORAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1600, a bill to enhance the ability of community banks to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1633

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1633, a bill to amend chapter 1606 of title 10, United States Code, to modify the basis utilized for annual adjustments in amounts of educational assistance for members of the Selected Reserve.

S. 1634

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1634, a bill to amend title 38, United States Code, to improve the approval and disapproval of programs of education for purposes of educational benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 1651

At the request of Mr. SESSIONS, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1651, a bill to provide for greater transparency and honesty in the Federal budget process.

S. 1668

At the request of Mr. MERKLEY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1668, a bill to provide that the Postal Service may not close any post office which results in more than 10 miles distance (as measured on roads with year-round access) between any 2 post offices.

S. 1671

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 1671, a bill to amend the Internal Revenue Code of 1986 to allow a temporary dividends received deduction for dividends received from a controlled foreign corporation.

S. RES. 232

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 232, a resolution recognizing the continued persecution of Falun Gong practitioners in China on the 12th anniversary of the campaign by the Chinese Communist Party to suppress the Falun Gong movement, recognizing the Tuidang movement whereby Chinese citizens renounce their ties to the Chinese Communist Party and its affiliates, and calling for an immediate end to the campaign to persecute Falun Gong practitioners.

AMENDMENT NO. 703

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 703 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 13, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled ''Carcieri Crisis: The Ripple Effect on Jobs, Economic Development and Public Safety in Indian Country.''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 13, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting on S. 1262, the Native Culture, Language, and Access for Success in Schools Act to be followed immediately by a hearing entitled ''Carcieri Crisis: The Ripple Effect on Jobs, Economic Development and Public Safety in Indian Country.''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Subcommittee on Primary Health and Aging of the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, October 18, 2011, at 10 a.m. in SD–430 to conduct a hearing entitled ''The Recession and Older Americans: Where Do We Go From Here?''

For further information regarding this hearing please contact Ashley Carson-Cottingham of the subcommittee staff on (202) 224–5480.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, October 18, 2011, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to examine the status of response capability and readiness for oil spills in foreign Outer Continental Shell waters adjacent to U.S. waters.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Abigail_Campbell @energy.senate.gov.

For further information, please contact Allyson Anderson at (202) 224–7143 or Abigail Campbell at (202) 224–1219.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks. The hearing will be held on Wednesday, October 19, 2011, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 544, A bill to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes;

S. 1083, A bill to amend the National Trails System Act to designate the route of the Smoky Hill Trail, an overland trail across the Great Plains during pioneer days in Kansas and Colorado, for study for potential addition to the National Trails System;

S. 1084, A bill to amend the National Trails System Act to designate the routes of the Shawnee Cattle Trail, the oldest of the major Texas Cattle Trails, for study for potential addition to the National Trails System, and for other purposes;

S. 1303, A bill to authorize the Secretary of the Interior to establish Fort Monroe National Historical Park in the Commonwealth of Virginia, and for other purposes;

S. 1325, A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, and for other purposes;

S. 1347, A bill to establish Coltsville National Historical Park in the State of Connecticut, and for other purposes;

S. 1421, A bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes;

S. 1478, A bill to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes;

S. 1537, A bill to authorize the Secretary of the Interior to accept from the Board of Directors of the National September 11 Memorial and Museum at the World Trade Center Foundation, Inc., the donation of title to The National September 11 Memorial and Museum at the World Trade Center, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony

for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510–6150, or by email to Jake_McCook@energy.senate.gov.

For further information, please contact David Brooks (202) 224–9863 or Jake McCook (202) 224–9313.

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 20, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a legislative hearing on the following bills: S. 134, Mescalero Apache Tribe Leasing Authorization Act; S. 399, Blackfeet Water Rights Settlement Act of 2011; S. 1298, Alaska Native Tribal Health Consortium Land Transfer Act; S. 1327, A bill to amend the Act of March 1, 1933, to transfer certain authority and resources to the Utah Dineh Corporation, and for other purposes; and S. 1345, Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Thursday, October 20, 2011, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to examine shale gas production and water resources in the Eastern United States.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Meagan_Gins@energy.senate.gov.

For further information, please contact Sara Tucker at (202) 224–6224 or Meagan Gins at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 11, 2011, at 4 p.m., in room 215 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on October 11, 2011, at 2:30 p.m. to conduct a hearing entitled ''Labor-Management Forums in the Federal Government.''

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

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for the 2011 third quarter Mass Mailing report is Tuesday, October 25, 2011. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116.

The Senate Office of Public Records will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Senate Office of Public Records at (202) 224–0322.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 290; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that any statements be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF AGRICULTURE

Brian T. Baenig, of the District of Columbia, to be an Assistant Secretary of Agriculture.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

MEASURE READ THE FIRST TIME—H.R. 2681

Mr. REID. Mr. President, I understand there is a bill at the desk due for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes.

Mr. REID. Mr. President, I now ask for its second reading in order to place the bill on the calendar under the provisions of rule XIV but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

ORDERS FOR WEDNESDAY, OCTOBER 12, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Wednesday, October 12, 2011; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate begin consideration of H.R. 3080, H.R. 3079, and H.R. 3078; that there be 12 hours of debate equally divided and controlled between the two leaders or their designees, with Senator BOXER controlling 20 minutes, and Senator BROWN of Ohio and Senator SANDERS each controlling 1 hour of the majority time, and that all other provisions of the previous order remain in effect; finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. for our weekly caucus meetings.

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

PROGRAM

Mr. REID. Mr. President, we will consider the three trade agreements tomorrow. We expect to complete action on these bills sometime tomorrow. If everyone uses their time, it is quite obvious it will be a late, late day. But maybe people will get tired of talking and we can finish this earlier.

We have work to complete on Thursday. I have talked to the Republican leader about a path forward, and I think we can get more done this week and have a really good next week working on appropriations bills.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:48 p.m., adjourned until Wednesday, October 12, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL INSTITUTE OF BUILDING SCIENCES

JAMES TIMBERLAKE, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2014, VICE JOSE TERAN, TERM EXPIRED.

NATIONAL BOARD FOR EDUCATION SCIENCES

ADAM GAMORAN, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2015. (REAPPOINTMENT)

JUDITH D. SINGER, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2014, VICE CAROL D'AMICO, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

GREGORY L. PARSONS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MICHAEL B. BEE
DONALD P. COFFELT
CHARLES A. DIORIO
PAUL C. FITZGERALD
ROBERT J. GRASSINO
JOSEPH S. HONEA
JAMES R. HOWATSON
JAMES M. KELLY
MARTHA J. LAGUARDIA
KARL S. LEONARD
LANE M. PUTALA
LEE C. SCRUGGS
CURTIS J. SHAW
DAVID L. TESKA
BILL TRAVIS
SLOAN A. TYLER
JAMES W. WHITLEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

PAUL ALBERTSO
BENES Z. ALDANA
ROBERT E. BAILEY
CHRISTOPHER A. BARTZ
DAVID C. BILLBURG
FRANCIS T. BOROSS
JOSEPH A. BOUDROW
GREGORY A. BURG
MATTHEW C. CALLAN
WILLIAM D. CAMERON
STEPHEN H. CHAMBERLIN
TODD M. COGGESHALL
RICHARD S. CRAIG
MICHAEL T. CUNNINGHAM
MICHAEL H. DAY
JEFFREY F. DIXON
JONATHAN B. DUFF
KEVIN P. DUNN
JAMES L. DUVAL
DONALD R. DYER
DAVID W. EDWARDS
MARK J. FEDOR
DAVID M. FLAHERTY
PAUL A. FLYNN
KEVIN P. GAVIN
TIMOTHY J. GILBRIDE
BRIAN S. GILDA
JOSEPH J. GLEASON
CHARLES A. HATFIELD
JOSE L. JIMENEZ
LANE D. JOHNSON
VIRGINIA J. KAMMER
BRENDA K. KERR
JENNIFER A. KETCHUM
JOHN H. LANG
SCOTT B. LEMASTERS
GEORGE A. LESHER
BRIAN M. LISKO
KEVIN W. LOPEZ
MARTIN L. MALLOY
PETER F. MARTIN
JOHN W. MAUGER
KYLE P. MCAVOY
MARK J. MCCADDEN
SHANNON W. MCCULLAR
JOHN W. MCKINLEY
PAUL MEHLER
CHRISTOPHER P. MOORADIAN
NATHAN A. MOORE
CHRISTOPHER C. MOSS
DOUGLAS E. NASH
RANDAL S. OGRYDZIAK
CHRISTOPHER K. PALMER
ROBERT G. PEARCE
FRANK E. PEDRAS
BRIAN K. PENOYER
JAMES B. PRUETT
MICHAEL W. RAYMOND
JOEL L. REBHOLZ
FREDERICK C. RIEDLIN
JONATHON N. RIFFE
MELISSA L. RIVERA
JAMES B. ROBERTSON
DOUGLAS M. SCHOFIELD
SCOTT J. SMITH
REED A. STEPHENSON
EDWARD M. ST. PIERRE
GREGORY G. STUMP
THOMAS S. SWANBERG
STEVEN C. TESCHENDORF
ROBERT J. THOMAS
PHILLIP R. THORNE
TIMOTHY A. TOBIASZ
MICHAEL T. TRIMPERT
ANDREW E. TUCCI
JENNIFER F. WILLIAMS
CHRISTOPHER J. WOODLEY
MICHAEL L. WOOLARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be commander

RICARDO M. ALONSO
DIRK N. AMES
BRIAN R. ANDERSON
DAVID L. ARRITT
THOMAS B. BAILEY
JONATHAN D. BAKER
ALAIN V. BALMACEDA
AGUSTUS J. BANNAN
TIMOTHY J. BARELLI
MICHELLE C. BAS
LAMONT S. BAZEMORE
CAROLYN M. BEATTY
ERIC M. BELLEQUE
MICHAEL E. BENNETT
KAILIE J. BENSON
JOHN BERRY
CHAD E. BLAND
JED R. BOBA
CHRISTOPHER L. BOES
ELIZABETH A. BOOKER
SEAN T. BRADY
ANDREW S. BROWN
HEATH M. BROWN
MATTHEW T. BROWN
THOMAS R. BROWN
TIMOTHY T. BROWN
MARC A. BURD
TRAVIS L. BURNS
KAREN S. CAGLE
SCOTT R. CALHOUN
COLIN E. CAMPBELL
WILLIE L. CARMICHAEL
ADAM A. CHAMIE
CASEY L. CHMIELEWSKI
BRADLEY CLARE
TEALI G. COLEY
DANIEL A. CONNOLLY
PHILLIP A. CRIGLER
TIMOTHY P. CRONIN
MICHAEL J. DAPONTE
KARL D. DAVIS
QUINCY L. DAVIS
KRISTINA M. DELL'ORCO
SETH J. DENNING
BRIAN J. DONAHUE
PATRICK DOUGAN
MARK M. DRIVER
WILLIAM A. DRONEN
WILLIAM E. DUNCAN
REINO G. ECKLORD
MICHAEL A. EDWARDS
HERBERT H. EGGERT
ROY EIDEM
TOM ENGBRING
NELL B. ERO
PAUL A. FAWCETT
SALVATORE J. FAZIO
KELLY B. FOUCH
MICHAEL S. FREDIE
GINA L. FREEMAN
TYRON V. GADSDEN
RILEY O. GATEWOOD
CHRISTOFER L. GERMAN
MICHAEL R. GESELE
WILLIAM R. GIBBONS
MICHAEL P. GULDIN
TIMOTHY D. HAMMOND
MARK K. HARRIS
MICHAEL J. HAUSCHEN
JOHN HENNIGAN
KATHRYN N. HERTY
MARK D. HEUPEL
FRANK L. HINSON
LINDA M. HOERSTER
WALTER L. HORNE
ROBERT A. HUELLER
JOHN P. HUMPAGE
JACK W. JACKSON
DESARAE A. JANSZEN
KIM D. KEEL
STEVEN R. KEEL
ADAM L. KERR
TIMOTHY J. KERZE
FAIR C. KIM
SCOTT A. KLINKE
GARY C. KOEHLER
KENNETH S. KOSTECKI
JASON A. KREMER
KURT R. KUPERSMITH
KARL D. LANDER
CHRISTIAN A. LEE
BRIAN J. LEFEBVRE
JOSEPH J. LEONARD
CAROLYN L. LEONARDCHO
SIMON A. MAPLE
STEPHEN MATADOBRA
GREGORY A. MATYAS
BRIAN A. MEIER
DARREN F. MELANSON
PETER N. MELNICK
ANDREW D. MEVERDEN
KENNETH V. MILLS
ERICA L. MOHR
DONALD P. MONTORO
JAMES H. MORAN
JOE L. MORGAN
JONATHAN E. MUSMAN
CRAIG D. NEUBECKER
PETER S. NILES
DOUGLAS D. NORSTROM
BLAKE L. NOVAK
DAVID E. OCONNELL
MATTHEW ORENDORFF
KELLY L. OSBORNE
BRIAN J. PALM
MICHAEL J. PARADISE
TINA J. PENA
DIANE D. PERRY
TRAVIS J. RASMUSSEN
JOHN C. REARDON
KEVIN B. REED
KEITH M. ROPELLA
ANTHONY L. RUSSELL
OLAV M. SABOE
EMILY C. SADDLER
DANIEL SCHAEFFER
JEREMY C. SMITH
DAN T. SOMMA
JALYN G. STINEMAN
ERIC R. STPIERRE
BENJAMIN F. STRICKLAND
TERRY R. TRELFORD
TERRY A. TREXLER
MICHAEL A. TURDO
HEATHER K. TURNER
TODD D. VANCE
STEVEN P. WALSH
ERIC S. WARD
WILBORNE E. WATSON
BRENDA M. WHITE
ANTHONY W. WILLIAMS
DOUGLAS E. WILLIAMS
TORRENCE B. WILSON

