

close to \$200 billion. Madam President, \$273 billion is larger than the U.S. trade deficit with the OPEC countries, the EU countries, Canada, Japan, and Mexico combined. This trade deficit has eliminated or displaced over 2.8 million American jobs over the last 10 years. That is an average of 310,000 jobs every year, and 70 percent of those jobs lost from our trade with China were in one sector—manufacturing.

Ask anyone in my home State, and they will say the same thing: North Carolina is a manufacturing State. From furniture to yarn, we are known throughout the country and throughout the world for the quality of the work we produce. But we are hurting. Between 2001 and 2010, North Carolina has lost over 107,000 jobs. Those are 107,000 jobs due to trade with China. Only five States in the entire country have suffered a greater net job loss from our country's trade with China. Across the country, the Nation has lost approximately 6 million manufacturing jobs and has seen 57,000 manufacturing plants across our country shut down.

Last week, I traveled throughout the foothill regions in North Carolina, in Burke, Rutherford, and Gaston Counties, three of our counties with some of the deepest manufacturing and textile roots in the State. The unemployment rate in these counties is close to 13 percent in Burke, close to 15 percent in Rutherford, and 11.3 percent in Gaston, even higher than the all-too-high 10.4 percent average across the State of North Carolina.

The No. 1, No. 2, and No. 3 concerns I heard at every stop I made last week were: jobs, jobs, jobs. There were people, many of them former manufacturing employees, who have lost their jobs. Many of them are continuing to work hard, fighting for small businesses that they now run and looking for survival. At the same time, so many people are attending every job fair they can make. They cannot afford for Washington to continue to allow China to get away with economic deceit and manipulation. They cannot afford for us to continue competing with China with one hand tied behind our back. What they need is for Washington to draw a hard line, to act now, and to get tough on China's currency manipulation.

The Currency Exchange Rate Oversight Act is straightforward. If the Treasury Department, using objective criteria, determines that the value of a currency is fundamentally misaligned, it will trigger a process to correct that unfair misalignment. In other words, it allows the United States to use every tool in our toolbox, including countervailing duties, to ensure that American workers and companies are competing on a level playing field.

Even though the legislation is simple, its positive effects would ripple through the economy.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mrs. HAGAN. I ask for 2 more minutes.

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

Mrs. HAGAN. I thank you, Madam President.

A full revaluation of the yuan would mean 2.25 million jobs in the United States, reducing the U.S. unemployment rate by at least 1 full percentage point; an increase of the U.S. GDP of about \$285 billion, a nearly 2-percent boost; and a reduction to our budget deficit by as much as \$857 billion over 10 years. These are new jobs, more growth, and lower deficits. That is exactly the kind of bill our country needs right now.

It is going to require us to be tough. That is why America's workers and North Carolina workers need us to draw this line in the sand. They have always been told that if they work hard and play by the rules, they can get ahead. But now China is not playing by the rules, and it is undermining the ability of our workers and companies to succeed. We need to hold them accountable.

American and North Carolina workers are some of the best and most productive in the world. We know this. China knows this. If we compete on a level playing field, we can prosper together. I encourage all my colleagues to join in this bipartisan measure and vote for this bill. It is what America's workers and companies need, and it is what they deserve.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT

The ACTING PRESIDENT pro tempore. 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.

Reid amendment No. 695 (to amendment No. 694), of a perfecting nature.

Reid motion to commit the bill to the Committee on Finance with instructions, Reid amendment No. 696, to change the enactment date.

Reid amendment No. 697 (to (the instructions) amendment No. 696) of the motion to commit, of a perfecting nature.

Reid amendment No. 698 (to amendment No. 697), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Madam President, I rise to urge my colleagues to support the Currency Exchange Rate Oversight Reform Act, S. 1619, of which I am

proud to be an original cosponsor. I wish to thank my colleague and friend, Mr. BROWN, the Senator from Ohio, for his leadership in bringing forward this very important legislation.

This legislation is about jobs. We all talk about ways we can increase job opportunity in America. Yes, we have to do a better job in our infrastructure and rebuilding America, our roads, our bridges, our schools, our energy infrastructure, our water infrastructure. That is a very important part of job growth in America. We have to help our small businesses.

The President is right to focus a program that will help small businesses because that is the job growth energy in America. But another area that is critically important for us on job growth is trade.

I represent the State of Maryland. The Port of Baltimore is an economic engine of our State, where we employ many people because of the Port of Baltimore. We want to see products that not only come into America, but we want to see products that leave America for the international marketplace. American manufacturers, producers, and farmers can outcompete their competition anywhere in the world as long as we have a level playing field. If we have a level playing field, we will not only keep jobs in America, we will create new jobs in America because we can outcompete the world. But we can't do it if we give away a huge advantage to other countries. Currency manipulation allows other countries to have unfair competitive advantage over American manufacturers, producers, and farmers. That is what this bill is aimed at: to give us a level playing field, to allow us to be able to compete fairly.

I also wish to acknowledge that this legislation is bipartisan. I think it is nonpartisan. This is legislation that makes sense for our country to keep jobs and create jobs. The legislation provides necessary mechanisms to help halt currency manipulation committed by any country. Currency manipulation is an unfair trade practice that reduces the price of imported goods while raising the price of American goods.

We are talking about giving a discount to our competitors. How do we expect an American manufacturer to be able to compete with an imported product if they get a discount on the price? That is what happens when they arbitrarily undervalue their currency as a foreign competitor, and that is what is happening to American manufacturers. Trying to end this practice is just common sense and will finally allow us to address our net exports, helping us reduce trade imbalances and, most importantly, create jobs in America.

Of course, China is one of the largest abusers of this type of manipulation. Despite a pledge from China in 2001 to adhere to open and fair trade, it continues to violate global trade rules which, in turn, erodes the U.S. manufacturing base and economy.

One of these market-distorting practices is China's effort to keep its currency severely undervalued. Unlike other currencies, the Chinese yuan does not fluctuate freely against the dollar but is artificially pegged in order to boost China's exports. Bringing the Chinese yuan to its equilibrium level at 28.5 appreciation is essential to creating much needed jobs in this country as well as a fair and global marketplace.

Let me repeat this. Because of what China does on pegging its currency to ours, not allowing it to freely fluctuate, Chinese products, in effect, get a 28.5-percent discount. If a company is manufacturing a product and trying to compete with an imported Chinese product, how can they do that if their competitor gets a 28.5-percent discount? That is what is happening in America today.

This legislation would allow those who are being harmed by this unfair trade practice to be able to bring a trade remedy against that unfairly imported product.

Inexpensive Chinese imports have caused a great deal of harm to the U.S. manufacturing sector. New studies show that 2.8 million American jobs, including 1.9 million manufacturing jobs, were lost or displaced over the past decade due to the growing U.S. trade deficit with China, fueled, in part, by currency manipulation.

So we have documented millions of jobs that we have lost and that have been lost because we have allowed, without challenge, China to give discounts to its manufacturers bringing products into America. Again, if it is a level playing field, American manufacturers and producers can compete. But they can't compete with such an unfair trading practice.

Many U.S. industries have been hard hit by unfair trade practices and currency manipulation, impeding their ability to compete here and abroad. The Alliance for American Manufacturing says that addressing this currency manipulation would lead to the creation of up to 2.25 million American jobs, an increase in the U.S. gross domestic product of \$285.7 billion, a 1.9-percent—or \$190 billion—reduction in our annual trade deficit; finally, an annual deficit of \$71 billion, or between \$600 to \$800 billion over the next 10 years, if sustained.

No wonder this is bipartisan. No wonder this is nonpartisan. Here, by just standing up for American manufacturers and allowing them to be on a level playing field, we can not only increase jobs in America, we can not only reduce the trade imbalance, we can also reduce the budget imbalance. All that can be done if we can establish a level playing field to give our manufacturers, producers, and farmers the opportunity to challenge this unfair practice. That is what this legislation does.

With figures such as this, this bill is seemingly a noncost, bipartisan, long-term jobs measure. This would not

only spur economic growth but economic stability that would ensure a better and more secure future for U.S. manufacturers, workers, and communities. This is to keep jobs here in America but also give us the opportunity to create more jobs, helping our economy grow. Simply put, this legislation will allow U.S. manufacturers the ability to use existing countervailing duty laws to obtain relief from injury caused by imported goods which benefit from currency manipulation as export subsidies while also providing the U.S. Treasury a new framework by which to identify misaligned currency.

In September 2010, the House adopted a similar measure with overwhelming bipartisan support. Passage here in the Senate will lead to real consequences for countries that abuse currency manipulation, and empower the United States to create a more level economic playing field.

