

is immediately enforceable in accordance with the provisions of section 4.

#### SEC. 4. ENFORCEMENT PROVISIONS.

(a) WITHDRAWAL OF TARIFF CONCESSIONS.—If the President does agree to a modification described in section 3(a), and the United States Trade Representative determines pursuant to subsection (c) that—

(1) a tariff or nontariff barrier or policy or practice of the government of a foreign country described in section 3(a) has not been reduced or eliminated, or

(2) a tariff or nontariff barrier or policy or practice of such government has been imposed or discovered,

the modification shall be withdrawn until such time as the United States Trade Representative submits to Congress a certification described in section 3(b)(1).

(b) INVESTIGATION.—

(1) IN GENERAL.—The United States Trade Representative shall initiate an investigation if an interested party files a petition with the United States Trade Representative which alleges the elements necessary for the withdrawal of the modification of an existing duty under subsection (a), and which is accompanied by information reasonably available to the petitioner supporting such allegations.

(2) INTERESTED PARTY DEFINED.—For purposes of paragraph (1), the term “interested party” means—

(A) a manufacturer, producer, or wholesaler in the United States of a domestic product that has the same physical characteristics and uses as the product for which a modification of an existing duty is sought;

(B) a certified union or recognized union or group of workers engaged in the manufacture, production, or wholesale in the United States of a domestic product that has the same physical characteristics and uses as the product for which a modification of an existing duty is sought;

(C) a trade or business association a majority of whose members manufacture, produce, or wholesale in the United States a domestic product that has the same physical characteristics and uses as the product for which a modification of an existing duty is sought; and

(D) a member of the Committee on Ways and Means of the House of Representatives or a member of the Committee on Finance of the Senate.

(c) DETERMINATION BY USTR.—Not later than 45 days after the date on which a petition is filed under subsection (b), the United States Trade Representative shall—

(1) determine whether the petition alleges the elements necessary for the withdrawal of the modification of an existing duty under subsection (a); and

(2) notify the petitioner of the determination under paragraph (1) and the reasons for the determination.

#### SEC. 5. MARKET ACCESS ASSESSMENT BY INTERNATIONAL TRADE COMMISSION.

(a) IN GENERAL.—The International Trade Commission shall conduct an assessment of the impact of each proposed trade agreement between the United States and a foreign country on tariff and nontariff barriers and policies and practices of the government of the foreign country with respect to United States exports of any product identified by United States domestic producers as having the same physical characteristics and uses as the product for which a modification of an existing duty is sought by the President as described in section 4(a).

(b) IDENTIFICATION.—In conducting the assessment under subsection (a), the International Trade Commission shall identify the tariff and nontariff barriers and policies and practices for such products that exist in

the foreign country and the expected opportunities for exports from the United States to the foreign country if existing tariff and nontariff barriers and policies and practices are eliminated.

(c) CONSULTATION.—In conducting the assessment under subsection (a), the International Trade Commission shall, as appropriate, consult with and seek to obtain relevant documentation from United States domestic producers of products having the same physical characteristics and uses as the product for which a modification of an existing duty is sought by the President as described in section 4(a).

(d) REPORT.—Not later than 45 days before the date on which negotiations for a proposed trade agreement described in subsection (a) are initiated, the International Trade Commission shall submit to the United States Trade Representative, the Secretary of Commerce, and Congress a report on the proposed trade agreement that contains the assessment under subsection (a) conducted with respect to such proposed trade agreement. The report shall be submitted in unclassified form, but may contain a classified annex if necessary.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 293—CELEBRATING THE 10-YEAR COMMEMORATION OF THE UNDERGROUND RAILROAD MEMORIAL, COMPRISED OF THE GATEWAY TO FREEDOM MONUMENT IN DETROIT, MICHIGAN AND THE TOWER OF FREEDOM MONUMENT IN WINDSOR, ONTARIO, CANADA

Mr. LEVIN (for himself, Ms. STABENOW, Mr. BROWN of Ohio, Mr. CASEY, and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 293

Whereas millions of Africans and their descendants were enslaved in the United States and the American colonies from 1619 through 1865;

Whereas Africans forced into slavery were unspeakably debased, humiliated, dehumanized, brutally torn from their families and loved ones, and subjected to the indignity of being stripped of their names and heritage;