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM B. CALDWELL IV

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE DIRECTOR, ARMY NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 10506 AND 601:

To be lieutenant general

MAJ. GEN. WILLIAM E. INGRAM, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

To be major

SCOTT D. STEWART
SUSUMU UCHIYAMA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

RALPH M. CRUM
DANIEL A. GRUNDVIG
JAMES E. LOWERY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

AMANDA E. HARRINGTON

THE FOLLOWING NAMED OFFICER IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

RAMON M. ANGELUCCI

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CHARLES S. MOORE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

STEVEN GANDIA

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR

ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

ADAM R. LIEBERMAN

To be major

KENNETH J. ZENKER

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

BRONSON B. WHITE

To be major

MICHAEL K. DONEY

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

BEN D. RAMALEY
BERNHARD ZUNKELER

CONFIRMATIONS

Executive nominations confirmed by the Senate October 11, 2011:

THE JUDICIARY

JANE MARGARET TRICHE-MILAZZO, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA.

DEPARTMENT OF AGRICULTURE

BRIAN T. BAENIG, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

EXTENSIONS OF REMARKS

HONORING REBECCA FLANAGAN FOR HER SERVICE TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. GRIJALVA. Mr. Speaker, I rise to honor Rebecca Flanagan for her public service.

Rebecca Flanagan was selected on March 24, 2002, as Director for the Field Office of the U.S. Department of Housing and Urban Development (HUD) in Phoenix, Arizona and for the last 2 years has taken on the responsibility of the Tucson Office jurisdiction, as well. Rebecca is the senior management official for the close to 100 staff. She ensures that HUD's current and prospective customers gain the necessary access to the whole range of HUD services. She provides communities with technical expertise and continues to foster and develop public/private partnerships, and sustains her involvement within various community organizations.

Rebecca represents the Department throughout the State of Arizona to ensure effective and coordinated customer service and public relations.

Rebecca began her career 34 years ago with HUD as an Equal Opportunity Specialist in Denver, Colorado. She was hired to outreach to the Hispanic community to ensure their inclusion and access to HUD's programs business opportunities, and employment.

Rebecca transferred to Los Angeles and worked in the Community Planning and Development Division for the Los Angeles Office of HUD for 10 years, developing and sharing her expertise in community development with both large (ex. Los Angeles County) and small (ex. Santa Paula) communities within the greater L.A. area.

In 1990, Rebecca moved with her two high school aged sons to Phoenix after being selected as the Deputy Manager for the Phoenix HUD office. During her tenure, she was able to develop a number of key local policies including, the use of "cash on hand" by FHA borrowers to qualify using a down payment that was saved at home and not in a bank. It was very clear that in order to provide FHA insurance to the local underserved market of Hispanic and immigrant populations in Phoenix, that a policy like this was needed to allow these creditworthy borrowers to provide so-called "mattress money" as well as ensure that the prospective borrower was providing his/her own money. Another party to the transaction, namely the real estate agent or homebuilder, could not give the money. Given the policy's success in Phoenix, it has been adopted nationally by HUD.

During the last few years she developed a number of important partnerships for the Office including a HUD/DES partnership in which for the first time, the Arizona Department of Economic Security and HUD are jointly focused on their mutual clients living in public and assisted housing striving to become self-sufficient. Rebecca continues this focus through her involvement with Maricopa Workforce Connections Board, which oversees the one-stop career centers within the County.

In addition, Rebecca has involved the Phoenix HUD Office staff and resources in a wide range of community activities such as Job Fairs, Minority Appraiser Training, Adopt-a-School Programs, Summer Youth Programs, Homeownership education and fairs, and Faith-based conferences, all in support of HUD's mission and initiatives.

Rebecca is especially proud of her past community development efforts in the local Wilson neighborhood, located just east of Downtown Phoenix. After being the Principal for the Day she heeded the request from the school to "be a role model and help provide housing for the neighborhood". Rebecca created a coalition of school and neighborhood representatives, stakeholder businesses and agencies to assist in meeting the unmet needs of the Wilson students and their families. Rebecca was instrumental in getting the first 4 homes built in the Wilson area in over 40 years. Rebecca proudly mentored a young girl through high school, and tutored another young student in reading.

Rebecca was influential in bringing together Arizona leaders in business, industry, banks and non-profits, for a "peer to peer" meeting with the Mayor of San Jose and their leaders. The Arizona group flew to San Jose in the first ever endeavor by HUD's Phoenix Office, in gathering a prestigious assemblage of housing experts for a roundtable forum discussion of affordable housing. The meeting enlightened attendees about San Jose's strides and actual accomplishments to incorporate their best practices here in Arizona. Soon, other groups branched out to address the issue of affordable housing by formulizing meetings and conferences, dialogs, summits, and other ongoing efforts to continue to assess the need for affordable housing within our communities.

Rebecca earned a Bachelor of Arts Degree with a major in Sociology, from the University of California at Los Angeles (UCLA). She is married to Ray Lechuga, a local businessman, the proud mother of two (2) grown sons, Andres and Daniel Benites, and the proudest of all Nanas to Erin's and Andres' real live angels, Raven, Willow and Ivy and Jennifer and Daniel's angel Diego.

IN RECOGNITION OF MARJO RIVINIUS

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. CARDOZA. Mr. Speaker, I rise today to recognize MarJo Rivinius in the event of her retirement after thirty-eight years of dedicated service as Association Executive for the Lodi Association of Realtors.

MarJo was born and raised in Gackle, North Dakota. Her parents owned a local grocery store where she worked while growing up. MarJo attended local schools and graduated with a teaching degree from Jamestown College in North Dakota. She moved with her parents to the Santa Rosa area after college and got her first teaching job in Potter Valley.

MarJo married her high school sweetheart, Dennis in 1960. Dennis was in the Navy and stationed in Florida where she joined him after they were married. This was an eye opening experience for a girl from North Dakota. She learned about southern food, grits and segregation.

MarJo and Dennis moved to Lodi in 1961, where they have lived for the past 50 years. Over the years, MarJo has been involved in many activities associated with their two daughters, Pam and Denise. She is a past Campfire Girls Leader, 4-H Project Leader and also served on the original Lodi-Tokay Band Review Committee. She is a long-time member of Emmanuel Lutheran Church where she serves on the Finance Committee. MarJo is also an enthusiastic supporter of her five grandchildren's activities.

MarJo went to work for the Lodi Association for Realtors in 1974, where she has served as the Association Executive for the past 38 years. She has participated in the Association Executive's Committee for the California Association of Realtors during that time. MarJo has served the Association with the utmost of integrity and professionalism.

Mr. Speaker, I ask that my colleagues join me in honoring MarJo Rivinius for her dedication to the Lodi Association of Realtors and our community as a whole.

JOSEPH ANTHONY FORTINO TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. TIPTON. Mr. Speaker, I rise today to recognize Joseph Anthony Fortino, who was born and raised in Pueblo, Colorado. During his life Mr. Fortino was both a successful businessman and a dedicated civil servant.

Early in life Mr. Fortino worked for his family grocery store. After graduating high school he served in World War II in the United States Coast Guard. After the war, he returned to Pueblo and his family grocery business with his father before joining Jackson Chevrolet as a salesman, and working his way up to partner. He won the Time Magazine Quality Dealer Award in Colorado for his hard work and dedication to the community.

Mr. Fortino was truly a leader and was involved on several boards and committees in Pueblo, including the Colorado Transportation Commission, on which he was the longest serving member. He was the president of the Pueblo Community College Foundation,

through which he was elected to the Pueblo Hall of Fame for his civic and business activities.

On October 4, 2011 Mr. Fortino passed away at the age of 89. I have no doubt that his business and civic legacy will have a lasting effect on the people of Colorado for many years to come.

IN SUPPORT OF THE NATIONAL TRADEMARK EXPO

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. MORAN. Mr. Speaker, I rise today to express my support of the United States Patent and Trademark Office's (USPTO) National Trademark Expo. In a time of ongoing challenges for the American and global economy, I want to join the USPTO in its efforts to recognize the vital role trademarks play in the economy.

Trademarks are words, names, symbols, sounds, or colors that identify and distinguish the goods and services of one party from those of others. American innovation and its associated intellectual property are very important to job creation and economic recovery. The USPTO facilitates the efficient approval of intellectual property rights to deliver goods and services to the global market. Through the registration of trademarks, the agency assists businesses in protecting their investments, promoting goods and services, and safeguarding consumers against confusion and deception in the marketplace.

The USPTO disseminates trademark information at the Expo to educate the public about the important role trademarks play in our society and the global marketplace. The National Trademark Expos have been very successful events attended by the trademark community and the public at large. This year's 2-day event will be held on Friday, October 14th, from 10:00 a.m. to 6:00 p.m., and Saturday, October 15th, from 10:00 a.m. to 4 p.m., at the USPTO headquarters in Alexandria, Virginia.

During the Trademark Expo, Chubby Checker will twist with the audience and costumed trademarked characters to music played by Max Impact, the rock band of the United States Air Force. A new cast of characters featuring registered trademarks including Barbie, The Pink Panther, The Very Hungry Caterpillar, Hamburger Helper, Rita's Ice Guy, and Fruit of the Loom ''fruit suits'' will join veteran Expo characters GEICO's Gecko, Crayola crayons' mascot ''Tip,'' Pillsbury's Doughboy, Curious George, Clifford the Big Red Dog, Popeye, Olive Oyl, the 5-Hour Energy Bottle, Spuddy Buddy, Reese's Peanut Butter Cups, and Hershey's Milk Chocolate Bar. Large inflatable characters, including a Pinocchio Giant Inflatable, a Bridgestone Tire, GEICO's Gecko, Collegiate mascots and NFL Football player inflatables of the Washington Redskins and Baltimore Ravens will once again transform the USPTO's campus into a ''Trademark Theme Park''. A NASCAR show car for 5-Hour Energy, a UPS truck, and Caterpillar machines will also decorate the grounds. A story time featuring literary trademarked characters sponsored by Hooray for Books!, a local children's bookstore, will help tell the story of the prevalence of trademarks in our daily lives and their value as source indicators.

Some of America's leading large corporations, small businesses, governmental agencies, and non-profit corporations will highlight the various types of trademarks, the breadth of trademarks used by one source, interesting stories about trademarks and their creation, and the benefits of federal trademark registration. The exhibitors include 5-Hour Energy; 1000 Cranes, LLC; American Girl, LLC; American Intellectual Property Law Association (AIPLA); Bigsby Division and the Gretsch Company; Bridgestone Americas, Inc.; Caterpillar Inc; City of Falls Church; CMG Worldwide, Inc.; Cotton Incorporated; Elevation Burger; GED Testing Service; GEICO; Idaho Potato Commission; International Trademark Association (INTA); Mattel, Inc.; Rita's Italian Ice; The Girl Scout Council of the Nation's Capital; The Hershey Company; The Pepsom Group; Travelers; UPS; U.S. Air Force; U.S. Department of Commerce, International Trade Administration; U.S. Department of Homeland Security, Immigration and Customs Enforcement, National IPR Coordination Center; U.S. Department of Homeland Security, Customs and Border Protection; U.S. Department of Interior, Indian Arts and Crafts Board (IACB); and U.S. Department of the Army.