We can get this done. This is something that can get done. The House has already passed it. We have bipartisan support in the Senate. We have the votes to pass it. I urge my colleagues, let us get this done. Don't try to put other amendments on it. All they are going to do is make it difficult for us to achieve something great for our economy and great for American production. Let's get this matter up for a vote and not try to do all these unrelated amendments.

I applaud my colleague Senator BROWN from Ohio. He is on the floor. I mentioned earlier I thank him for his leadership for not only bringing this bill together but keeping the bipartisan group together so we can show we can get this done. Now we need the Members of the Senate to say it is time for us to vote on this bill. Let's get it done. Let's send it to the President for the President to sign it. Let's do something that will not only create jobs but help us deal with our trade imbalance and deal with our budget imbalance.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I appreciate the words of Senator CARDIN. He sits on the Finance Committee and was a long-time member of the House Ways and Means Committee and understands these issues as well or better than almost any Member of the Senate. I appreciate his work on that, and his leadership. He said a couple of things I want to emphasize.

He said, first of all, this is the biggest bipartisan jobs bill we have considered this year, 79 votes out of 98 when it advanced to being considered on the Senate floor. He has talked about this is a discount we give to our competitors. Imagine two gas stations in Schenectady, NY, or in Frederick, MD, or in Akron, OH. One gets its gasoline and pays 25 or 30 percent less for its gasoline than does the station across the street. The station that does not get the 25- or 30- or 35-percent subsidy goes out of business almost in a

matter of days. That is the kind of unfair competition we face because we have given this discount to our competitors.

The second is Senator CARDIN mentioned what this does with our budget deficit. It is pretty clear this is not a jobs bill that costs a lot of money. That is why we got 79 votes. That is why so many Republicans joined all but three Democrats in moving this bill forward. We save money. If a thousand more people go to work in Cleveland, OH, or in Buffalo, NY, or in Baltimore, MD, that is a thousand people who are not receiving unemployment benefits, who do not have to apply for food stamps, a thousand people who are paying taxes instead of being consumers of public services.

When you look at the lost jobs because of this trade policy, because China has gamed the currency system for so many years and administrations of both parties have failed to enforce laws or use the tools they have—in addition to this extra tool, this very compelling, very effective tool we are giving them—it clearly has meant that we have been behind the eight ball in that way and we have lost the opportunity when we have not enforced these trade laws.

When you look at the number of jobs lost and the number of jobs estimated to be gained, it is in the millions over time. This is exactly what the Senate should be doing this week, moving this bill to the House. There are 250 cosponsors in the House, 60 Republicans, roughly, 190 Democrats, roughly. Republican leadership has some difficulty with this bill, apparently. In the Senate, that is not an issue. In the House, among rank-and-file Members there is huge support.

As we pass this bill later this week, next week at the latest, we hope to move it to the House where it can be passed quickly.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, as the manager of this bill and the sponsor of S. 1619, I am, first of all, pleased with the bipartisan support we have seen. We have five Republican and five Democratic sponsors as the lead 10 sponsors and another dozen or so sponsors in addition to that.

The support from Senators GRAHAM and SESSIONS and BURR—all three southern Republicans—and Senators SNOWE and COLLINS—northern Republicans—joining with the first five Democratic sponsors, Senators SCHUMER, STABENOW, CASEY, HAGAN, and myself, have set the bipartisan tone here. That is why we had 79 votes in the first go-round on the bill.

But what concerns me most, and what I hear from people in the House of Representatives—and I have heard it from opponents in the Senate, and I have heard it from large multinational corporations that have outsourced so many jobs to China—is this is going to start a trade war with China. That seems to be the thrust of their comments: This is going to start a trade war.

First of all, I don't know where they are that they think that because most of America thinks we are in a trade war right now with China and, frankly, China is doing pretty darn well. It is not going that well for American workers, and it is not going that well for American manufacturers.

Go to downstate Illinois or Albuquerque or Akron and look at the number of plant closings. In many cases, companies—large companies especially, because smaller companies can't do this the same way—will shut down their production in the United States—they will shut down production in Youngstown or Dayton—and they will move to Wuhan or Xian, China, start production there, and then sell their products back to the United States. I don't know that that has ever been done in world history.

So the trade war was started by the Chinese, waged by the Chinese, and that is why we have lost 100,000 manufacturing jobs in my State. That is why we have seen the trade deficit triple in the last 10 years with China. That is why we go to the store and darned near everything we pick up, including sometimes American flags and things you can buy at the Capitol Visitor Center, are made in China. It is clear China has cheated. They cheat on currency. They just cheat, pure and simple. It is long overdue that we do something about it.

They were admitted to the World Trade Organization because of a very bad vote 10 years ago that too many of my colleagues cast in support of China doing that for PNTR. The Presiding Officer, as I did, voted against it. The Presiding Officer from New Mexico was prescient enough to see that. But they said, if you let China into the WTO, they are then going to be a trading partner and they will play fair. Well, they never have accepted, frankly, the basic governing rules from the World Trade Organization. They don't follow the rule of law. So when we say, no, we are not going to let them do that, we are accused of a trade war. Excuse me, I don't understand that.

It is a little bit like two sort of real-life examples. If somebody is eating your lunch and you take their dessert away, they are complaining? Of course they are going to complain. They want their dessert. But they can't say you are starting a war when they are already eating your lunch.

Or if you have two gas stations, you go to Springfield, OH, and there is a gas station on one side of the street and another gas station on the other side of the street, the one gets a 30-per-

cent discount on its oil for its gasoline from Shell, and the one from Exxon on the other side of the street doesn't get a subsidy on its oil or its gasoline, of course, the one is going to put the other out of business.

That is what we do to China. We give them a 20- to 30-percent discount because they cheat on currency. And you call that a trade war because we are saying, no, we are taking that discount away? It is China that has played this protectionist game.

Mr. Fred Bergsten, who is the director of the Institute for National Economics, the Peterson Institute, hardly a flaming liberal—free fair trade group; it is a conservative, generally free trade organization—said that China's currency policy is the most protectionist policy of any major country in the world since World War II. And for us to say, Let's play fair, we are starting a trade war? It doesn't make sense.

Let's debate the real issues. Let's not call names. Let's not say so-and-so is starting a trade war, so-and-so is protectionist, so-and-so is doing class warfare. We want more exports, we want more trade. But, remember, currency undervaluation makes our exports more expensive when we sell them into China and puts our manufacturers at a competitive disadvantage.

I think this legislation makes so much sense. That is why it got 79 votes. That is why it has such a high number of bipartisan cosponsors. That is why people in this country understand that passing this legislation to level the playing field, to give our manufacturers an opportunity, makes so much sense.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Delaware.

(The remarks of Mr. CARPER are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Illinois is recognized.

Mr. KIRK. Mr. President, I would like to take this time to talk on the pending legislation with regard to China. In these times of deficit and debt, I think we should not launch a trade war with China. We are here because we borrowed too much. We have a spending habit that has weakened our economy. That spending habit was aided by China, but we can only blame ourselves for much of the economic weakness the United States now faces.

A trade war with China would put in jeopardy a number of jobs from my State of Illinois. Illinois exports to China in 2000 totaled about \$533 mil-

lion. Roughly 2,500 people received their employment by virtue of sales to China 10 years ago. Today, exports to China total about \$3.18 billion. The number of people employed by sales to China has grown from around 2,500 jobs to 15,000. In a State with a higher than average unemployment, where unemployment is growing faster than almost any other region of the country, I do not think we should put these jobs at risk with an unnecessary trade war with China.

When we look at Illinois very directly, we see a major Peoria employer like Caterpillar, whose sales to China last year totaled about \$3.2 billion roughly related to about 10,000 jobs in the direct and contractor and subcontractor area for sales to China. With Motorola, based in Schaumburg, sales totaled about \$2 billion directly to China, impacting about 7,000 jobs. For Boeing, headquartered in Illinois, sales to China totaled about \$3 billion—around 10,000 jobs directly related to sales into the Chinese market.

This bill would seek to blame all of our economic ills on a power overseas despite so much of the weaknesses related to our own overregulation, a flawed health care bill, and too many taxes that are causing small employers—the engine of employment in our country—to hold back on hiring an American full time. I believe this bill places the blame in the wrong place and diverts the needed attention of the Senate from where it should be placed in fixing our economy.