Whereas tens of thousands of people of African descent silently escaped their chains to follow the perilous Underground Railroad northward towards freedom in Canada;

Whereas the Detroit River played a central role for these passengers of the Underground Railroad on their way to freedom;

Whereas, in October 2001, the City of Detroit, Michigan joined with Windsor and Essex County in Ontario, Canada to memorialize the courage of these freedom seekers with an international memorial to the Underground Railroad, comprising the Tower of Freedom Monument in Windsor and the Gateway to Freedom Monument in Detroit;

Whereas the deep roots that slaves, refugees, and immigrants who reached Canada from the United States created in Canadian society remain as tributes to the determination of their descendants to safeguard the history of the struggles and endurance of their forebears;

Whereas the observance of the 10-year commemoration of the Underground Railroad Memorial will be celebrated from October 19 through October 22, 2011;

Whereas the International Underground Railroad Monument Tenth Anniversary

Planning Committee is pursuing the designation of an International Freedom Corridor and the nomination of the historic Detroit River as an International World Heritage Site;

Whereas the International Underground Railroad Monument Tenth Anniversary Planning Committee recognizes that a National Park Service special resources study may establish the national significance, suitability, and feasibility of an International Freedom Corridor;

Whereas the designation of an International Freedom Corridor would include the States of Michigan, Illinois, Ohio, Wisconsin, Missouri, Indiana, and Kentucky, the Detroit, Mississippi, and Ohio Rivers, which traverse portions of these States, and any other sites associated within this International Freedom Corridor;

Whereas a cooperative international partnership project is dedicated to education and research with the goal of promoting cross-border understanding as well as economic development and cultural heritage tourism;

Whereas, over the course of history, the United States has become a symbol of democracy and freedom around the world; and

Whereas the legacy of African Americans is interwoven with the fabric of democracy and freedom in the United States: Now, therefore, be it

*Resolved*, That the Senate celebrates the 10-year commemoration of the Underground Railroad Memorial, comprised of the Gateway to Freedom Monument in Detroit, Michigan and the Tower of Freedom Monument in Windsor, Ontario, Canada.

#### SENATE CONCURRENT RESOLUTION 30—SUPPORTING THE GOALS AND IDEALS OF SPINA BIFIDA AWARENESS MONTH

Mr. WICKER submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 30

Whereas according to the Centers for Disease Control and Prevention, there are approximately 166,000 individuals living in the United States with a form of spina bifida, the United States most common permanent birth defect;

Whereas the risk of spina bifida can be reduced by up to 70 percent if women consume 400 micrograms of folic acid daily, before and during pregnancy;

Whereas there are 65,000,000 women of childbearing age in the United States, all of whom are potentially at risk of having a child with spina bifida;

Whereas 1,500 children are born each year with spina bifida;

Whereas, according to the Spina Bifida Association, spina bifida is a complicated condition, adversely impacting virtually every organ system and requiring multiple clinical specialists to provide lifelong comprehensive, quality medical and psychosocial care;

Whereas the National Spina Bifida Program, administered by the Centers for Disease Control and Prevention, exists to improve the health, well-being, and quality of life for the individuals and families affected by spina bifida through numerous programmatic components, including the National Spina Bifida Patient Registry and critical quality of life research in spina bifida.

Whereas the National Spina Bifida Patient Registry helps to improve the quality of care, reduce morbidity and mortality from spina bifida, and increase the efficiency and decrease the cost of care by supporting the

collection of longitudinal-treatment data, developing quality measures and treatment standards of care and best practices, identifying “centers of excellence” in spina bifida, evaluating both the clinical and cost-effectiveness of treatment of spina bifida, and exchanging evidence-based information among health-care providers across the United States;

Whereas the Spina Bifida Association is the only national voluntary health agency working for people with spina bifida and their families through education, advocacy, research, and service; and

Whereas October is designated as National Spina Bifida Awareness Month to help increase awareness and the prevention of spina bifida, as well as enhancing the quality of life of persons living with spina bifida: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) supports the goals and ideals of National Spina Bifida Awareness Month;

(2) recognizes the importance of highlighting the occurrence of spina bifida, bringing to light the struggles and successes of those who live with spina bifida, and advancing efforts to decrease the incidence of spina bifida;

(3) supports the ongoing development of the National Spina Bifida Patient Registry to improve lives through research and to improve treatments for both children and adults;

(4) recognizes that there is a continued need for a commitment of resources for efforts to reduce and prevent disabling birth defects like spina bifida; and

(5) commends the excellent work of the Spina Bifida Association to educate, support, and provide hope for people with spina bifida and their families.