The Expo will also feature educational seminars, children's workshops, story time and guided tours. Educational seminars will include presentations on ''What Every Small Business Should Know About Intellectual Property,'' ''Counterfeiting & Piracy—Why Buy 'Legit'?, ''Common Mistakes to Avoid When Filing for Trademark Registration,'' ''Know What You're Buying: American Indian Art and Imitations,'' and ''Trademarks 101'' which covers basic facts about trademarks and trademark law. A video made to instruct pro se applicants will play in the National Inventors Hall of Fame Museum throughout the Expo. Also, the Museum's current exhibit titled ''Exercising Ingenuity: Inventions in Health and Fitness'' highlights trademarks related to fitness and health.

The National Trademark Expo will also display different types of trademarks including non-traditional trademarks such as sound marks, which are marks comprised of a sound or series of sounds, highlighted in an exciting interactive exhibit, and trademarks that identify shapes and configurations of products highlighted in an elaborate display of trademarked bottle shapes and a variety of other goods. Banners will feature century-old registered trademarks, the evolution and transformation of trademarks, the history of people behind certain trademarks, and other information about trademarks.

I applaud the USPTO for its continued efforts to educate the public on the important role of trademarks and the benefits of federal registration through the National Trademark Expo. I urge my colleagues to join me in recognizing the USPTO, at this time when trademark protection and intellectual property rights play an increasingly important role in our global economy. And, I encourage the public and my fellow Members of Congress and staff to bring their family and friends to this family friendly and free event.

COMMEMORATING THE LIFE OF ELAINE GAWRONSKI

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor the life of Elaine Gawronski of Revere, Pennsylvania who passed away on September 20, 2011 at the age of 71 after a courageous battle with cancer. As a public servant, Elaine was truly committed to the well-being of her friends and neighbors in Nockamixon Township.

Having moved to Bucks County from Ithaca, New York, Elaine received her education in Southeastern Pennsylvania, graduating first from Germantown High School, and later from Temple University.

A prominent member of her community, Elaine served both local government and community groups as treasurer for Nockamixon Township, the Palisades Republican Club, the Nockamixon Community Day Committee, and the Nockamixon Historical Society. Additionally, she served as Nockamixon Township Auditor and as Recording Secretary for the Nockamixon Planning Commission.

Elaine's faith also played an important role in her life. She served as parishioner of the St. John the Baptist Catholic Church and as a member of the school's Home and School Committee.

As a beloved family member, dedicated worker and loyal community servant, Elaine's life serves as an example to all of us. She generously dedicated her time and her efforts to enhance the quality of life of her family and community, and she will certainly be missed.

RECOGNIZING THE EFFORTS OF THE LAKESHORE AREAS REGIONAL RECOVERY OF INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I stand before you today to recognize the efforts of the Lakeshore Areas Regional Recovery of Indiana, or LARRI for short, and to recognize its esteemed partners for their dedication as this organization reaches the end of its third, and final, year of operation. Although LARRI has served the Region admirably since the widespread flooding of Northwest Indiana in September of 2008, its work has come to an end, and the organization ceased operations on September 30, 2011.

LARRI was formed by a coalition of dedicated non-profit organizations in response the heavy flooding of Northwest Indiana in September of 2008. As the Little Calumet overflowed its banks, LARRI went into immediate action for its neighbors in need, and by the time it closed its doors, LARRI had coordinated more than 6,000 volunteers in removing 15,920 pounds of debris, building 5 homes, restoring another 600 more, and relocating 26 displaced families to new homes throughout the area. In short, LARRI has have helped to get a struggling region back on its feet with

nothing more than volunteer time and donations. They are true examples of a civic spirit to which we can all aspire. Notable contributors to LARRI's philanthropic mission include: the Lake Area United Way, United Way of Porter County, Ridge United Methodist Church, Northwest Indiana Community Action Corporation, American Red Cross of Northwest Indiana, the Salvation Army, Dyer United Methodist Church, Gary Neighborhood, the Geminus Corporation, Continuum of Care Northwest Indiana, Lutheran Church Charities, Catholic Charities, McShane's Business Products and Solutions, and the Gary 411 newspaper, as well as individuals John Beebe and Ted Prettyman.

Mr. Speaker, Northwest Indiana is fortunate to have such an impressive array of willing humanitarians, and I ask that you and my other distinguished colleagues join me in recognizing this outstanding organization on its campaign. Although LARRI's efforts lasted a mere three years, this should only add to the profound impact the organization had on Northwest Indiana. I ask that you join me in honoring its individual members who freely gave so much of their time in service to their community.

CEMENT SECTOR REGULATORY RELIEF ACT OF 2011

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes:

Ms. MCCOLLUM. Mr. Chair, I want to clearly state my opposition to H.R. 2681, the so-called Cement Sector Regulatory Relief Act. This legislation is a special interest giveaway that will fail to create jobs and will expose American families to unnecessary and unacceptable health risks.

Last month, President Obama proposed the American Jobs Act to address the Nation's unemployment crisis. Economist Mark Zandi of Moody Analytics—a former McCain Presidential advisor—said the American Jobs Act would add 1.9 million jobs. Dozens of other independent economists agree this legislation would create jobs, boost economic growth and protect the country from slipping back into recession. Despite the urgent need to create jobs and grow the economy, the House Republican majority is refusing to bring the American Jobs Act to the floor for a vote.

Instead of passing the American Jobs Act, the majority is advancing a series of ideological bills that will cripple clean air and clean water protections. H.R. 2681 is the latest of these Republican assaults on public health. H.R. 2681 would delay the implementation of science-based rules to significantly reduce toxic emissions from cement plants. The 1990 Clean Air Act required the cement industry to reduce mercury and other pollutants. Today, cement plants are the third largest source of mercury pollution in the United States. Thousands of families living in the shadow of these plants are now suffering from increased rates of neurological disorders, birth defects, learning disabilities, cancer and cardiovascular problems. Developing fetuses, infants and pregnant women are particularly vulnerable to the deadly effects of mercury.

After 11 years of consultation with the cement industry and other stakeholders, the Environmental Protection Agency has finalized a proposal to close this dangerous loophole. For every $1 spent on complying with the EPA's proposed rules, the U.S. economy is projected to reap $7–19 dollars in benefits from lower health care costs and higher productivity. This incredible return on investment shows that smart regulation can produce cleaner air, better health and a stronger economy.

Instead of offering a competing economic analysis, House Republicans are using anecdotal evidence to argue these new rules will harm employment in the cement industry. Contrary to what supporters of H.R. 2681 argue, employment in the cement industry has decreased due to efficiency gains in production and consolidation in the sector, not federal regulation. Even Republican economists are pushing back on the argument that federal regulation has a significant impact on job creation and retention. Bruce Bartlett, former economic advisor to President Reagan, is refuting these claims with data from the Bureau of Labor Statistics showing that businesses do not cite regulation as a leading cause of layoffs. According to this data, regulations were responsible for a minuscule 0.2 percent of layoffs in 2010. Despite the evidence, Republicans continue to cling to their anti-regulatory red herrings.

While H.R. 2681 may provide good partisan talking points for cable television and talk-radio, this legislation threatens real harm to families in Minnesota, and across the country. According to EPA's analysis, delaying the clean-up of toxic pollution from the cement industry for four years as called for in H.R. 2681 would result in devastating health effects, including up to: 10,000 premature deaths; 68,000 asthma attacks; 6,000 non-fatal heart attacks; and 520,000 days when people miss work because of illness.

For over forty years, the country has made tremendous bipartisan progress in cleaning up our environment while maintaining robust economic growth. We need to return to this tradition and refocus our attention on legislation that will actually address America's pressing jobs crisis. I urge my colleagues to reject this legislation, end the political games, and stand up for the health of American families.

RECOGNIZING THE IMPORTANCE OF BREAST CANCER AWARENESS

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. CARSON of Indiana. Mr. Speaker, providing everyone with access to affordable health care continues to be an important issue in this Congress, and it is even more critical to the individuals seeking preventive care and treatment. This October, I would like to ask you, our colleagues and our communities to join me in recognizing the impact breast cancer has had on families across the nation.

Breast cancer is one of the leading cancers among women and tens of thousands die each year in this country as a result of this devastating illness. With proper education, screening and treatment, those deaths can be prevented. As we work to encourage research to find a cure, we must remember to be proactive by supporting breast cancer awareness that can save the lives of our mothers, sisters, wives and daughters.

IN RECOGNITION OF PATROLMAN FRANK PAPAIANNI

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. PALLONE. Mr. Speaker, I rise today in commemoration of Patrolman Frank Papaianni of Edison, New Jersey. On September 16, 1971, Patrolman Papaianni and his partner responded to a silent holdup alarm at a bank located within the Menlo Park Mall in Edison, New Jersey. The gunfire exchanged fatally wounded Patrolman Papaianni and critically wounded his partner. Today, members of the Edison community gather to remember and honor the life of Patrolman Frank Papaianni.

Patrolman Frank Papaianni was a noble officer who faithfully protected and served the local residents, businesses and visitors of Edison, New Jersey. Patrolman Papaianni served with the Edison Division of Police for three years and continued to personify his commitment and dedication to maintaining a safe and peaceful environment. He was survived by his wife Adeline and his three children, Maria, Joann and Frank. Lake Papaianni in Edison, New Jersey is named in honor of the late Patrolman.

Mr. Speaker, once again, please join me in commemorating the life of Patrolman Frank Papaianni and remembering him for his dedication to serve and protect the township of Edison.

HONORING UNITED STATES ARMY SPECIALIST JAMES A. BUTZ

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. VISCLOSKY. Mr. Speaker, it is with great respect and deep sadness that I wish to commend United States Army Specialist James A. Butz for his bravery and willingness to fight for his country. Specialist Butz was a member of the 1st Battalion, 505th Parachute Infantry Regiment, 3rd Brigade Combat Team, 82nd Airborne Division out of Fort Bragg, North Carolina. While serving in Afghanistan as a combat medic, on September 28, 2011, Specialist Butz was killed while rushing to assist two wounded Marines when an improvised explosive device detonated, taking his life and the lives of the two Marines. His sacrifice will forever be remembered by those he fought to protect.

A native of Porter, Indiana, James graduated from Chesterton High School in 2009. While in high school, James was a wrestler and football player. Many describe James as

very outgoing, happy, smart, and full of energy. After graduating high school in June 2009, James enlisted in the Army. According to his family, James decided in high school that he wanted to join the military. Family and friends remember James as a hard worker who enjoyed military life and thrived in that environment. His plans were to continue his military career and become a registered nurse. For his selfless commitment to the Army and outstanding dedication to his country, James is worthy of the highest praise. For his courage and sacrifice, James has been honored by the military with the Purple Heart, the Army Commendation Medal, the Afghanistan Campaign Medal, the National Defense Service Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the NATO medal, the Combat Medic Badge, and the Parachutist Badge. Although only a young man, James gained immense respect from those around him, and he was admired in his community. He will be greatly missed and forever cherished by those who loved him.

Specialist Butz leaves behind a loving family. He is survived by his adoring parents, John and Mary Jane Butz. James also leaves to cherish his memory his brothers, John and William. He also leaves behind many other dear friends and family members, as well as a saddened community and a grateful nation.

Mr. Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring a fallen hero, United States Army Specialist James A. Butz. Specialist Butz sacrificed his life in service to his country, and his passing comes as a great loss to our nation, which has once again been shaken by the realities of war. Specialist Butz will forever remain a hero in the eyes of his family, his community, and his country. Thus, let us never forget the sacrifice he made to preserve the ideals of freedom and democracy.

IN MEMORY OF MR. GEORGE CONDON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in memory of Mr. George Condon, an iconic journalist, author and historian that truly loved the City of Cleveland.

Born in Falls River, Massachusetts, George was the youngest of eight children. At the age of six, his Irish family moved to Cleveland's Ohio City neighborhood. He attended St. Patrick's on the Bridge and later West Tech High School during the height of the Great Depression. He left high school and began working at Atlas Display Fixture Company and later Blocks Clothing Store. After several years of working and saving money, George enrolled in the Ohio State University and graduated in 1941 with a Bachelor of Science degree in Journalism. It was during college that George met his future wife, Marjorie Smith. The two married in 1942 and had seven children together.