For 10 years, I served in the House of Representatives. In 2005, during that rendition of anti-Chinese legislation, I decided to form a bipartisan caucus, the China Working Group, with Democratic Representative RICK LARSEN of Washington. We decided to bring together the three warring China tribes of the House of Representatives. That would be the panda huggers, a very small number of Members; the dragon slayers, a very large number of Members, especially on my side; and the panda slayers, who are growing in number, who dislike almost anything related to China. We welcomed everyone to discuss China because of its growing role in the world because, according to one of our leading banks, China could be the largest economy on Earth, replacing a status that the United States had until our policy was misplaced and that we have had since around the 1870s.

Should we trigger a trade war with the coming largest economy on Earth? I would say we should not. In the 21st century, China can be the source of the greatest ill or greatest good for the United States, depending on how we manage this relationship.

One of the key audiences I listened to, as chairman of the China Working Group, with Congressman LARSEN, was Americans who actually sold American-manufactured goods in China. Oftentimes, we would ask: Is your No. 1 concern with regard to selling more

goods in China related to the currency? Overwhelmingly, they would say it was not their No. 1 concern. Their No. 1 concern instead was the comprehensive theft of intellectual property by Chinese entities from U.S. patent holders. This is most clearly evidenced in the Hollywood DVD industry but also elsewhere. When you look at this issue in a serious way, you find currency is not the No. 1 issue, although I admit it polls rather well. But our job is to actually add employment to the United States, and one of the key audiences we should listen to is people who sell U.S. goods in China.

If you delve into the intellectual property issue and the comprehensive theft of intellectual property, you will find that China has some fairly reputable intellectual property laws, but they are not enforced. A common thing you hear about China is a phrase that is often used in the Chinese language. It goes something like this: The mountains are very high and the Emperor is far away, meaning despite laws that may be on the books in Beijing, they are not enforced in the provinces where so much theft of intellectual property happens.

I would argue that a bipartisan agenda that would add to jobs and strengthen our relation with China would be a greater enforcement of intellectual property laws between the United States and China. There, we would actually have allies, such as the man who is most likely to become President of China, Xi Jinping, who wants China to be a strong innovator, and he knows China cannot be an innovative nation if it represents a comprehensive theft of intellectual property worldwide. He knows China's intellectual property law has to be actually enforced in the provinces if they are to have technological development. His interests are actually in line with the interests of U.S. exporters, and here we could have a very productive dialog which actually stops the theft of intellectual property in China and enhances the export potential of Americans.

I worry that we are diverting the time of the Senate from the big game, which is the joint committee and its work on reducing the deficit. I have heard that the President of the United States has called Senators, asking that this bill not come up. When you look at the prospects for this legislation in the House, you will learn the prospects for this legislation are dim at best.

What should we do rather than trigger a trade war with a country that is about to be the largest economy on Earth? What should we do rather than trigger job losses at Caterpillar and Motorola and Boeing, at Schaumburg and Peoria and in Chicagoland? I think instead we should focus the Senate legislation on passing the Gang of 6 legislation that would reduce the net borrowing of the United States by \$4 trillion. We should adopt the Collins moratorium on job-killing regulations costing over \$100 million to reassure the

engine of our job economy—small businesses—that they should go ahead and begin to hire Americans again. We should do the big idea that is in the bipartisan deficit commission report of tax reform, wiping out all special interest tax provisions and then using the money, A, to lower the deficit and, B, to lower the top rate from 39 percent to 29 percent. We should also rapidly pass, as has now been proposed, the Panama and Colombia and South Korea Free Trade Agreements that open new markets for the United States. Particularly in the case of Colombia, the markets would be opened for Illinois corn growers. For South Korea, I think it would end the beef impasse we have had and also open high-technology aviation markets for the United States.

When I talk about the Gang of 6, when I talk about the Collins amendment, when I talk about tax reform, when I talk about free-trade agreements—these are all positive agreements on which large numbers of Democrats and Republicans in the Senate can agree and which would pass the House of Representatives, rather than the underlying legislation which the President of the United States has indicated he would rather not come up, which has a dismal future in the House of Representatives, and which directly puts at risk any job subject to Chinese retaliation from this legislation.

I also note that when you read the basic text of this legislation, it is not serious because it has a big waiver in it. Even if it made it to the President's desk, given his calls to legislators on this issue, there is no doubt in my mind that the President would execute the waivers in this legislation.

So what are we doing? We are probably advancing a well and poll-tested piece of legislation in the Senate. I imagine some people would want to take advantage of that dialog. But have we made it into enacted law? Overwhelmingly, likely no. Are we actually going to take any legitimate action? Even by the terms of the legislation and its waiver, it would be exercised by the chief executive officer of the United States, and therefore no action would be taken. But we would open the very people whom we want to crawl this economy out of recession—U.S. exporters—to vulnerabilities for retaliation by the Chinese. Sometimes you have to think about the basic principle of medicine when you look at legislation; that is, first, do no harm.

As Europe crumbles in a wave of outdated and out-of-gas socialism, threatening our economy, as we teeter on the edge of a new recession because of too many regulations—10 new taxes in the health care bill—and an uncertain political future for deficit reduction under the bipartisan joint committee, laddling onto that—and our markets and the future of our retirement savings—a trade war with the second largest economy on Earth would be unwise at best and put the jobs of many Americans at risk at worst.

That is why I oppose this legislation. That is why, regardless of the action in the Senate, I do not think it is going anywhere in the House. Certainly, given the action and calls of the President to certain legislators, it doesn't appear to have any real future in enforcement if it ever even did make its way to the White House.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I appreciate the words of my freshman colleague, Senator KIRK. I think he recognizes from his days as a foreign policy expert, when he worked for the government on foreign policy, that a Presidential waiver is essential. My guess is he would have attacked this bill if it had not had a waiver for the President, saying there is no way the President could possibly look out for national security at the same time as he executes this legislation.

So that clearly is a nonstarter around here. Everybody recognizes that not having a Presidential waiver—because there is a case sometimes when the President does need the authority when it comes to national security, and I am concerned about national security in our trade with China. I have seen China, over a period of years—with our acquiescence as a nation, frankly—I have seen China build more and more national security infrastructure and in some cases seeing our national security infrastructure weakened because we don't do as well with steel and chemicals and all the things that go into our national security apparatus. So I am, in fact, concerned about that.

I am also concerned; I hear two things, two main arguments. I have sat on the Senate floor as the manager of this bill for several hours over the last couple or 3 days and listened to this debate. It seems the Republicans' opposition—most Republicans voted for this, so I don't want to say it is overwhelming, but the people who have spoken against it have mostly been conservative Republicans who seem to pay a lot of attention to Club for Growth and those most conservative parts of their party. But I have heard two things. I have heard "trade war, trade war, trade war," and that is interesting because that echoes the words of the People's Bank of China. It echoes the words of the Ministry of Commerce of the People's Republic of China. It echoes the words of the Foreign Affairs Ministry of the Communist Party of the People's Republic of China. It mimics their words when I hear them say "trade war, trade war, trade war."

But what also concerns me is I listen to this debate and hear some of the opponents of this bill kind of playing the "blame America first" game. They seem to say this is not China doing this to us, this is us doing this to us—or perhaps we doing this to us, to be more grammatically correct. I am aghast

that China games its currency system, that China undercuts our manufacturing because they “cheat,” and that there are some Members of the Senate who stood up right here and took the oath of office to the United States of America who are blaming America first for what China is doing to us.

I can see blaming our government for not enforcing trade rules better. President Obama, while he has not come out yet for this bill, has enforced trade laws better than any President since Ronald Reagan, who actually probably set the gold standard for trade enforcement. We haven't seen it since President Obama. I am a bit intrigued that my colleagues are blaming the United States for this. It is a little like if there are gas stations on Detroit Avenue in Cleveland, in Westlake or in Rocky River or in Cleveland, one on each side of the road and one gets the gas 25 percent cheaper than the other from the supplier—from ExxonMobil or Shell—they can put the other one out of business. Do we blame the one that doesn't get the discount for going out of business? Is that what we are doing? To blame America first on this is blaming the United States when China cheats, and I don't buy that. I don't think there is any credence in that argument.

I appreciate Senator KIRK's admonition, and I appreciate his celebration, if you will, of Caterpillar and many of these companies that are exporting tens of millions and, in a few cases, billions of dollars to China. More power to them. I want them to do more exports.

Look at this chart. Look what happened. Exports to China have gone up. The year 2000 was when this Senate and the House—where the Presiding Officer from New Mexico and I sat—voted no on this when PNTR, permanent normal trade relations, with China was passed. Look what happened since then. Exports to China went up. I am glad U.S. exports with companies all over our States—Senator KIRK mentioned a handful in Illinois—went up. Look what happened to imports. Look at the number of imports that went up. Do we know why? Part of that reason is China has cheated on currency. When we did the first vote on Monday night—and all of us predicted what the Chinese Government is going to do. They are going to squawk and say: trade war, trade war, trade war. I didn't know a bunch of American politicians would mimic what they said and say: trade war, trade war, trade war.