#### SENATE CONCURRENT RESOLUTION 31—DIRECTING THE SECRETARY OF THE SENATE TO MAKE A CORRECTION IN THE ENROLLMENT OF S. 1280

Mr. ISAKSON submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 31

*Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 1280) to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual assault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advisory Council, and for other purposes, the Secretary of the Senate shall make the following corrections:*

Amend section 8C of the Peace Corps Act, in the quoted material in section 2 of the bill, by adding at the end the following new subsection:

“(e) SUNSET.—This section shall cease to be effective on October 1, 2018.”

Amend section 8D of the Peace Corps Act, in the quoted material in section 2 of the bill, by adding at the end the following new subsection:

“(g) SUNSET.—This section shall cease to be effective on October 1, 2018.”

Amend section 8E of the Peace Corps Act, in the quoted material in section 2 of the bill—

(1) in subsection (c), by striking “The President shall annually conduct” and inserting “Annually through September 30, 2018, the President shall conduct”;

(2) in subsection (d)—

(A) in subparagraph (A), by striking “a biennial report” and inserting “a report, not

later than one year after the date of the enactment of this section, and biennially through September 30, 2018.”; and

(B) in subparagraph (B), by striking “not later than two years after the date of the enactment of this section and every three years thereafter” and inserting “not later than two years and five years after the date of the enactment of this section”; and

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

“(e) PORTFOLIO REVIEWS.—

“(1) IN GENERAL.—The President shall, at least once every 3 years, perform a review to evaluate the allocation and delivery of resources across the countries the Peace Corps serves or is considering for service. Such portfolio reviews shall at a minimum include the following with respect to each such country:

“(A) An evaluation of the country’s commitment to the Peace Corps program.

“(B) An analysis of the safety and security of volunteers.

“(C) An evaluation of the country’s need for assistance.

“(D) An analysis of country program costs.

“(E) An evaluation of the effectiveness of management of each post within a country.

“(F) An evaluation of the country’s congruence with the Peace Corp’s mission and strategic priorities.

“(2) BRIEFING.—Upon request of the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the President shall brief such committees on each portfolio review required under paragraph (1). If requested, each such briefing shall discuss performance measures and sources of data used (such as project status reports, volunteer surveys, impact studies, reports of Inspector General of the Peace Corps, and any relevant external sources) in making the findings and conclusions in such review.”

Amend section 8I(a) of the Peace Corps Act, in the quoted material in section 2, by inserting “through September 30, 2018,” after “annually”.

Strike section 8.

Redesignate sections 9 and 10 as sections 8 and 9, respectively.

Strike section 11.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 738. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 738. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike out all after the enacting clause and insert the following:

#### DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

The following sums are appropriated, out of any money in the Treasury not otherwise

appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes, namely:

#### TITLE I

#### AGRICULTURAL PROGRAMS

#### PRODUCTION, PROCESSING AND MARKETING

#### OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, \$4,798,000: *Provided*, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

#### OFFICE OF TRIBAL RELATIONS

For necessary expenses of the Office of Tribal Relations, \$473,000, to support communication and consultation activities with Federally Recognized Tribes, as well as other requirements established by law.

#### EXECUTIVE OPERATIONS

#### OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, \$11,408,000.

#### NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, \$13,514,000.

#### OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, \$8,946,000.

#### OFFICE OF HOMELAND SECURITY AND EMERGENCY COORDINATION

For necessary expenses of the Office of Homeland Security and Emergency Coordination, \$1,421,000.

#### OFFICE OF ADVOCACY AND OUTREACH

For necessary expenses of the Office of Advocacy and Outreach, \$1,351,000.

#### OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, \$36,031,000.

#### OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, \$5,935,000: *Provided*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A-76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department’s contracting out policies, including agency budgets for contracting out.

#### OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, \$848,000.

#### OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$21,558,000.

#### OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, \$764,000.

#### AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

#### (INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space