Following graduation, George became the editor of the Mount Pelier, Ohio newspaper. Shortly after, he took a public relations job at Mount Union College before being hired by the Cleveland Plain Dealer in 1941. He started at the Plain Dealer as a general assignment reporter and in 1948 became the first radio critic. He would later move to the editorial page, where he remained for the rest of his 41-year-long career. In addition to being a unique voice for the Plain Dealer, George became a respected historian for the City of Cleveland. He wrote nine books throughout his life including Cleveland: The Best Kept Secret and Yesterday's Cleveland.

George loved the City of Cleveland and, in return, he was honored and recognized countless times throughout his illustrious career. In addition to having been inducted in the Cleveland Journalism Hall of Fame, George has received the Ohiana Award, the Cleveland Award for Literature, the Burke Award for Literature and the Sigma Delta Chi Award for Distinguished Service.

Mr. Speaker and colleagues, please join me in honoring the memory of Mr. George Condon, he will forever be remembered by the city that he loved.

RECOGNIZING OCTOBER AS NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Ms. RICHARDSON. Mr. Speaker, I rise today to recognize the month of October as Domestic Violence Awareness Month. Domestic Violence Awareness Month is a month-long project dedicated to addressing the victimization of men, women, and children in our nation and raising awareness of the devastating impact of domestic violence. This month, we honor the survivors of domestic violence, whose struggles and successes continue to inspire us all as we rededicate ourselves to ending domestic violence in our communities.

Domestic violence touches the lives of Americans of every background and circumstance and affects every sector of our society. It can be defined as a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner. Abuse can be physical, emotional, sexual, or behavior used to coerce, threaten or humiliate another person.

When it comes to domestic violence, there is no standard victim. It affects people from all walks of life, and individuals of every race, ethnicity, religion, gender, and socioeconomic background. Domestic violence is not restricted; it can happen to any couple, homosexual or heterosexual, whether they are married, living together, or dating.

Mr. Speaker, despite the progress and achievements we have made in the recent past, there is still so much more to do. It is time to put an end to this devastating crime. Far too many families in this nation are affected by domestic violence. It is a growing epidemic affecting local, national and international communities alike.

In the United States, one in four women and one in thirteen men will be the victim of domestic violence at some point in his or her lifetime and over 3.3 million children witness domestic violence each year. Further, domestic violence can also act as a precursor to more serious crimes. In 80% of intimate party homicides, regardless of which partner was killed, domestic violence was present during the relationship prior to the killing. We must remember that these victims are not statistics, but people.

Mr. Speaker, victims of violence often suffer in silence, with limited options, not knowing where to turn for support and guidance. We need to break this silence. Local domestic violence agencies, shelters, victim services providing legal, emotional, and medical support are vital to helping victims and their families heal. To effectively respond to domestic violence, we must support efforts to help expand these services and to continue to foster awareness.

The Recovery Act passed by Congress in 2009 and signed by President Obama provided a total of $225 million to the Office of Violence against Women for grant funding for programs which expands efforts to curtail domestic violence.

These vital funds help communities develop and enhance strategies to curb domestic violence, enhance services to people victimized by domestic violence, and work in cooperation to develop education and prevention strategies directed towards issues of domestic violence. Through knowledge, action and awareness we can take the necessary steps forward to reduce the prevalence of violence in our communities.

In addition, as part of the Affordable Care Act, women will receive free preventative care, including domestic violence screenings and counseling as well as ensure that insurance companies may no longer classify domestic violence victims as people with pre-existing conditions.

This month, let us recommit ourselves to ending domestic violence in our communities. We have a responsibility to continue to broaden our efforts to end violence against men, women and children. But we cannot solve this crisis alone. We must work together to create support, expand resources and eliminate barriers for victims of domestic violence. Stopping domestic violence means saving lives.

Mr. Speaker, I rise today in recognition of Domestic Violence Awareness Month. I urge all Americans to take time this month to honor domestic violence survivors, applaud their strength and courage, and find out what you can do to help prevent domestic violence in your community.

TRIBUTE TO NEIL SAIGAL

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. DENHAM. Mr. Speaker, I rise today to honor the life and legacy of Neil Saigal, a remarkable young man who will be remembered as someone who lived life's moments to their fullest. His presence impacted, and changed for the better, all those who were fortunate enough to be in his company.

It's hard to imagine that such a bright flame has been extinguished, and even harder to imagine that we won't one day see Neil again with his camera in hand, a story to tell, and a witty remark on his lips. While we all miss Neil, we take comfort in knowing that God had better plans for him, and that he's found

peace. Before Neil passed away he was living in India, surrounded by family and everything he loved in life. He was learning meditation, practicing yoga, and playing any number of sports every day.

Even though we often measure life in years, with Neil it is more fitting to measure it in terms of accomplishments. Everything Neil did, he did in splendid fashion. After graduating from Clovis West High School in 2003, he went on to attend the University of California, Irvine, and received a degree in Psychology in 2008. While at U.C. Irvine he was a member of the Crew team, a researcher in the Brain Imaging Center, and a great friend to all his classmates. His success at U.C. Irvine included receiving a patent for MEFWAY, and being awarded a 1st place prize at the Young Investigators Award by the Society of Nuclear Medicine, in Toronto. He continued his academic pursuits as a Fulbright Scholar, attending the Karolinska Institute where he continued his research in brain imaging. Soon after, he attended the University of Cambridge, in England, on a full scholarship. Neil's most notable accomplishment however was not academic, but moral—living compassionately, selflessly, and always thinking of those around him.

Mr. Speaker, please join me in remembering Neil for his thirst for life, love of nature, insatiable curiosity, humble spirit, and warm heart.

HONORING CAROLE DILLON-KNUTSON

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Carole Dillon-Knutson of Novato, CA, who is retiring after 20 years of public office. She served 16 years on the Novato City Council and four years on the College of Mann Board of Trustees, earning the appreciation of her constituents and peers for her many accomplishments that enhanced the community's quality of life.

First elected to the Novato City Council in 1994, Carole is especially proud of significant projects that she worked with colleagues to create including the Novato Arts Center, the Gymnastics Center, several development projects at the former air field at Hamilton from a large wetlands restoration to transitional housing, improvements on Grant Avenue (the city's downtown artery), restoration of City Hall, and refurbishment of the Novato playgrounds.

Carole also represented the community on key boards and commissions such as the Association of Bay Area Government's Executive Committee, the North Bay Division of the League of California Cities (President in 2001), the Marin County Council of Mayors and Council members (President in 2004), the Transportation Authority of Marin Executive Committee, and the Sonoma Marin Area Rail Transit Agency Board.

Carole says she feels ''a deep comfort in the priorities and accomplishments that I originally set as my goals: to create a balanced approach and focus on the quality of life issues so important to the residents of Novato.''

Mr. Speaker, I know Carole-Dillon Knutson is looking forward to spending more time with her family, including five grandsons. Please join me in congratulating her on her years of service and in wishing her well in her retirement.

OPENING REMARKS FOR THE SCREENING OF THE LAST MOUNTAIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. KUCINICH. Mr. Speaker, I submit the following. Thank you for coming this evening and welcome. I am excited to introduce to you The Last Mountain and I am proud to host its screening. It left quite an impression on me when I saw it and I trust it will do the same for you.

Scientific research shows that Mountaintop removal mining is devastating to both the environment and the health of Appalachian communities. It has created a water quality crisis in streams where the debris and spoil from mining sites have been dumped. It has created an environmental crisis for aquatic life in those streams and for the most biologically diverse forests in the world, which are being systematically destroyed by Mountaintop removal.

Mountaintop removal mining has created a public health crisis for people depending on those streams. The research shows that Appalachian residents of areas affected by mountaintop mining experience significantly more unhealthy days each year than the average American; and women who live in areas with high levels of mountaintop coal mining are more likely to have low birth-weight infants and poor birth outcomes.

Not only is mountaintop removal mining environmentally harmful, but it is actually a job destroyer, not a job creator. Studies have shown that mountaintop removal mining has actually had a negative impact on Appalachian employment. Because Mountaintop removal mining relies on enormous machines instead of individual, skilled miners, the number of mining jobs needed to produce each ton of coal has been drastically reduced. Mountaintop removal mining is essentially eliminating the miner from coal mining, contributing to a decrease in mining jobs.

In 1948, there were 126,000 coal-mining jobs in West Virginia and 169,000,000 tons of coal mined. In 2010, however, only 20,000 of these jobs remain despite the fact that almost the same amount of coal—144,000,000 tons—had been mined. This job loss did not result from any regulation. Instead, it occurred because coal companies themselves have replaced workers with machines and explosives. The evidence is clear: mountaintop removal mining destroys both mountains and jobs.

Coal mining in general has experienced a diminishing share of employment in Appalachia as well. The cause is falling demand for coal. According to the Federal Reserve, the capacity of already permitted and active coal mines set an all-time record in 2010, while the utilization of that capacity was at a 25-year low. So, while enough permits have been approved to achieve a new record level of coal mine capacity, there is simply not enough demand for all of the coal that these mines can produce. Demand for coal, or the decision by consumers to use cleaner, more energy efficient forms of energy, is not something the EPA controls. It is a decision by made by electric generating plant operators and investors. Increasingly, they have chosen to fuel their power plants with natural gas, rather than coal.

Just last week, a study in the prestigious American Economic Review found that the damage from coal-fired electrical plants costs more than twice as much as the electricity they generate. Coal plants wreak $53 billion worth of damage per year, not considering the enormous harm from climate change.

The Environmental Protection Agency is in the process of trying to fulfill its duty to increase scrutiny of Appalachian mountaintop mining permits. The efforts in the House to undermine the EPA are wrongheaded. I have fought them on the floor and I have fought them as Ranking Member of the Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending of the Committee on Oversight and Government Reform. And I will continue to fight to stop not only mountaintop mining, but also coal.

Coal-based energy creates ponds of ash that are so toxic the Department of Homeland Security will not disclose their locations for fear of their potential to become a terrorist weapon; it fouls the air and water with sulfur oxides, nitrogen oxides, particulates, ozone, mercury, polycyclic aromatic hydrocarbons, and thousands of other toxic compounds that cause asthma, birth defects, learning disabilities, and pulmonary and cardiac problems . . . for starters.

In contrast, several times more jobs are yielded by renewable energy investments than comparable coal investments. We must redirect the resources of this great nation away from things like war and counterproductive spending cuts and toward creating millions of new jobs in the economic sector of tomorrow; green energy. I will be introducing a bill to create a Works Green Administration which will harness the innovative power of NASA to help create, refine, and ready for distribution the very technologies that put the power in the hands of the people. It will put people to work promoting and installing wind and solar microtechnologies, energy efficiencies, and much more.

Until then, I hope you enjoy the screening tonight. Thank you for your interest and for your time. I look forward to working with you to save mountains, streams, forests, and livelihoods.

IN RECOGNITION OF FATHER DANIEL G. CAHILL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Reverend Daniel G. Cahill. On September 17, 2011, Father Dan will be recognized as Festival Chieftain at the Irish Festival at the Jersey Shore in Sea Girt, New Jersey. Father Dan continues to provide outstanding spiritual guidance for the members of

the Monmouth County community. His exceptional service is highly deserving of this body's recognition.

Father Dan, fondly referred to as ''Donnie'' by his family and peers, was the third of six children raised on a small farm in the village of Gortdarrig, County Kerry in Ireland. At the age of thirteen, Father Dan was enrolled at St. Brendan's Seminary in Killarney, Ireland. His attendance at this prestigious institution later influenced his future decision to become a priest. Upon graduation from St. Brendan's, Father Dan entered All Hallows Seminary College in Dublin, Ireland, an organization recognized for preparing men to serve as missionary priests in foreign countries. During his time in the Seminary, Father Dan also spent a summer abroad working in various New Jersey parishes alongside the late Father Thomas O'Connor, former Pastor of St. Robert Bellermine in Freehold, New Jersey. His positive experience serving in New Jersey later influenced his decision to accept a position as a recruit from the Diocese of Trenton. Father Dan was ordained on June 17, 1973 at the age of twenty-four. He served for many years in the parishes of St. Anthony of Padua in Hightstown, New Jersey and St. Anthony in Trenton, New Jersey. In 1989 he became the Pastor of St. Ann's Church in Browns Mills, New Jersey. Father Dan currently presides as Pastor of the Church of St. Ann in Keansburg, New Jersey and has held this position since 1995.