Here is what happened—listen to this—an article in the South China Morning Post on October 5, the day after that vote: In a rare move, the central bank, the People's Bank of China, the China Ministry of Commerce, the People's Republic of China's Foreign Affairs Ministry took simultaneous, coordinated action yesterday to express Beijing's strong opposition to the bill, aimed at forcing Beijing to let its currency float. They accused Washington of politicizing global currency issues.

Where I come from, they say when you throw a rock at a pack of dogs, the one that yelps is the one you hit. Of course, the Chinese are going to yelp because they don't like this. We are saying to them they have to follow the rules—no more breaking the rules. They cannot cheat the way they have cheated.

Of course, in the Communist Party, in the People's Republic of China, the Ministry of Commerce is going to squawk. Of course, the People's Bank of China is going to squawk. These are all arms of the Chinese Communist Party and arms of the Chinese Government. Of course, they are not happy when we do this. It does not mean it is not the right thing to do.

It bothers me when I see American politicians mimic what the Chinese Communist Party officials are saying, their government is saying: trade war, trade war, trade war. This is not a trade war. Fred Bergsten, head of the Peterson Institute for International Economics, is a trade official—I believe an economist. He is very smart. The Peterson Institute for International Economics is a generally conservative operation that generally plays it straight on trade. If anything, they are a bit too free trade, in my mind, instead of fair trade. Fred Bergsten said:

I regard China's current policy as the most protectionist measure taken by any major country since World War II. Its currency manipulation has been undervalued by 20 to 30 percent.

Here is the key point:

That is equivalent to a 20 to 30 percent subsidy on all exports and a tariff on all imports by the largest trading country in the world.

The 30-percent penalty is why our exports don't go up very much. The 25-percent bonus for the Chinese is why our imports go up so much. We cannot sell into China's market very well because they are cheating. That is why our exports don't grow as much, and they can sell so much into our markets because we are giving that 25 or 30 percent bonus.

This isn't a trade war—well, it is a trade war. The Chinese declared trade war on us in 2000 and look how they benefited from this trade war, and we are just going to stand here and allow them to do that? It doesn't work. That is why this legislation is so important.

Last point. There are an awful lot of American businesses that think we need to fix this. I hear my friend from Illinois and other Senators come to the floor who oppose this bill. There are only 19 who voted no out of the 98 who voted. I have heard them come to this floor and talk about exports, that their businesses have exported. Some have and more power to them. I hope they can export more and create more jobs in the United States. We need to understand that those are mostly large companies that have in some cases the wherewithal to outsource jobs to China and in other cases to be able to export large numbers.

There was a historic split in the National Association of Manufacturers,

the largest trade organization for American manufacturers, over the last several years on what to do about this.

Many of the small companies such as Automation Tool & Die in Brunswick, OH, and a company in Dayton that does printing, where I just spoke to Jeff Cottrell, who owns that company and has a number of employees in Dayton, OH—those companies understand currency undercuts them. The Bennett brothers at this company in Brunswick told me in Cleveland a couple days ago why they support this bill. They said they had a contract they thought was a million-dollar contract, and they began to change their assembly line, their production facilities, their production operation capacity. At the last minute, a Chinese company came in and underpriced them by 20 percent and got the contract. Why did they underprice them 20 percent? Because we gave them a 25-percent bonus to do it. We have disarmed this trade war that we are not beginning. We are playing defense and we are fighting back.

I think the American public overwhelmingly says fight back when they play the games, fight back when they game the system. Don't blame America on this one. Stand for American interest. It is good for our exporters, big companies and small companies alike. It is good for American manufacturing. We know what that means to workers in Chillicothe, Zanesville, and Toledo. We know what it means for our local vitality and prosperity. It means so much as we begin to restore American manufacturing.

I ask for support for S. 1619.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mr. PORTMAN. Mr. President, exports are absolutely critical to our economic growth in this country. In fact, there are nearly 10 million good-paying American jobs that are related to exports. The President, Members of Congress, and so on talk about that a lot. But I am disappointed we are not moving forward with an aggressive agenda to actually open new markets for our exports.

I am encouraged that the administration, finally, this week, sent forward three trade agreements that do just that—the Korea, Colombia, and Panama trade agreements. These open markets to U.S. workers and farmers, those who provide services, so it is going to be good for jobs in this country. The President's own metrics indicate these three agreements alone will create 250,000 new jobs. We need them badly.

I also want to congratulate Chairman DAVE CAMP and the House Ways and

Means Committee for reporting out all three of these agreements this afternoon. My understanding is, each agreement received a strong bipartisan vote, and I am hopeful those agreements will now come to the Senate for us to be able to move forward—again, opening these critical markets that will create over 200,000 jobs for Americans.

I will tell you, these three agreements were all negotiated and signed over 4 years ago. During that interim period, the United States has been absent from the kind of trade-opening negotiations we ought to be involved with. This President—for the first time since Franklin Delano Roosevelt—has not asked, as his predecessors did, for trade promotion authority to be able to negotiate new agreements. So we are losing market share.

Every day there are American workers who do not have the same opportunities to compete in foreign markets as those workers from other countries do because the United States is not actively engaged in opening markets. We need to do that.

Right now, we have no ongoing bilateral trade agreements. We have one multilateral agreement, which I support moving forward on—the Trans-Pacific Partnership—but, frankly, there are over 100 bilateral negotiations going on right now, and America is not a partner in any of them. We need to get engaged because it is so critical to growing our economy.

During the debate we have had over the last couple of weeks on trade adjustment assistance, where I was supportive of a version of trade adjustment assistance to get the trade agreements moving, we had a discussion about giving the President trade promotion authority. We were not able to get support from the administration for that. This is critical to move forward. It is because growing goods and services is absolutely critical to our economic health.

Over 95 percent of consumers in the world, of course, live outside of our borders. We want to access those consumers, we want to sell more to them. Export growth and a healthy trading system depends on these export-opening agreements, but it also depends on having a healthy international trading system where all the players play by the international rules. So the export-expanding agreements are good. We need to do more of that. We should be much more engaged, but we also have to insist that everybody plays by the same rules.

Today the Senate is debating legislation that has to do with one of those rules, and that is the issue of currency, and specifically the issue of China and their currency manipulation. China is a country, as you know, where we have a persistent and unprecedented trade deficit. It is also a very important trading partner for us. So it is critical we keep that strong trade relationship but do it on a basis that is fair for us and for China.

I consistently hear about this China currency issue when I am back in Ohio. I hear about it a lot from manufacturers and the workers at those plants who tell me it is just not fair that in the global marketplace Ohio products are not able to compete on a level playing field.

Just this year I have worked with a lot of Ohio companies that are facing various problems, including Ohio candle makers, steel manufacturers, diamond saw blade producers, rare earth magnet manufacturers, and others who are concerned about getting a fair shake in the global economy and want to be sure they are not competing with unfair Chinese competition.

Again, I believe in the benefits of trade. I know they work. I believe in reducing barriers, but I also believe opening export markets and vigorous enforcement of trade laws go hand in hand. They both should be something that the United States pursues.

China's undervalued currency does provide, in my view, an export subsidy, making Chinese exports to the United States less expensive in the global marketplace and making our exports to China relatively more expensive.

I have long had concerns about this. Actually, when I was before the Senate Finance Committee in my confirmation hearings to be U.S. Trade Representative years ago I stated that I believed China currency does affect trade, and I stated that China should revalue their currency. I still believe that. I believe this administration should label China a currency manipulator because I think it is clear there continues to be manipulation.

The legislation before us today is not the perfect answer, and I do hope the Senate will permit my colleague, Senator HATCH, to offer his amendment, which I think is a constructive amendment to improve parts of the legislation. But I do support the bill with the expectation that it is compliant with our international trade obligations and that it gives the administration the flexibility it needs to implement this bill in a smart and sensible way.

However, I would also say this bill has been described on this floor many times over the last couple days as I have listened to the debate as doing more than it does. We should not overstate it. It does not address some other issues that, frankly, I think would make a bigger difference in our important trade relationship with China.