In addition to his work with the ministry, Father Dan provides spiritual guidance to various Christian organizations, specifically the Ancient Order of Hibernians, AOH. He served as the New Jersey State AOH Chaplain for nineteen years during which time his outstanding spiritual leadership assisted the organization to fulfill their motto of Friendship, Unity and Christian Charity. He continues to serve as the Chaplain for the Ancient Order of Hibernians Pat Torphy Division—Monmouth 2, located in Middletown, New Jersey, and hosts an annual mass in recognition of those lost during the Great Hunger. Father Dan also serves as the Chaplain of the Knights of Columbus Vincent T. Lombardi Council.

Mr. Speaker, once again, please join me in congratulating Father Daniel Cahill for receiving the esteemed title of Festival Chieftain at the Irish Festival at the Jersey Shore. His extraordinary spiritual leadership continues to guide Monmouth County Bayshore community, my district, and the State of New Jersey.

RECOGNIZING ITMC SOLUTIONS, LLC OF BRISTOW, VA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize ITMC Solutions, LLC, of Bristow, Virginia, for its acceptance into the National Center for the Veteran Institute for Procurement, VIP.

ITMC Solutions is a woman-owned, veteran-owned, minority-owned, small business supplier of management consulting and technology solutions to the federal government, specializing in identity solutions, program management, portfolio management and application development, deployment, modernization and maintenance.

VIP, a program of the Montgomery County Chamber of Commerce, is the country's first-ever program to train veteran small business owners to succeed in the federal contracting market. VIP has helped more than 200 veteran-owned businesses win government contracts and continues to actively serve veterans by connecting top executives of veteran owned small businesses with leaders in government and industry.

Mr. Speaker, it is a great honor to be accepted into this program and I ask that my colleagues join me in recognizing ITMC Solutions, LLC for its accomplishment.

THE 100TH ANNIVERSARY OF THE REPUBLIC OF CHINA (TAIWAN)

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Ms. CHU. Mr. Speaker, yesterday, October 10th marked the 100 year anniversary of the Republic of China (ROC).

And how the ROC has grown over the years since the 1911 Revolution! The state played a vital role as a founding member of the United Nations and contributed to the drafting of the Universal Declaration of Human Rights, infusing into it the spirit of Confucianism. And it drafted the most progressive and democratic constitution in Asia. And finally, the state found solid footing on the island of Taiwan in 1949. It has successfully transitioned into a liberal democracy and become the first democratic state in an ethnic Chinese society in history.

Today, the ROC is a model of political and economic progress for developing nations around the world. It is a modern and industrialized nation, an early adapter and proponent of a global and interconnected marketplace. Taiwan, Asia's first Economic Tiger, embraced market reforms in the 1950s and quickly launched some of the best known, and most efficient, original equipment manufacturers (OEMs) that came to serve many U.S. multinationals. Today's Taiwan is a technology powerhouse and the island's firmly entrenched in the top tier of developed world markets.

And while many other markets turn inwards when economic times are tough, Taiwan's almost always kept its trade and investment doors open. A founding member of the Asia Development Bank in 1966, the ROC on Taiwan joined the World Trade Organization (WTO) in 2001. It further acceded to the WTO's Government Procurement Agreement (GPA) in 2009.

And since 2008, Taiwan President Ma Ying-jeou has removed many of the longstanding trade and investment barriers to mainland China, resulting in Taiwan now best positioned serving as a global gateway to the Greater China market. This new outlook culminated in last year's signing of the Economic and Cooperation Framework Agreement between Taiwan and mainland China. Foreign firms can now access mainland China's vast economic potential from the comfort and safety of a Taiwan market that's among the friendliest in the world to U.S. companies and one that also values and protects their intellectual property.

As we celebrate this hundred years of history, let us recall that the ROC of today has come about thanks to generations of people who have fought for social reform and a democratic future.

And as the Republic of China embarks on a new century, I hope it will be a model democratic nation for the world and continue to grow and prosper. I therefore urge all my colleagues to join me in congratulating the Republic of China on its 100 years of existence, Taiwan's many economic achievements since 1949, and to further support enhanced economic relations between the United States and Taiwan.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is $14,860,324,039,615.03.

On January 6, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $4,221,898,293,321.23 since then. This debt and its interest payments we are passing to our children and all future Americans.

IN RECOGNITION OF ARTHUR J. McCLUNG, JR.

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to one of Morehouse College's most distinguished graduates and accomplished alumni, Mr. Arthur J. McClung, Jr. I am very happy to point out that earlier this year Morehouse College President, Dr. Robert M. Franklin, presented Mr. McClung with the school's Presidential Award of Distinction in recognition of his many outstanding professional achievements, unyielding support for his alma mater and heartfelt philanthropic endeavors.

As a graduate of Morehouse College and as one who matriculated at Morehouse during the same period as Mr. McClung, I am very proud to call him a fellow alumnus and personal friend. As a dedicated family man, successful business professional and role model for young African-American men, Arthur J. McClung, Jr. has worked tirelessly to effectively balance his multitude of roles of being a loving husband, committed father, skillful senior executive and dedicated community leader.

Arthur J. McClung, Jr. is a native of Columbus, Georgia, the perennial site of this weekend's 76th Annual Tuskegee-Morehouse Football Classic. This classic is one of our nation's longest running football rivalries and Mr. McClung, Jr. along with his father, the late Arthur ''A.J.'' McClung, Sr., have played instrumental roles in this beloved event's ongoing success. The stadium that has hosted this game since its inception is named in honor of the late A.J. McClung, Sr.

This classic also created a fierce but friendly rivalry between the late A.J. McClung, Sr., a graduate of Tuskegee University, and his loving son who not only graduated from Morehouse College but was also a member of the school's renowned Maroon Tiger Marching Band. The McClung men's love for their respective colleges and their dedication to one of Columbus, Georgia's most treasured football traditions has reaped tremendous benefits for Tuskegee University, Morehouse College and the Columbus, Georgia community at-large.

In light of the McClung family's tenured involvement in the classic's success over the last five decades, this weekend Mr. Arthur J. McClung, Jr. will be named as an honorary alumnus of Tuskegee University, even though he is in fact a diehard Morehouse Maroon Tiger. This esteemed designation is one of the many outstanding accomplishments that Mr. McClung has enjoyed during his life's journey.

After graduating from Morehouse College in 1966, Mr. McClung, Jr. began his professional career at Westinghouse Electric. He later would go on to serve in important roles at IBM, the Atlanta Urban League and the United States government's ACTION Agency before eventually joining Georgia Power as a Consumer Affairs Representative. Throughout his twenty-six year career at Georgia Power, he served as an executive in the utility company's External Affairs, Economic Development and Corporate Relations divisions.

In concurrence with his notable career accomplishments, Mr. McClung has been repeatedly acknowledged for his outstanding community service and support for civic organizations throughout the state of Georgia. He is the recipient of awards from Ben Hill United Methodist Church; the Atlanta Area Council of Boy Scouts; Concerned Black Clergy; the Georgia Association of Black Elected Officials; and the Rotary International. Furthermore, he has played a proactive role in supporting initiatives sponsored by Habitat for Humanity; the United Way of Metropolitan Atlanta; Boy Scouts of America; the Butler Street YMCA; the Atlanta Branch of the National Association for the Advancement of Colored People (NAACP); Georgia Citizens for the Arts; and the Fulton County Planning Commission.

It cannot be disputed that Mr. McClung has achieved numerous successes throughout his life. However, none of this would have been possible without the grace of God and the support of his loving wife, Angela. Mr. and Mrs. McClung, Jr. are the proud parents of Arthur J. McClung III, who like his father is also a proud graduate of Morehouse College. Art III went on to earn a Doctorate degree from Stanford University in Mechanical Engineering and in December 2010, he completed his post doctoral studies at Yale University in New Haven, Connecticut.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Mr. Art "Bullwinkle" McClung, Jr. for his many career achievements, outstanding service, and public distinction and most importantly for his unrelenting support of the Tuskegee-Morehouse Football Classic.

IN HONOR OF MR. JACK KAHL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Jack Kahl, the founder and former Chief Executive Officer (CEO) of Manco Inc., who is being recognized as the Mayo Society's Mayo Person of the Year.

Mr. Kahl graduated from Ohio Wesleyan University with a Bachelor of Science in Economics. In 1971, he bought Manco, Inc. and grew the company from a small industrial tape distributor into a leading global consumer products company. He served as the CEO of Manco for more than 25 years before selling the company to the Henkel Group. Mr. Kahl has also held the position of Chief Executive Officer of Henkel Consumer Adhesives, Inc. and Chief Executive Officer and President of Duck Investments LLC and Jack Kahl and Associates during his career. Additionally, he has served on the Board of Directors of numerous companies including Paragon Corporate Holdings, Inc., Acorn Products Inc., Technical Consumer Products, Cleveland Clinic Foundation, MCM Capital Advisory, Clark/Bardes Inc., and American Greetings.

In addition to his career in the business world, Mr. Kahl has been a dedicated and active member of the education community. He is the former chairman of Students In Free Enterprise (SIFE) and has served on the Board of Trustees of John Carrol University (JCU) and St. Edward's High School. Due to his tireless advocacy he has been named "Outstanding Alumnus and Alumnus of the Year" by both St. Edward's and JCU. In 1999 SIFE dedicated a wing of its world headquarters the Jack Kahl Entrepreneurship Center and, in 2000, St. Edward's named its new student center the Jack Kahl Student and Life Leadership Center.

Throughout his illustrious career, Mr. Kahl has been honored and recognized countless times on the local and international level. He has been named one of America's Most Admired CEOs by Industry Week Magazine, Best Boss in Town twice by Cleveland Magazine and recognized by Inc. Magazine for his leadership practices. During his tenure as CEO, Manco, Inc. was the first company to receive three Wal-Mart Vendor of the Year awards and OfficeMax's Vendor of the Year—Supply Chain Award. Mr. Kahl has also been awarded the Lifetime Achievement Award by the School Home Office Products Association, the National Medal for Entrepreneurship by Beta Gamma Sigma and Cleveland's Philanthropist of the Year Award.

Mr. Speaker and colleagues, please join me in honoring and congratulating Mr. Jack Kahl, the Mayo Person of the Year.

RECOGNIZING WILLIAM HENRY BURKHART ELEMENTARY SCHOOL FOR RECEIVING THE HONOR OF A 2011 NATIONAL BLUE RIBBON SCHOOL

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. CARSON of Indiana. Mr. Speaker, I would like to recognize the wonderful students, teachers and administrators at William Henry Burkhart Elementary School for the outstanding honor of winning the 2011 National Blue Ribbon Schools Award from the United States Department of Education.

The Blue Ribbon Schools program honors schools that have taken successful measures toward maintaining and increasing student achievement. Located in my district in Indianapolis, Indiana, William Henry Burkhart Elementary School is a fine example of what can be accomplished when parents, teachers and administrators collaborate on preparing our students for a prosperous future. By emphasizing the importance and real world applications of subjects like math, science and language arts, William Henry Burkhart is enabling a new generation of community leaders.

It is my hope that other schools and educators in Indiana will be inspired by the recognition and success of William Henry Burkhart Elementary School. In addition, I hope everyone at the school can keep up the hard work by inspiring these young students to continue to strive for success in school, career and life.

INTRODUCTION OF THE WATER QUALITY PROTECTION AND JOB CREATION ACT OF 2011

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. BISHOP of New York. Mr. Speaker, today we are introducing legislation to make long overdue investments in our nation's water infrastructure systems that will benefit both our communities and our economy.

The American economy needs jobs, and this Congress has a responsibility to support programs that create jobs. This is precisely what spending on water infrastructure systems will do: plain and simple, it will create jobs. For every $1 billion we spend on wastewater infrastructure we can create as many as 33,000 jobs in communities across America while improving our public health and protecting our environment. It is a win-win proposition.

The importance of investment in wastewater infrastructure is clear and the need is great. In EPA's 2008 Clean Water Needs Survey, states documented nearly $300 billion in wastewater treatment, pipe replacement and repair, and stormwater management projects that need to be fulfilled over the next 20 years.

While Congress appropriated $2.1 billion for wastewater infrastructure projects in 2010, this year allocations to the Clean Water State Revolving Funds were reduced to $690 million. This is a far cry from the $15 billion a year we would need to spend to address the needs

identified by the States to modernize and repair our aging systems.

The "Water Quality Protection and Job Creation Act of 2011" is intended to close that gap. For decades, the SRFs have been the traditional mechanism for Federal wastewater infrastructure assistance. The bill renews the Federal commitment to addressing our Nation's substantial needs for wastewater infrastructure by investing $13.8 billion in the State Revolving Funds over the next five years.

Recognizing that significant additional resources will be necessary, the bill also establishes two complimentary new initiatives for the long-term, sustainable financing of wastewater infrastructure. The first is a direct loan and loan guarantee program and the second, a Clean Water Infrastructure Trust Fund. These proposals, when implemented in concert, would leverage billions of additional dollars to meet local wastewater infrastructure needs, create jobs, and protect our public health and environmental quality.

Mr. Speaker, I recognize that some may express concern with the overall cost of this legislation; however, when compared to the estimated $300 to $400 billion in documented wastewater infrastructure needs for our communities over the next 20 years, I would suggest that this authorization will help meet, but not entirely close, the water infrastructure gap. In addition, based on a preliminary estimate by the Congressional Budget Office, this legislation would have no negative impact on direct spending and revenues over the next ten years under pay-as-you-go rules.

Meeting the critical water infrastructure investment needs of our local communities should not be a partisan issue. As my colleagues on the Committee on Transportation and Infrastructure often say, "There is no such thing as Republican or Democratic infrastructure projects." These are investments that benefit our local constituents, the economies of our towns, cities, and States, and provide the added benefit of protecting public health and the overall condition of the environment. I am pleased that this legislation has garnered bipartisan support for introduction, and I plan to work with my colleagues on both sides of the aisle to see this Congress move on providing long-term, sustained investment in our nation's wastewater infrastructure.

Again, this is a win-win proposal and as such, it has broad support from the Associated General Contractors of America, the National Assoc of Clean Water Agencies, Food and Water Watch, the Water Environment Federation, the National League of Cities, the Water Infrastructure Network, the American Society of Civil Engineers, the National Construction Alliance II, the American Public Works Association and many others.

In short, Mr. Speaker, this bill is good for America, for American workers and for the environment, and thus I urge my colleagues to join me and my fellow cosponsors in supporting this very important legislation that will help our economy recover.

RECOGNIZING NATIONAL DAY OF THE REPUBLIC OF CHINA

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. BURGESS. Mr. Speaker, today I rise to commemorate the 100th anniversary of the National Day of the Republic of China. October 10, 1911 marked the day of the Wuchang Uprising, which served as the beginning to the Xinhai Revolution. The Xinhai Revolution established the present day Republic of China thus bringing an end to the Qing Dynasty.

Dr. Charles Ku is close friend of mine and the committee chair to the DFW Chinese Double Tenth Centennial Celebration Committee. I am a strong supporter of Dr. Ku and his activeness within our Chinese community. The DFW Chinese Double Tenth Centennial Celebration Committee sponsors the Dallas Chinese Community Center whose mission it is to promote Chinese culture and diversity through recreational programs and enrich the lives of Chinese immigrants.

As a result, the Dallas-Fort Worth area has a thriving Chinese culture. It is worth recognizing and commending the DFW Chinese Double Tenth Centennial Celebration Committee, the Dallas Chinese Community Center, Dr. Ku, and the entire Chinese community for standing by this county's tradition and value of maintaining a diverse cultural presence. So, it is with great honor that I congratulate the Republic of China and the Chinese community on their 100th anniversary of the National Day of the Republic of China.

IN RECOGNITION OF NORTHERN OHIO LEBANESE AMERICAN ASSOCIATION'S 6TH ANNUAL LEBANESE AMERICAN HERITAGE BALL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Northern Ohio Lebanese American Association's 6th Annual Lebanese American Heritage Ball which will be honoring General John P. Abizaid, retired United States Army General and the former Commander of the United States Central Command.

The Northern Ohio Lebanese American Association (NOLAA) was founded in 1931 as a social and charitable organization. NOLAA's original purpose was to promote an understanding and unity among its members, act as a resource to better the conditions of its members and to foster unity among Lebanese Americans and their families in Cleveland and neighboring cities. In 2005, the Lebanese American Christian Society (LACS) was established in conjunction with NOLAA. Today NOLAA and LACS are dedicated to preserving, enriching, and promoting Lebanese heritage and traditions through cultural, educational, humanitarian and social activities.

NOLAA's Annual Lebanese Heritage Ball honors those who have made significant contributions to the community. This year's celebration will honor General John P. Abizaid, a retired U.S. Army General and the former Commander of the U.S. Central Command. General Abizaid rose to the rank of a four-star general during his 34 year long career with the U.S. Army. The Ball will also feature Tony Kiwan, a world renowned Lebanese singer.

Mr. Speaker and colleagues, please join me in recognizing the Northern Ohio Lebanese American Association as they come together to celebrate their Annual Lebanese Heritage Ball and General John P. Abizaid.

RECOGNIZING DR. JACK VORONA'S INDUCTION INTO THE DIA TORCH BEARERS HALL

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize Dr. Jack Vorona of Falls Church, Virginia for his induction into the Defense Intelligence Agency's Torch Bearers Hall. DIA established Torch Bearers Hall this year to coincide with its 50th anniversary and to recognize former employees who have made exceptional contributions to its mission. Dr. Vorona's invaluable leadership in developing scientific and technical intelligence programs during the height of the Cold War helped keep Americans safe and secured him a spot among the eight inaugural recipients of this honor.

During his 25-year career at DIA, Dr. Vorona developed many programs aimed at identifying foreign defense technologies that could threaten the U.S. and its allies, including nuclear technologies. As Deputy Director for Scientific and Technical Intelligence, he oversaw funding to address the most significant threats posed by massive Soviet investments in science, technology, and weapons programs. His work was vital in helping to ensure that the U.S. was never technologically surprised.

Mr. Speaker, I ask my colleagues to join me in recognizing Dr. Vorona's remarkable achievements and in thanking him for his dedicated service to the nation.

IN RECOGNITION OF DOMESTIC VIOLENCE AWARENESS MONTH

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Ms. MCCOLLUM. Mr. Speaker, I rise today in recognition of "Domestic Violence Awareness Month." The month of October is designated as a time to honor the unknown number of lives lost to domestic violence, recognize the survivors, and applaud the work of dedicated advocates, social workers, and counselors. By bringing awareness to this issue we can help to erase the stigma for survivors of domestic violence.

Domestic violence happens in every community. Domestic abuse takes the form of physical violence, sexual assaults, economic abuse, verbal manipulation, stalking, or psychological intimidation. It affects children, women, and men regardless of where they

live, how much they earn, the color of their skin, or the level of education they have attained. One in four women will experience domestic violence during her lifetime. An estimated 1.3 million women will be physically assaulted this year. And in Minnesota, at least 15 women, 7 children, and 2 men died from domestic violence in 2010. Yet despite all of this, domestic violence remains a ''hidden crime'' with most incidents going unreported.

While progress has been made to raise awareness of domestic violence and provide needed services to survivors, much more must be done to break the culture of silence surrounding this public health epidemic. Law enforcement, health providers, community leaders, social workers, teachers, and concerned citizens must work together to hold perpetrators accountable and ensure survivors have the support and resources they need. Communities need to promote a culture of safety and support. Individuals have to stand up and declare with our words and actions that domestic violence is unacceptable.

For those committed to ending domestic violence, and in honor of survivors of domestic abuse, I stand today in support of ''Domestic Violence Awareness Month''.

IN RECOGNITION OF MR. JOHN DILEO, JR.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Mr. John DiLeo, Jr., Italian Tribune's 41st Annual Columbus Day Gala honoree. Mr. DiLeo has demonstrated outstanding entrepreneurial and philanthropic endeavors during his tenure and is undoubtedly worthy of this body's recognition.

Mr. DiLeo is the reigning President of Hylan Datacom and Electrical, Inc. in Holmdel, New Jersey. Mr. DiLeo has admirably worked side-by-side with his father, Mr. John S. DiLeo, Sr. for over 20 years, learning and executing the responsibilities to successfully fulfill the mission of Hylan Datacom and Electrical. He has retained responsibility for all of the organization's financial and business decisions at Hylan Datacom. Mr. DiLeo continues to exceed customers' needs and expectations while maintaining a powerful work ethic and customer-centered approach. Mr. DiLeo is also President of Gordon Petroleum, Inc. and owns and operates multiple corporations in the tri-State area. He is also a partner to six Perkins Restaurants and Damon's Steakhouse, family owned businesses that continue to appeal to residents throughout New York and New Jersey. Mr. DiLeo is currently a Board Member with the Staten Island Economic Development Corporation and has held this position since 2002.

In addition to his professional responsibilities, Mr. DiLeo supports various charitable organizations, including the Count Basie Theater Foundation, Girl Scouts of America and South Shore Rotary. He is a proud graduate of St. John's University and is an avid sports fan, passionate about animals and nature. John is also happily married to his wife Madeline of 22 years.

Mr. Speaker, once again please join me in congratulating Mr. John DiLeo for receiving the honor bestowed by the Italian Tribune at their 41st Annual Columbus Day Gala. Mr. DiLeo continues to provide outstanding services to the members of the community and the constituents of my district.

RECOGNIZING GLASGOW INVESTIGATIVE SOLUTIONS, INC. OF WOODBRIDGE, VA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. CONNOLLY of Virgnia. Mr. Speaker, I rise today to recognize Glasgow Investigative Solutions, Incorporated, of Woodbridge, Virginia (GIS), for its acceptance into the National Center for the Veteran Institute for Procurement (VIP).

Founded in 2004 by Mr. Rudolph A. Glasgow, GIS is a disabled veteran, minority-owned business, providing quality services with integrity and high ethical standards. These services include background investigations for the issuance of government security clearances, pre-employment background screening, criminal record searches, education verification, employment reference verification, credit reports, civil record searches, driving record searches and finger printing.

VIP, a program of the Montgomery County Chamber of Commerce, is the country's first-ever program to train veteran small business owners to succeed in the federal contracting market. VIP has helped more than 200 veteran-owned businesses win government contracts and continues to actively serve veterans by connecting top executives of veteran owned small businesses with leaders in government and industry.

Mr. Speaker, it is a great honor to be accepted into this program and I ask that my colleagues join me in recognizing Glasgow Investigative Solutions for its accomplishment.

HONORING THE LIFE OF MAYOR JEROEL D. ''J.D.'' BRAY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the life and service of Northwest Florida's beloved Jeroel D. ''J.D.'' Bray.

Born in Jay, Florida on December 25, 1919 to H.H. ''Hub'' and Alice Bray, J.D. spent his childhood with his brothers, Charlie, C.H. ''Chab,'' and Raymond; and his sisters, Beatrice, Mattie, Myrtle, and Maudie, helping out on the family farm and playing sports. He attended Jay High School and played football, baseball, and basketball.

J.D. Bray was a true patriot, and when his country called him to duty during World War II, he responded with honor and distinction. He enlisted in the United States Army in 1938 and upon completion of basic training, was sent to the Panama Canal. Later, as a member of the infantry, he fought in the Battle of the Bulge. J.D. earned the rank of Sergeant and received an honorable discharge in 1945.

When he returned home, J.D. worked as a lineman with the Escambia River Electric Cooperative, and in 1952, he married Theda Warrick in Pascagoula, Mississippi. They bought and operated a local service station, and J.D. later joined the Santa Rosa County Road Department in Northwest Florida, where he retired in 1988. Throughout the course of his life, he understood and exemplified the true meaning of public service. As an active member in the Jay community, J.D. served as a City Councilman from 1954 to 1956 and then was elected to serve as Mayor. For 44 years, Mayor Bray held the position and assisted in the growth of the town's infrastructure through his invaluable leadership and unwavering dedication. Aside from his career, Mayor Bray was a member of the American Legion, past Commander of Edeker-DuBose Post 121 in Jay, a 32° freemason, and a member of Red Rock Masonic Lodge #96 in Munson, Florida.

Mayor Bray is survived by his wife of 59 years, Theda; three children, Debbie (Michael) Gilley, Cheryl Bray, and Stewart (Maria) Bray; his grandchildren, S.J. Bray and Meghan Gilley; great-granddaughter, Tristan Bray; and his sister, Myrtle Bray.

To some, Mayor Bray will be remembered as a courageous member of our armed services who answered the call of duty during one of our Nation's most trying hours; to others, he will be remembered as a successful farmer, gardener, and a regular at the peanut co-op. He was a distinguished public servant, volunteer, and soldier; however, above all, Mayor Bray was a true family man. More than anything, J.D. enjoyed spending time with his family, friends, and neighbors, and he loved cheering his Florida State Seminoles to victory. Northwest Florida mourns the loss of a true leader, and his service to the community and this Nation will not be forgotten.