One of these issues would be indigenous innovation, which I believe to be an unfair practice that China is currently practicing. Also, there is the issue of violations of intellectual property rights. It is not so much that the laws are not in place; it is that many times there is not adequate enforcement of the intellectual property laws that are in place. Of course, there is the issue of anticompetitive practices and subsidies that continue with regard to state-owned enterprises. I am also working with Senator WYDEN and

others—a bipartisan group of Senators—on combatting transshipment and customs duty evasion problems, which involve companies from various countries but include China.

So we have a growing list of complex issues facing our relationship with China. I believe they should all be addressed together. I hope the next round of diplomatic and commercial negotiations with China will bring about some of that discussion and bring about some solutions, not just more broken promises.

I understand the JCCT, called the Joint Commission on Commerce and Trade, between the United States and China will meet in November—next month—and that the next round of the U.S.-China Strategic and Economic Dialogue will take place next year. I urge the administration to use these negotiations as leverage to get some of these real results that are so necessary.

We should also look at multilateral approaches, including the World Trade Organization, and certainly the International Monetary Fund. I will tell you, as someone who has sat across the table in negotiations with tough Chinese negotiators, endless dialog is not the answer. Sometimes that is what occurs. We are not just looking for more talk. I think it is important we get serious—both U.S. leaders and Chinese leaders—about some of our lingering trade problems that we have had through the years so we can have a healthy trade relationship based on mutual respect.

Each country is important to the other. We cannot overlook the fact that China continues to be a very vital U.S. export market, despite the issues I talked about. Right now, China is the third largest export market for Ohio goods, for instance. The State I represent sends over \$2.2 billion a year in exports to China. With 25 percent of Ohio manufacturing jobs dependent upon exports, this is incredibly important to us.

One out of every three acres of land in Ohio is planted for export, so agricultural exports are also important. There is also an important issue with China that relates to investment both ways: our investment in China and Chinese investment here. Let me read to you from an editorial that was in the Cleveland Plain Dealer last Thursday. Its title is: "Chinese investors are welcome here."

If Greater Cleveland is going to prosper in the 21st century, it has to build strong two-way connections with the rest of the world. The region has to sell more of its services and products abroad and welcome talent and capital from overseas. That's the path to jobs and wealth.

The editorial goes on to talk about the collaboration between Chinese companies and investors looking to build relationships with Cleveland's world-renowned medical device industry.

Just last week, the mayor of Toledo, OH, Mike Bell, returned from a 12-day

trade mission to Asia in order to boost job creation in northwest Ohio. Since Mayor Bell's trip, plans have been announced for increased commercial ties between Chinese and Ohio job creators and companies, including launching a new international business center in downtown Toledo.

These are just a couple of examples in my State of the importance of this relationship and why it needs to be taken so seriously. This relationship is vital to the future not just of our two countries but, in my view, to the global economy. So we need to be sure, again, it is a healthy relationship. It needs to be fair. It needs to be on a basis where, again, there is a level playing field on both sides. So it is time for our trading partners to play by the rules so that, indeed, we can have a fair trading system.

Trade is key to growth. But, again, it is only one part of a broader problem that is holding back our economy today, holding back Ohio manufacturers from hiring and innovating. Another big issue that has come to the attention of this Senate time and time again is the incredible regulatory burden that is placed on Ohio's job creators. So in order to be successful in trade, we need to have more open markets. We talked about that: a level playing field. But, also, we need to be more competitive at home or else we are not going to be able to create the jobs in this century that we need to keep our economy moving forward.

At a time when we have over 9 percent unemployment, it is critical we be sure our economy is more competitive. This regulatory burden is one issue that I think all sides can agree ought to be addressed.

I am joined today by the junior Senator from Nevada, my friend and colleague, to offer a couple of amendments designed to give American employers some relief from the regulatory mandates that continue to hold back our economy and hinder job creation.

There is no official counting of this total regulatory burden on our economy, and estimates do vary. But one study that is often cited is from the Obama administration's own Small Business Administration where they report the regulatory costs exceed \$1.75 trillion annually. That is, of course, even more than is collected by the IRS in income taxes every year. So it is a huge burden. We can talk about what the exact number is, but the fact is this is something that is forcing Ohio companies and other companies around our country to have higher costs of creating a job.

The Office of Management and Budget estimates that the annual cost of a narrow set of rules—these are just what are called the major rules that are reviewed by OMB over one 10-year period—registers at \$43 billion to \$55 billion per year.

I have been encouraged by what the current administration has recently been saying about regulations. I have

been less encouraged about what they have done. The new regulatory costs on the private sector are real, and they are mounting.

Compared to historic trends, we have seen a sharp uptick over the last 2 years in these new so-called major or economically significant rules that have an economic impact of over \$100 million on the economy. They also have an impact, of course, on consumer prices and American competitiveness.

George Washington University Regulatory Studies recently told us that this administration has been regulating at an average of 84 new major rules per year, which, by way of comparison, is about a 35-percent increase from the last administration and about a 50-percent increase from the Clinton administration.

These figures do include the independent agencies which must be included in the calculations. So there has been an uptick in regulations, and continues to be, again, despite much of the rhetoric to the contrary. One commonsense step we can take to address this issue is to improve and strengthen what is called the Unfunded Mandates Reform Act of 1995, UMRA.

I worked on this along with some of my colleagues who are now in the Senate back when I was in the House. It was a bipartisan effort that basically said Federal regulators ought to know the costs of what they are imposing. We also ought to know what the benefits are, and we ought to know if there are less costly alternatives.

The two amendments I am offering today are drawn from a bill that I introduced back in June called the Unfunded Mandates Accountability Act. It is an effort that now has over 20 cosponsors. Again, it seems to me it is a commonsense effort that should be bipartisan.

The first amendment would strengthen the analysis that is required in some very important ways. First, it requires agencies to specifically assess the potential effect of new regulations on job creation, which is not currently a requirement, and in this economy it must be. Also, to consider market-based and nongovernmental alternatives to regulation, again, something we need to look at.

It also broadens the scope of UMRA to require a cost-benefit analysis of rules that impose direct or indirect economic costs of \$100 million or more. It requires agencies to adopt the least costly and least burdensome alternative to achieve the policy goal that has been set out. So, currently, agencies have to consider that, but they do not have to follow the least costly alternative. We simply cannot afford that, again, because of the tough economic times we have.

The second amendment extends those same requirements to the independent agencies. This is incredibly important, and these are agencies such as the Commodity Futures Trading Commission, the newly formed Consumer Fi-

nancial Protection Bureau, agencies that are very important on the regulatory side and are currently exempt from these cost-benefit rules that affect all other agencies.

On this issue I was very pleased to see that President Obama issued an Executive order in July which was specifically related to independent agencies. That order and the accompanying Presidential memorandum called on independent agencies to participate in a look-back, but also, very importantly, called on independent agencies to evaluate the costs and benefits of new regulation just as, again, all executive agencies were already required to do.

It is a step in the right direction, but the problem is that the President's order is entirely nonbinding because a President cannot require independent agencies to do that. Congress can. We can do it by statute. And independent agencies do not answer to the President. So since this order was issued in July—by the way, we have not seen a rush by independent agencies to pledge to comply with these principles. Again, they are not required to, so this amendment, this second amendment, would effectively write the President's new request into law so it can be effective.

Independent agencies would be required under UMRA to evaluate regulatory costs, benefits, and less costly alternatives before issuing any rule that would impose a cost of \$100 million on the private sector or on State, local, and tribal governments. The fact is, independent agencies are not doing this on their own. According to a 2011 OMB report, not one of the 17 major rules issued by independent agencies in 2010 included an assessment of both cost and benefit. Not one.

Closing this independent agency loophole is a reform we should be able to agree with on both sides of the aisle. Certainly, the President should agree with it since it is part of his Executive order and memorandum, and this is the right vehicle to do it.

This is a jobs issue again and a commonsense approach. No major regulation, whatever its source, should be imposed on American employers on State and local governments without a serious consideration of the costs, the benefits, and the availability of less burdensome alternatives. These amendments move us further to that goal.

I would urge my colleagues on both sides of the aisle to support them.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Nevada.

MR. HELLER. Mr. President, I rise today to speak in favor of the two amendments filed by my good friend from Ohio, Senator PORTMAN, my amendment No. 674, and above all the issue of the day, jobs.

Americans have had to endure great hardship over the past few years. This recession has robbed millions of people of their jobs, their homes, their businesses, and their sense of security. No

State has been hit harder than the State of Nevada. My State has the unfortunate distinction of leading the Nation in unemployment, foreclosures, and bankruptcies. And there is no question that the status quo of dysfunctional government must end.

People from all over the country are struggling just to get by and are desperate for real solutions. The underlying legislation takes the wrong approach to job creation and can be very detrimental to economic growth in our country. Inciting a trade war with China will not create jobs.

In my home State of Nevada, a trade war would hurt tourism. It would stifle growth in renewable energy development and increase costs to consumers at a time when they can least afford it.

Working to sell American goods in foreign markets is what we should be fighting for. Instead, it seems job creation and economic growth have taken a back seat to political posturing and grandstanding in Washington. It is clear that the approach this administration and its supporters have taken for economic recovery has failed miserably. Out-of-control spending, a health care law no one can afford, and seemingly endless streams of regulation are crippling employers, stifling economic growth, and killing jobs. Instead of fighting for measures that create and protect jobs, this administration has created more government that continues to impede economic growth at every turn.

This government continues to tax too much, spend too much, and borrow too much. The American public and businesses alike are waiting on a plan that can plant the seeds of economic growth and bolster job creation. Instead, all they get from this government when it comes to job creation is a big wet blanket.

They need Washington to provide relief from new burdensome and overly intrusive regulations. Congress must help job creators by ensuring every regulation is vetted with a full understanding of the impact it will have on businesses across the country.

So I am pleased to join with Senator PORTMAN in this fight to rein in excessive government regulation and to implement a market-benefit analysis for all agencies, both executive and independent, so the American public will know the true cost of these regulations. As President Obama said: We must rein in government agencies and force them to help businesses when they refuse to do so. I could not agree more.

There are a number of actions Congress can take immediately to help bolster our Nation's economy. The adoption of Senator PORTMAN's amendments is one of those actions. I look forward to continuing to work with him on these issues. I believe our best days are still ahead, but we need to change course now. We need to roll back the regulations that are tying the hands of entrepreneurs across America.

We can help hasten an economic recovery by embracing progrowth policies that place more money in the pockets of Americans.

I would also like to highlight another issue that would help create jobs and provide certainty for the businesses across the country; that is, Congress should pass a budget. Congress has not passed a budget in nearly 2½ years. Passing a comprehensive budget is one of the most basic responsibilities of Congress, but it has failed to accomplish this task.

America desperately needs a comprehensive 10-year plan that offers real solutions to the economic and fiscal problems in this country. We cannot lower unemployment rates in Nevada or restore the housing market without a holistic approach to reining in Federal spending and lowering the national debt.

Congress passed another continuing resolution that lacks a long-term approach to restoring our Nation to fiscal sanity. Instead, this bill funds the government for just a few more months. Congress cannot continue to function without a measure of accountability to hold Members of Congress to their constitutionally mandated responsibility, which is why I introduced the no budget, no pay amendment, amendment No. 674.

This measure requires Congress to pass a budget resolution by the beginning of any fiscal year. If Congress fails to pass a budget, then Members of Congress do not get paid. How can Congress commit to a debt reduction plan without a budget? Any serious proposal to rein in Federal spending and create jobs starts with a responsible budget.

At home in Nevada and across this country, if people do not accomplish the tasks their jobs require, they do not get paid. Somehow this very basic standard of responsibility is lost upon Washington.

The no budget, no pay amendment is not an end-all solution to our economic difficulties. It is, however, an important measure that Congress should adopt in order to show the American people that Members of Congress are serious about restoring our country to a period of economic prosperity.

Nevadans work hard for their paychecks. So should Congress. And since the majority believes the legislation before us today is a jobs bill, I encourage them to take up other measures that will help with job creation, such as opening our country to energy exploration, streamlining the permitting process for responsible development of our domestic resources, and taking the aggressive step of reforming our Tax Code. Let's make the Tax Code simpler for individuals and employers. Cut out the special interest loopholes while reducing the overall tax burden for all Americans.

Instead of looking for new ways to tax the American public, we should make our Tax Code more competitive and provide businesses the stability

they need to grow and to create jobs. The continual threat of increased taxes feeds the uncertainty that serves as an impediment to economic growth. These are all things that both this administration and Congress could do immediately to boost economic recovery.

Let's give the American people a government that works for them. Removing impediments to job creation will get Americans working again and ensure our children and grandchildren have a brighter future.

I yield the floor and I 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. 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.

Mr. SCHUMER. Mr. President, I would like to talk on the bill that we are debating on the floor about China currency. Let me say a few things. To me and to many of my colleagues on both sides of the aisle, very little we could do could be more important in both the short term and the long term than to require China to pay a price if they continue to flaunt international trade rules and manipulate their currency, causing their imports to America—their exports to America, our imports, to be much cheaper than they should be, and causing American exports to China—their imports of our goods—to be more expensive than they should be.

In the short term, it has been estimated by EPI that 2 million jobs could be created over 2 years if we pass this legislation and China's currency were no longer misaligned. But there is a long-term issue, and that is this: The bottom line is, what is our future in this country? It is good, high-paying jobs. It is companies, large and small, that create high-end products, products that take a lot of know-how, products that take a lot of skill to create, products that basically are the high end in terms of both manufacturing and services. That is our future.

Those are our crown jewels. When I ask—as many of us have asked the question—how in a worldwide economy can America compete, the answer is those companies. I admit that most of those companies are not large; they are smaller companies. They are small business people with great ideas for new ways of providing a service or creating a product. They are the people who employ about 65 percent of the new jobs in America. They are our future. Some of them will grow into very large companies. Many will stay employing 100, 200, 300, or 400 people. But they are on the front lines of world trade.

What have we found over the last decade? In almost 10 years, since China joined the WTO, we have lost 2.8 million jobs, simply due to the Chinese

Government's manipulation of currency. We have lost thousands more jobs elsewhere, because China steals our intellectual property. China has a mercantilist policy of taking an industry and nurturing it with local subsidies and making products so cheap that they export and overwhelm our market. That is what happened with solar cells, solar panels. They can take an advantage such as rare earths and oppose WTO rules and say to companies, if you want these rare earths, which you need for your products, you have to make it in China.

They do this over and over. Why do Senator BROWN and Senator GRAHAM and I and many others feel so strongly about this? Because we know if the present trend continues, as Robert Samuelson, the economist, noted in an op-ed in the Washington Post the other day, basically it is a disaster for America. If, when a young entrepreneur creates a product or service, that entrepreneur is overwhelmed by a Chinese product that has unfair advantage, we don't have a future. That is it. Many people worry about the budget deficit as the biggest problem America faces. It is a large problem and I hope we solve it. I will work hard to solve it. But, to me, the No. 1 problem America faces is how do we become the production giant we were over the last several decades but no longer seem to be. We are indeed a consumption giant. We consume more than anybody of our own products and other people's. But you cannot be a consumption giant for many years on end if you are not also a production giant.

What is a major external factor that contributes to making us a consumption giant rather than a production giant? It is the Chinese manipulation of currency, because it discourages production in America and encourages consumption of undervalued Chinese goods at the same time. The anguish that many of us feel about the future of this country translates directly into this legislation. I know there are lots of academics who sit up in their ivory towers, editorial writers, who love to look at this legislation and without even examining its consequences say that is protectionism. This is not protectionism. In fact, this legislation is in the name of free trade, because free trade implies a floating currency. That is what was set up at Bretton Woods. That was the equilibrium creator when things got out of whack. But it doesn't exist for China. A lot of countries have pegged their currency in the past and we paid no attention, because if you have .01 percent of GDP, and you are worried your tiny little currency will be overwhelmed, to peg it by world trends, that doesn't create much trouble. When you are the second largest economic power in the world, largest or second largest exporter in the world, to peg your currency totally discombobulates the world trading system.

Given the danger to the future of our country, and given the danger to the

continuation of world trade by China continuing its currency manipulation, why isn't there more of an outcry? That is the question I ask myself. I don't have a good answer. Perhaps it is because those editorial writers and big thinkers don't talk to the manufacturers of high-end products in New York State I talk to, who see they cannot continue against China unfairly because of currency manipulation. Whether it is a ceramic that goes into powerplants, which I talked about yesterday, or even a high-end window that is used for major office buildings and museums, China uses its currency manipulation to gain unfair advantage over our companies up and down the line. Maybe those in the ivory towers don't talk to the manufacturers on the ground as so many of us do because that is our job and that is our living. Maybe it is because global companies have fought our provision in the interest of their shareholders.