RECOGNIZING CLIFF MOSHOGINIS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. UPTON. Mr. Speaker, I rise today to recognize Cliff Moshoginis of Kalamazoo, Michigan, who was named Airport Manager of the Year by the Michigan Association of Airport Executives on Thursday, September 15, 2011.

Mr. Moshoginis began his career at the Kalamazoo/Battle Creek International Airport in 1993. In 1999, he rose to assistant director of the airport, and in 2006 became its director. Mr. Moshoginis was chosen as the recipient of this impressive honor by the president of the association and other members of the board. He himself previously served as president of the association and currently acts as its legislative committee chair.

Despite enormous challenges that have directly affected the air transportation industry in recent years, Mr. Moshoginis has displayed great innovation in keeping our airports safe and efficient. It is because of his vision and direction that the Kalamazoo/Battle Creek International Airport has prospered, seeing an 11 percent increase in employment and approval of several new construction projects.

I was pleased that the Kalamazoo/Battle Creek International Airport recently received

vital funding for ongoing construction of a new terminal. This expansion has been good for economic growth in our district and made the airport a more efficient gateway to southwest Michigan.

The honor bestowed upon Mr. Moshoginis is an achievement that makes us all very proud to have such a remarkable person serving the people of our district. Congratulations to Mr. Moshoginis and his employees for being recognized with this well-deserved achievement.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. BASS of New Hampshire. Mr. Speaker, on October 6, 2011, I had a family gathering and was not present for rollcall votes 765, 766, 767, 768, 769, and 770. Had I been present, I would have voted in the affirmative on rollcall vote 765 and against rollcall votes 766, 767, 768, 769, and 770.

TRIBUTE TO VOLUNTEERS OF NORTH BAY STAND DOWN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 11, 2011

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today and invite my colleagues to join me in honoring the work of the men and women who have organized and staffed the North Bay Stand Down, serving homeless military veterans in my 7th Congressional District for a full 10 years. This annual event has quite literally been a lifeline for countless veterans and their families who have found themselves without support or resources to make it on their own.

The North Bay Stand Down was established in 2002 as a one-day, one-stop shop for access to health care and social services. That first year, 100 volunteer workers enrolled 50 veterans in the VA system, provided job counseling to 10 participants, and prepared 150 meals. Over the years, the program has met the ever-growing need in our community by expanding to a full three-day event. Last year alone, 601 volunteers enrolled 265 veterans plus 15 family members in the Veterans Affairs system. In addition, they served 2,700 meals, provided job counseling to 101 participants, resolved 298 court cases, and provided medical services to 413 of the attendees.

Each year, the North Bay Stand Down has recorded remarkable success stories. Veterans have found employment as well as medical and dental care. Many have found the strength and support to commit to a sober lifestyle with the help of the psychiatric services on grounds. Families have been stabilized as they have made the connection to transitional housing programs and counseling services. And Stand Down has provided an opportunity for veterans to connect with old friends finding the critical support network that is born out of shared experiences.

Our military men and women have stepped up to answer our country's call, and what we do for them as a nation after they step out of the uniform must match that level of commitment. While the GI benefits have been expanded in recent years, it is clear that the needs of our returning veterans still outweigh the resources available. The North Bay Stand Down continues to fill in that gap. So many of our returning military veterans are finding barriers to their successful readjustment to civilian life. I am ever grateful for the men and women volunteers of North Bay Stand Down who, year after year, have helped knock those barriers down.

Daily Digest

HIGHLIGHTS

Senate passed S. 1619, Currency Exchange Rate Oversight Reform Act.

Senate

Chamber Action

Routine Proceedings, pages S6359–S6395

Measures Introduced: Five bills were introduced, as follows: S. 1677–1681. **Page S6390**

Measures Reported:

S. 914, to amend title 38, United States Code, to authorize the waiver of the collection of copayments for telehealth and telemedicine visits of veterans, with an amendment in the nature of a substitute. (S. Rept. No. 112–88)

S. 1641, to implement the United States-Colombia Trade Promotion Agreement.

S. 1642, to implement the United States-Korea Free Trade Agreement.

S. 1643, to implement the United States-Panama Trade Promotion Agreement. **Page S6390**

Measures Passed:

Currency Exchange Rate Oversight Reform Act: By 63 yeas to 35 nays (Vote No. 159), Senate passed S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, after taking action on the following amendment proposed thereto: **Pages S6378–82**

Withdrawn:

Reid Amendment No. 694, to change the enactment date. **Page S6378**

Measures Considered:

American Jobs Act: Senate resumed consideration of the motion to proceed to consideration of S. 1660, to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs. **Pages S6382–84**

During consideration of this measure today, Senate also took the following action:

By 50 yeas to 49 nays (Vote No. 160), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Page S6383**

Senator Reid entered a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to consideration of the bill. **Page S6383**

Trade Bills—Agreement: A unanimous-consent-time agreement was reached providing that at approximately 10 a.m., on Wednesday, October 12, 2011, Senate begin consideration of H.R. 3080, to implement the United States-Korea Free Trade Agreement; H.R. 3079, to implement the United States-Panama Trade Promotion Agreement; and H.R. 3078, to implement the United States-Colombia Trade Promotion Agreement, en bloc; and that there be 12 hours of debate equally divided and controlled between the two Leaders, or their designees with Senator Baucus controlling 20 minutes and Senator Brown (OH) and Senator Sanders each controlling an hour of the Majority time, and that all other provisions of the previous order remain in effect. **Page S6393**

Nominations Confirmed: Senate confirmed the following nominations:

By a unanimous vote of 98 yeas (Vote No. EX. 158), Jane Margaret Triche-Milazzo, of Louisiana, to be United States District Judge for the Eastern District of Louisiana. **Pages S6377–78, S6395**

Brian T. Baenig, of the District of Columbia, to be an Assistant Secretary of Agriculture. **Pages S6393, S6395**

Nominations Received: Senate received the following nominations:

James Timberlake, of Pennsylvania, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 2014.

Adam Gamoran, of Wisconsin, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2015.

Judith D. Singer, of Massachusetts, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2014.

2 Army nominations in the rank of general.

Routine lists in the Army, Coast Guard, and Navy. **Pages S6393–95**

Messages from the House: **Page S6388**

Measures Read the First Time: **Pages S6388, S6393**

Executive Communications: **Pages S6388–90**

Executive Reports of Committees: **Page S6390**

Additional Cosponsors: **Pages S6390–92**

Additional Statements: **Pages S6386–88**

Notices of Hearings/Meetings: **Pages S6392–93**

Authorities for Committees to Meet: **Page S6393**

Record Votes: Three record votes were taken today. (Total—160) **Pages S6378, S6383**

Adjournment: Senate convened at 2 p.m. and adjourned at 8:48 p.m., until 10 a.m. on Wednesday, October 12, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6393.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the following business items:

S. 1641, to implement the United States-Colombia Trade Promotion Agreement;

S. 1642, to implement the United States-Korea Free Trade Agreement;

S. 1643, to implement the United States-Panama Trade Promotion Agreement; and

The nominations of Michael W. Punke, of Montana, to be a Deputy United States Trade Representative, with the Rank of Ambassador, and Islam A. Siddiqui, of Virginia, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador, both of the Executive Office of the President, Paul Piquado, of the District of Columbia, to be an Assistant Secretary of Commerce, and David S. Johanson, of Texas, to be a Member of the United States International Trade Commission.

LABOR-MANAGEMENT FORUMS IN THE FEDERAL GOVERNMENT

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine labor-management forums in the Federal government, after receiving testimony from John Berry, Director, Office of Personnel Management; W. Scott Gould, Deputy Secretary of Veterans Affairs; Pasquale M. Tamburrino, Jr., Deputy Assistant Secretary of Defense for Civilian Personnel Policy; William R. Dougan, National Federation of Federal Employees (NFFE), and Gregory J. Junemann, International Federation of Professional and Technical Engineers (IFPTE), both of Washington, D.C.; Patricia Niehaus, Federal Managers Association (FMA), Alexandria, Virginia; and George Nesterczuk, Nesterczuk and Associates, Vienna, Virginia.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 7 public bills, H.R. 3145–3151; 2 private bills, H.R. 3152–3153; and 1 resolution, H. Res. 429, were introduced. **Page H6781**

Additional Cosponsors: **Page H6782**

Reports Filed: Reports were filed today as follows:

H.R. 2433, to amend title 38, United States Code, to make certain improvements in the laws relating to the employment and training of veterans, and for other purposes, with an amendment (H. Rept. 112–242, Pt. 1) and

Supplemental report on H. Res. 425, providing for consideration of the Senate amendment to the bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes; providing for consideration of the bill (H.R. 3078) to implement the United States-Colombia Trade Promotion Agreement; providing for consideration of the bill (H.R. 3079) to implement the United States-Panama Trade Promotion Agreement; and providing for consideration of the bill (H.R. 3080) to implement the United States-Korea Free Trade Agreement (H. Rept. 112–240, Pt. 2). **Page H6781**

Speaker: Read a letter from the Speaker wherein he appointed Representative Roby to act as Speaker pro tempore for today. **Page H6677**

Recess: The House recessed at 12:21 p.m. and reconvened at 2 p.m. **Page H6679**

Providing for a recess of the House for a joint meeting to receive His Excellency Lee Myung-bak, President of the Republic of Korea: Agreed by unanimous consent that it may be in order at any time on Thursday, October 13, 2011 for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Lee Myung-bak, President of the Republic of Korea. **Page H6680**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Veterans Sexual Assault Prevention and Health Care Enhancement Act: H.R. 2074, amended, to amend title 38, United States Code, to require a comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents that occur at medical facilities of the Department of Veterans Affairs; **Pages H6689–93**

Agreed to amend the title so as to read: ''To amend title 38, United States Code, to require a comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents that occur at medical facilities of the Department of Veterans Affairs, to improve rehabilitative services for veterans with traumatic brain injury, and for other purposes.''. **Page H6693**

Amending title 38, United States Code, to direct the Secretary of Veterans Affairs to notify Congress of conferences sponsored by the Department of Veterans Affairs: H.R. 2302, amended, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to notify Congress of conferences sponsored by the Department of Veterans Affairs; **Pages H6693–95**

Agreed to amend the title so as to read: ''To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to notify Congress of conferences sponsored by the Department of Veterans Affairs, and for other purposes.''. **Page H6695**

Veterans' Benefits Training Improvement Act of 2011: H.R. 2349, amended, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to annually assess the skills of certain employees and managers of the Veterans Benefits Administration; **Pages H6695–98**

Agreed to amend the title so as to read: ''To amend title 38, United States Code, to improve the determination of annual income with respect to pensions for certain veterans, to direct the Secretary of Veterans Affairs to establish a pilot program to assess the skills of certain employees and managers of the Veterans Benefits Administration, and for other purposes.''. **Page H6698**

Amending the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures: H.R. 1263, amended, to amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures; and **Pages H6727–29**

Agreed to amend the title so as to read: ''To amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures, and for other purposes.''. **Page H6729**

Amending title 38, United States Code, to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law: H.R. 1025, to amend title 38, United States Code, to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law. **Pages H6729–30**

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed:

Veterans Opportunity to Work Act of 2011: H.R. 2433, amended, to amend title 38, United States Code, to make certain improvements in the laws relating to the employment and training of veterans. **Pages H6680–89**

EPA Regulatory Relief Act of 2011: The House resumed consideration of H.R. 2250, to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators. Consideration of the measure began on October 6th. **Pages H6698–H6727**

Rejected:

Waxman amendment (No. 11 printed in the Congressional Record of October 4, 2011) that sought to add a new section relating to compliance with Cut-Go (by a recorded vote of 164 ayes to 254 noes, Roll No. 772); **Pages H6698–99, H6722**

Connolly amendment (No. 18 printed in the Congressional Record of October 4, 2011) that sought to add a new section relating to protection from respiratory and cardiovascular illness and death (by a recorded vote of 168 ayes to 250 noes, Roll No. 773); **Pages H6699–H6700, H6723**

Markey amendment (No. 7 printed in the Congressional Record of October 4, 2011) that sought to

add a new section relating to protection from avoidable cases of cancer (by a recorded vote of 166 ayes to 252 noes, Roll No. 774); **Pages H6700–02, H6723–24**

Edwards amendment (No. 2 printed in the Congressional Record of October 4, 2011) that sought to add a section that finds that according to the EPA's analysis of the impacts of the final rules specified in section 3(b)(1) and section 3(b)(2) on employment, based on peer-reviewed literature, such rules would create 2,200 net additional jobs (by a recorded vote of 157 ayes to 260 noes, Roll No. 775); **Pages H6702–05, H6724**

Schakowsky amendment (No. 1 printed in the Congressional Record of October 4, 2011) that sought to add a section that finds that mercury released into the ambient air from industrial boilers and waste incinerators addressed by the rules listed in section 2(b) of this Act is a potent neurotoxin (by a recorded vote of 169 ayes to 249 noes, Roll No. 776); **Pages H6705–06, H6724–25**

Ellison amendment (No. 12 printed in the Congressional Record of October 4, 2011) that sought to set the date for compliance with standards and requirements under regulation as earlier than 5 years (by a recorded vote of 154 ayes to 261 noes, Roll No. 777); **Pages H6706–07, H6725–27**

Welch amendment (No. 19 printed in the Congressional Record of October 4, 2011) that sought to add a section that finds that the American people are exposed to mercury from industrial sources addressed by the rules listed in section 2(b) of this Act through the consumption of fish containing mercury and every State in the Nation has issued at least one mercury advisory for fish consumption (by a recorded vote of 169 ayes to 249 noes, Roll No. 778); and **Pages H6707–08, H6726**

Jackson Lee amendment (No. 3 printed in the Congressional Record of October 4, 2011) that sought to strike in the Compliance Dates section "not earlier than 5 years after the effective date of the regulation" and insert "not later than 3 years after the regulation is promulgated as final" (by a recorded vote of 156 ayes to 262 noes, Roll No. 779). **Pages H6708–10, H6726–27**

H. Res. 419, the rule providing for consideration of the bills (H.R. 2681) and (H.R. 2250) was agreed to on October 4th.

Supplemental Report: Agreed by unanimous consent that the Committee on Rules be permitted to file a supplemental report on H. Res. 425. **Page H6710**

United States-Colombia Trade Promotion Agreement Implementation Act: The House began consideration of H.R. 3078, to implement the United States-Colombia Trade Promotion Agreement. Further proceedings were postponed. **Pages H6730–45**

H. Res. 425, the rule providing for consideration of the Senate amendment to the bill (H.R. 2832) and providing for the consideration of the bills (H.R. 3078), (H.R. 3079), and (H.R. 3080) was agreed to by a yea-and-nay vote of 281 yeas to 128 nays, Roll No. 771, after the previous question was ordered without objection. **Pages H6710–22**

United States-Panama Trade Promotion Agreement Implementation Act: The House began consideration of H.R. 3079, to implement the United States-Panama Trade Promotion Agreement. Further proceedings were postponed. **Pages H6745–58**

H. Res. 425, the rule providing for consideration of the Senate amendment to the bill (H.R. 2832) and providing for the consideration of the bills (H.R. 3078), (H.R. 3079), and (H.R. 3080) was agreed to by a yea-and-nay vote of 281 yeas to 128 nays, Roll No. 771, after the previous question was ordered without objection. **Pages H6710–22**

United States-Korea Free Trade Agreement Implementation Act: The House began consideration of H.R. 3080, to implement the United States-Korea Free Trade Agreement. Further proceedings were postponed. **Pages H6758–71**

H. Res. 425, the rule providing for consideration of the Senate amendment to the bill (H.R. 2832) and providing for the consideration of the bills (H.R. 3078), (H.R. 3079), and (H.R. 3080) was agreed to by a yea-and-nay vote of 281 yeas to 128 nays, Roll No. 771, after the previous question was ordered without objection. **Pages H6710–22**

Extending the Generalized System of Preferences: The House began consideration of the Senate amendment to H.R. 2832, to extend the Generalized System of Preferences. Further proceedings were postponed. **Pages H6771–79**

H. Res. 425, the rule providing for consideration of the Senate amendment to the bill (H.R. 2832) and providing for the consideration of the bills (H.R. 3078), (H.R. 3079), and (H.R. 3080) was agreed to by a yea-and-nay vote of 281 yeas to 128 nays, Roll No. 771, after the previous question was ordered without objection. **Pages H6710–22**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H6679.

Senate Referrals: S. 1639 was referred to the Committee on the Judiciary. **Page H6780**

Quorum Calls—Votes: One yea-and-nay vote and eight recorded votes developed during the proceedings of today and appear on pages H6721, H6722, H6723, H6723–24, H6724, H6724–25,

H6725–26, H6726, and H6726–27. There were no quorum calls.

Adjournment: The House met at 12 noon and adjourned at 10:38 p.m.

Committee Meetings

GOVERNMENT LITIGATION SAVINGS ACT

Committee on the Judiciary: Subcommittee on Courts, Commercial and Administrative Law, held a hearing on H.R. 1996, the ''Government Litigation Savings Act.'' Testimony was heard from public witnesses.

ONGOING INTELLIGENCE ACTIVITIES

House Permanent Select Committee on Intelligence: Full Committee held a hearing on ongoing intelligence activities.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1052)*

H.R. 2646, to authorize certain Department of Veterans Affairs major medical facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs. Signed on October 5, 2011. (Public Law 112–37)

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 12, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Department of Homeland Security, to hold hearings to examine the Federal role in disaster recovery and response, 2:30 p.m., SD–192.

Committee on the Budget: To hold hearings to examine improving the congressional budget process, 9:30 a.m., SD–608.

Committee on Commerce, Science, and Transportation: To hold hearings to examine universal service reform, focusing on bringing broadband to all Americans, 2:30 p.m., SR–253.

Committee on Foreign Relations: Business meeting to consider the nominations of Joyce A. Barr, of Washington, to be Assistant Secretary for Administration, Robert A. Mandell, of Florida, to be Ambassador to Luxembourg, Thomas Charles Krajeski, of Virginia, to be Ambassador to the Kingdom of Bahrain, Dan W. Mozena, of Iowa, to be Ambassador to the People's Republic of Bangladesh, Michael A. Hammer, of the District of Columbia, to be Assistant Secretary for Public Affairs, Susan Denise Page, of Illinois, to be Ambassador to the Republic of South Sudan, Adrienne S. O'Neal, of Michigan, to be Ambassador to the Republic of Cape Verde, Mary Beth Leonard, of Massachusetts, to be Ambassador to the Republic of Mali, and Mark Francis Brzezinski, of Virginia, to be Ambassador to Sweden, all of the Department of State, Anne Terman Wedner, of Illinois, to be a Member of the United States Advisory Commission on Public Diplomacy, Katherine M. Gehl, of Wisconsin, and Terry Lewis, of Michigan, both to be a Member of the Board of Directors of the Overseas Private Investment Corporation, Russ Carnahan, of Missouri, to be a Representative of the United States of America to the Sixty-sixth Session of the General Assembly of the United Nations, and Ann Marie Buerkle, of New York, to be a Representative of the United States of America to the Sixty-sixth Session of the General Assembly of the United Nations, and routine lists in the Foreign Service; to be immediately followed by a hearing to examine the nomination of Michael Anthony McFaul, of California, to be Ambassador to the Russian Federation, Department of State, 2:15 p.m., S–116, Capitol.

Committee on Health, Education, Labor, and Pensions: To hold hearings to examine the state of chronic disease prevention, 2:30 p.m., SD–430.

Committee on Homeland Security and Governmental Affairs: To hold hearings to examine ten years after 9/11, focusing on a status report on information sharing, 10:30 a.m., SD–342.

Committee on Small Business and Entrepreneurship: Business meeting to consider the nomination of Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, Small Business Administration, Time to be announced, Room to be announced.

Special Committee on Aging: To hold hearings to examine finding consensus in the Medicare reform debate, 2 p.m., SD–562.

House

Committee on Agriculture, Full Committee, hearing to review legislative proposals amending Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, 10 a.m., 1300 Longworth.

Committee on Armed Services, Full Committee, hearing entitled ''The Future of National Defense and the U.S. Military Ten Years After 9/11: Perspectives of Former Chairmen of the Committee on Armed Services.'' 10 a.m., 2118 Rayburn.

Subcommittee on Tactical Air and Land Forces, hearing on National Guard and Reserve component acquisition and modernization, 2 p.m., 2212 Rayburn.

Committee on Education and the Workforce, Full Committee, hearing on H.R. 3094, the ''Workforce Democracy and Fairness Act.'' 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Manufacturing, and Trade; and the Subcommittee on Health, joint hearing entitled ''Food Marketing: Can 'Voluntary' Government Restrictions Improve Children's Health?'' 10 a.m., 2123 Rayburn.

Subcommittee on Oversights and Investigations, hearing entitled ''Cutting EPA Spending.'' 10:30 a.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on International Monetary Policy, markup to consider the discussion draft ''The Supporting Economic and National Security by Maintaining U.S. Leadership in Multilateral Development Banks Act.'' 10 a.m., 2128 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled ''Oversight of the Federal Home Loan Bank System.'' 1 p.m., 2220 Rayburn.

Subcommittee on Financial Institutions and Consumer Credit, hearing entitled H.R. 1418, the ''Small Business Lending Enhancement Act of 2011.'' 2 p.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Oversight and Investigations, hearing entitled ''The International Exploitation of Drug Wars and What We Can Do About It.'' 10 a.m., 2200 Rayburn.

Subcommittee on Foreign Affairs, hearing entitled ''Narcoterrorism and the Long Reach of U.S. Law Enforcement.'' 12:30 p.m., 2172 Rayburn.

Committee on Homeland Security, Full Committee, markup of the following: H.R. 3116, the ''Department of Homeland Security Authorization Act for Fiscal Year 2012.'' 10 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Crimes, Terrorism, and Homeland Security, hearing entitled ''Uncertain Justice: The Status of Federal Sentencing and the U.S. Sentencing Commission Six Years after U.S. v. Booker.'' 10 a.m., 2141 Rayburn.

Subcommittee on Immigration, hearing entitled ''U.S. Immigration and Customs Enforcement: Priorities and the Rule of Law.'' 3 p.m., 2141 Rayburn.

Committee on Natural Resources, Full Committee, hearing entitled ''One Year after President Obama's Gulf of Mexico 6-Month Moratorium Officially Lifted: Examining the Lingering Impacts on Jobs, Energy Production and Local Economies.'' 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on National Security, Homeland Defense and Foreign Operations, hearing entitled ''Status Report on the Transition to a Civilian-Led Mission in Iraq.'' 10 a.m., 2154 Rayburn.

Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending, hearing entitled ''Running on Empty: How the Obama Administration's Green Energy Gamble Will Impact Small Business and Consumers.'' 10 a.m., 2247 Rayburn.

Committee on Rules, Full Committee, hearing on the following: H.R. 2273, the ''Coal Residuals Reuse and Management Act'', and H.R. 358 the ''Protect Life Act.'' 10:15 a.m., H–313 Capitol.

Committee on Science, Space, and Technology, Subcommittee on Research and Science Education, hearing entitled ''What Makes for Successful K–12 STEM Education: A Closer Look at Effective STEM Education Approaches.'' 10 a.m., 2318 Rayburn.

Subcommittee on Space and Aeronautics, hearing entitled ''The International Space Station: Lessons from the Soyuz Rocket Failure and Return to Flight.'' 2 p.m., 2318 Rayburn.

Committee on Small Business, Full Committee, hearing entitled ''LightSquared: The Impact to Small Business GPS Users.'' 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, hearing entitled ''National Infrastructure Bank: More Bureaucracy and More Red Tape.'' 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Full Committee, hearing entitled ''Failures at Miami VAMC: Window to a National Problem.'' 10 a.m., 334 Cannon.

Joint Meetings

Commission on Security and Cooperation in Europe: to receive a briefing on Mongolia, focusing on its intention to seek status as a participating State in the Organization for Security and Cooperation in Europe (OSCE), 2 p.m., 210, Cannon Building.

Next Meeting of the SENATE

10 a.m., Wednesday, October 12

Senate Chamber

Program for Wednesday: Senate will begin consideration of H.R. 3080, United States-Korea Free Trade Agreement Implementation Act, H.R. 3079, United States-Panama Trade Promotion Agreement Implementation Act, and H.R. 3078, United States-Colombia Trade Promotion Agreement Implementation Act, with up to twelve hours of debate. Upon the use or yielding back of time, Senate will vote on passage of the bills.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, October 12

House Chamber

Program for Wednesday: Resume consideration of H.R. 3078—United States-Colombia Trade Promotion Agreement Implementation Act, H.R. 3079—United States-Panama Trade Promotion Agreement Implementation Act, H.R. 3080—United States-Korea Free Trade Agreement Implementation Act, and the Senate amendment to H.R. 2832—To extend the Generalized System of Preferences.

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