I don't begrudge the big companies. Their job is to maximize their share price. If firing 10,000 American workers and moving them to China, and creating those 10,000 jobs in China gives them more profitability, in part because of currency manipulation, yes, that is what corporations are supposed to do. But that is not in America's interest. It may have been in General Electric—a company that has lots of New York presence and that I like very much—it may have been in their interest to sign a contract for wind turbines and give to China intellectual property in return. But it sure wasn't in the interest of the workers in Schenectad, even if it might have been in the overall interest of the GE shareholder. Maybe it is because the Business Roundtable and the Chamber of Commerce, which is dominated by the larger manufacturers and service companies and the larger financial institutions. They don't care about American wealth and jobs; they care about their own profitability and sales and share price, and if China has an unfair advantage, so be it. That is not their job. Maybe that is the reason. That is beginning to change, by the way.

When I last visited China, I met with the heads of the China divisions of many of our largest companies, and I had met with the same people several years before—and intermittently some of them in between—and their tone has totally changed. They are exasperated with China's mercantile policy. One of the manufacturers, who had been one of the leaders in saying don't touch China, because they exported a ton of goods there, had a different tone. He said: We can only export certain of our goods—the ones China doesn't make—and the rest we have to make in China and in certain provinces. That is a large, huge multibillion dollar U.S. company.

Another company, a major retailer, told us they cannot run their stores the way they wish in China because China dictates what they can and cannot

have on their shelves. Half of the products on their shelves in American stores cannot, by Chinese Government dictate, be on the Chinese store shelves. Some of our large companies are sort of realizing that letting China get away with all of these violations of free trade, all these violations of WTO, no longer serves their interests, though, admittedly, they have not come around to support our bill.

Then there are those who are fearful that the Chinese will retaliate. That one drives me the craziest. I grew up in Brooklyn. When there were bullies and you didn't stand up for yourself, they bullied you and bullied you some more. If you stood up to them, yes, there was going to be some retaliation, but it was a lot better than giving in. That is what we have done with China. Will China retaliate if this bill becomes law and hundreds of American companies grow to have countervailing duties imposed? Yes. But the Chinese know they have far more to lose in a trade war than we do. Their economy is far more dependent upon exports—just look at the percentage in terms of GDP—than ours. They are far more dependent upon the American market than we are on the Chinese market, as important as it is to many of our companies.

While China will retaliate in a measured way, they will not create a trade war. It is not in their interest; they cannot afford to. I have news for those who are worried about a trade war: We are in one. When China manipulates its currency, steals intellectual property, and uses rare earths to lure businesses and takes our intellectual property and brings it to factories in China, subsidizes them against WTO rules, and then tries to export the product here, as they are doing with solar panels, that is a trade war, as millions of Americans who have lost their jobs realize. So we are in the war. We may as well arm ourselves so that we might win.

The bottom line is very simple: I hope this bill moves forward. I hope it goes through the House. A large vote in the Senate tomorrow will be a message to the House—Senator BROWN's bill and, of course, his and ours have been combined. But Senator BROWN's bill passed in the House a few years ago, and I hope the President rethinks things and signs it, because if he does, my prediction is that China, which never backs off when it is in their own economic interest, will, because it will no longer be in their economic interest because penalties will be imposed and equality will be imposed upon them once this bill is law. So they will let their currency float—maybe not as quickly as we want but far more quickly than it happens now, once this bill becomes law.

In my view, the arguments that have been raised against America taking action to deal with unfair Chinese currency manipulation are outdated, wrong, and ineffectual. I have been arguing the other side, our side, for 5

years. When Senator GRAHAM and I first started talking about currency manipulation, imposing a tariff, both the Wall Street Journal and New York Times editorial boards—one very conservative and one very liberal—said China should be allowed to peg its currency. We have made progress in the strength of our intellectual arguments. We have to take that strength and translate it into action. Millions of American jobs, and ultimately trillions of American dollars of wealth, and nothing less than the future of our country are at stake.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from South Carolina.

Mr. DEMINT. I rise to speak in opposition to the Chinese tariff bill being proposed by my colleague from New York. I understand the frustrations that motivated this legislation, and I share serious concerns over China's currency manipulation and trade practices. I have worked for years to ensure that trade happens and that free trade happens on a level playing field. We still have a long way to go.

The answer to these frustrations with China is not to start a trade war that will raise prices on many goods for American families at a time when they are already struggling, especially when this approach has already been tried and failed to gain any positive results for American workers. The absolute last thing our floundering economy needs right now is retaliatory tariffs on American products that will destroy more jobs. If we want to strengthen our currency, we should start by getting control of our own monetary policy. We don't need to start a trade war with China; we need to stop the class warfare that is preventing jobs from being created right here in America.

American workers are the best in the world, but they cannot fairly compete in a global economy when the U.S. Government is keeping one arm tied behind their back. The solution is to free American workers, not to try to tie up our competitors with more misguided policies that will hurt American families with higher prices on household goods. The U.S. Government needs to give American workers the freedom to work, and that freedom starts with the freedom to get a job.

If President Obama and the Democrats want to know who is preventing jobs from being created in America, all they have to do is look in the mirror. Let's be clear about a few things: Other countries are not threatening to massively raise taxes on our Nation's job creators and drive jobs overseas. President Obama is. Other countries did not

jam through a health care takeover bill that is raising the cost of health care, making it harder for businesses to hire people and adding trillions of dollars to our national debt. The Democrats in Congress did. Other countries did not force us to pass the Dodd-Frank financial takeover with thousands of new regulations that are raising costs on American consumers and crippling businesses. Democrats in Congress did. Other countries are not writing hundreds of new regulatory rules that are destroying jobs in our Nation's energy sector and keeping us dependent on foreign oil. The administration's EPA is. Other countries are not blocking Boeing from creating thousands of American jobs in the State of South Carolina. The President's National Labor Relations Board is. Other countries are not forcing 28 U.S. States to require employees to join labor unions that make businesses less competitive. Democrats are the ones protecting labor bosses and hurting workers in America.

The Wall Street Journal has called this Chinese tariff bill "the most dangerous trade legislation in many years," and for good reason. If we pass this bill, it is likely to spark a trade war. It is unlikely to create new jobs in America but will result in higher prices for U.S. consumers. Businesses will pay more for raw materials from China, which will increase prices on their goods and reduce employment. President Obama and the Democrats should know better after seeing the results of the tariff that was put on Chinese tires in 2009. In response, China retaliated with tariffs on American auto parts and poultry. This well-intended bill will have the same unintended results.

I understand the economic frustrations people have with China, but as so many of Obama's policies have done, this bill will only make things worse. This bill doesn't export the best of what American workers have to offer, it exports bad economics. Taxes and tariffs do not create jobs, competition and markets do. Freedom will work if we let it.

I urge the Senate to reject this bill and start helping American workers compete more freely here in America and around the world instead of simply trying to hold others back.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. I ask that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. I have just a couple comments with regard to those of the Senator from South Carolina. He was the ranking member on the Economic Policy Subcommittee on which also sat the Presiding Officer from Oregon in 2009 and 2010. We held a series of hearings on manufacturing policy,

and there were some agreements between Senator DEMINT and me on having a manufacturing strategy. We are the only major industrial country in the world without a real strategy on manufacturing. There are three ways to create wealth in this society: manufacturing, mining, and agriculture. Manufacturing has been a dominant force and a significant creator of the middle class, and I think we agree on that. We agree we want more of it in our country. Thirty years ago, more than 25 percent of our gross domestic product was manufacturing. Today that number is less than half that, and there are countries around the world—Germany, for instance, which has had a manufacturing strategy, and they have almost twice the GDP and twice the workforce.

So while Senator DEMINT and I disagree on this China trade bill, I agree with the other Republican Senator from his State, Mr. GRAHAM, who has been a significant leader. He and Senator SCHUMER have worked on this for, I believe, more than half a decade on responding to the cheating the Chinese Communist Party and the People's Republic of China have done in the world trade structure. I don't believe, in any way, we are starting a trade war. Almost any economist will tell us the Chinese have been committing a trade war for a decade. That is why our trade deficit is three times what it was 10 or 11 years ago. It is why so many manufacturing jobs in Senator GRAHAM's and Senator DEMINT's State of South Carolina, the Presiding Officer's State of Oregon, and my State of Ohio have been lost, not only because of China's currency, but that is clearly a significant contributing factor. I go back to the illustration of gas stations, one across the street from the other, in Akron, OH. If one gas station could buy its gasoline with a 25-percent discount, it would soon put the other gas station out of business. That is really what has happened with China. China understands they have a 25-percent advantage given to them because they game the currency system. I know what that means. The Presiding Officer from North Carolina has seen what has happened to manufacturing in her State, a major manufacturing State. Our trade problems are not so much with companies in China, they are with the government. It really is our companies against the government. When they can game the system with a 25-percent bonus—when they sell into the United States, they get a 25-percent bonus, and when we try to sell into China, we get a 25-percent penalty on our companies' products—that hardly seems fair to me.

So as Senator GRAHAM and Senator SCHUMER, the two leaders in this for many years, have said, they just want to level the playing field. They don't want us to have an advantage over China. Let's play fair and straight. Really, that is what the question is, and that is what this currency bill will finally do.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Oregon.

Mr. MERKLEY. Madam President, I wonder if my colleague from Ohio would consider a bit of a discussion for a few minutes.

Mr. BROWN of Ohio. Love to.

Mr. MERKLEY. I found it very interesting, listening to some of the debate today, that there seems to be some policymakers in the Senate who haven't come to understand that when another nation pegs its currency, rather than letting it float, it does so deliberately to put in effect what is essentially a tariff against imports. In our case, that is a tariff against American imports, and in some cases it provides a subsidy to exports.

Now, here we are in America. Why would we say it is OK for China to peg its currency in a fashion that puts a tariff against American products and subsidizes Chinese exports to America? Because that is guaranteed to strip jobs out of America. Why would some Members of this Chamber consider that to be just fine? I am puzzled by that, and I am wondering if the Senator could help me understand.

Mr. BROWN of Ohio. I appreciate that. I was listening to one of the previous speakers who opposed this bill and characterized the bill as a China tariff bill. The Senator said it exactly right. When we sell to China, it is as if they put a tariff on our products. When we buy from them, we give them a 25-percent bonus—excuse me—when we try to sell to them, they ban that import. When we buy from them, they have a 25-percent bonus. It is putting us at such a disadvantage, as the Senator said.

Mr. MERKLEY. In Oregon, we recently had the shutdown of a company called Blue Heron. It has operated for the better part of a century, making paper. The point Blue Heron was making was that because of the pegging of the currency, the paper they tried to sell to China faced a 25-percent tariff, while China's paper enjoyed a 25-percent subsidy if it was sold in the United States, and it created an absolutely unfair international trade playing field that was going to be putting American papermakers out of business. No matter how efficient they could possibly be, China, with this subsidy, could sell into the U.S. market, undercutting American products. Well, that plant shut down. It is one of a series of paper plants that have shut down. I think the Senator has some similar situations in Ohio.

Mr. BROWN of Ohio. We do. The Senator from Oregon and I have talked about this, that there is a gentleman who worked for a paper company who illustrated to me what China has done. It was a specific kind of paper, a glossy, coated paper for magazines. The Chinese bought their wood pulp in Brazil, they shipped it to China, milled it there, and sold it back to the United States, and they undercut Blue Heron and Ohio paper companies because they had that 25-percent subsidy.

There is no way, when labor costs are only about—labor is only about 10 percent of the cost of paper production—there is no way they could possibly buy something as heavy and voluminous as wood pulp, ship it across the ocean, mill it, ship it back in the form of paper, and not—the only way they can undercut prices is by huge subsidies. There may have been other subsidies to it. It may have been water and energy and capital and land, but it surely was that 25-percent subsidy these companies have when they undercut our manufacturers.

I just know that in 15 years, I say to the Senator, or 10 years, we will look back on the history of our country and say: Why did we let one country undercut our manufacturing base so substantially and lose all those jobs and lose all that technology? When the products are invented in this country, the production is done offshore, and so much of the innovation that is done on the shop floor ends up in that country rather than here, it makes it harder for us, when we lose that innovative edge, to catch up.

Mr. MERKLEY. I think it is important to understand as well that the pegged currency isn't the only tool China is using to create an unlevel playing field against American products. Another is that they use something economists call financial repression. That is a fancy word for artificially lowering the interest rates on savings on a level below inflation. So if you are a Chinese citizen and you are saving money and the inflation rate is 5 percent, the interest rate you are going to get is going to be less than 5 percent. It is a way, essentially, of taxing the entire nation, and then the Chinese Government takes those funds and they give massive subsidies to manufacturing in China. Those subsidies include grants, and they include below-market loans.

So on top of the huge tariff on American products which basically stems from this currency manipulation, we have these huge subsidies to domestic manufacturers who export to the United States. China is supposed to disclose those subsidies under WTO, but it may come as a surprise to some in this Chamber that China doesn't do it. They only did it one year, in 2006. So they are taking the structure that was set up and they are abusing it. This adds to, on top of the currency manipulation, further driving jobs out of the United States, discriminating against U.S. products.

Isn't there a time when we as policymakers need to stand for American workers, stand for the American middle class, and say we are not going to allow another nation in a major trading relationship to break the rules in order to discriminate against the very products that put American workers out of work?

Mr. BROWN of Ohio. As a result of the work Senator SCHUMER did early on this bill, with the cosponsorship of the

Senator from North Carolina who is presiding, this bill really is the first major bipartisan jobs—major, biggest jobs bill we have brought in front of this Chamber, and this is a chance to finally begin to look toward ways of re-industrializing our country and building manufacturing that matters in places such as Buffalo and Charlotte and Portland and Toledo.

This bill is a real opportunity. I think that is why we got 79 votes on the first go-round on Monday night. I think it is why we have so many Republican sponsors of this bill. It is a result of the work Senator SCHUMER and Senator GRAHAM have been doing for years to begin to build that foundation, and that is why the passage of this bill is so important.

Mr. MERKLEY. I wish to thank the Senator from Ohio, Mr. BROWN, for his work, along with the work my colleague from New York, Senator SCHUMER, has done. It is time we stand for workers across our Nation who have been systematically losing the good-paying manufacturing jobs because China has been pegging its currency and discriminating against American products to subsidize the export of their own. This must be discussed in every corner of our Nation and must be discussed here on the floor of this Chamber because it is affecting the success of American families in Oregon, in Ohio, in New York, in North Carolina, and throughout our Nation.

Thank you, Madam President. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BARRASSO. Madam President, if Washington is going to force new regulations on the job creators of this country, I think America needs to know the cost of those regulations. That is why I rise today to discuss an important amendment, an amendment I am offering to the underlying China currency bill. It is Barrasso amendment No. 671. This amendment, which is a bipartisan amendment—it is cosponsored by Senator MANCHIN and Senator BLUNT—will force the U.S. Government to look before it leaps when it comes to issuing job-crushing regulations.

Simply put, the administration would be required to do a comprehensive and transparent jobs-impact analysis—a jobs-impact analysis—before issuing any job-crushing regulations.

Job creation in this country has almost come to a halt. The Labor Department reported that zero jobs were created in August. The economic recovery that was promised by the administration failed to materialize. Unemployment remains at 9.1 percent. Meanwhile, the unemployment rate in China is 4.1 percent. Our economy is stagnant. China's economy is growing. It

has been this way since President Obama took office.

The President blames the American people by saying the country has grown soft. In September, he stated in a TV interview in Florida:

The way I think about it is, you know, this is a great, great country that has gotten a little soft and, you know, we didn't have that same competitive edge that we needed over the last couple of decades. We need to get back on track.

Yet, despite the repeated assurances of improvement, President Obama's own economic policies have failed. The only people who have gained from these policies live in countries overseas. We see it in China. These are people who are benefiting from American companies moving operations outside the United States. Why? Well, it is to escape Washington's redtape.

The President's stimulus plan failed to produce the 3.5 million jobs the President had promised. His so-called green jobs initiative gave us more red ink but never came close to the 5 million new jobs he predicted.

All the while, the Washington bureaucracy that he controls has continued to churn out extensive as well as expansive new regulations that amount to an assault on domestic private sector job creation. The facts are inescapable. Since President Obama took office, America has lost approximately 2.3 million jobs. We have been in an economic crisis, a crisis that extends to America's confidence in the President, confidence in this President to do anything that will change the current course.

What the American people want is leadership, and they have rejected the President's insistence that the only way forward is through more spending and more Washington redtape on those in this country who create jobs.

In September, the President addressed a joint session of Congress. He actually said he wanted to eliminate regulations, regulations he said put an unnecessary burden on businesses at a time, he said, they can least afford it. Well, we heard this same message from the White House time and time again. The rhetoric coming out of this White House simply has not matched the reality.

In fact, Washington continues to roll out redtape each and every day. The redtape makes it harder and more expensive for the private sector to create jobs while making it easier to create jobs in foreign countries such as China. The President said his administration has identified over 500 reforms to our regulatory system, he said, that would save billions of dollars the next few years.

Well, I appreciate that the White House may have identified wasteful regulations, but it will not help our economy unless the White House repeals those wasteful regulations. The President's jobs plan does nothing to fix the regulatory burdens faced by America's job creators. His jobs plan

actually adds to the burden on job creators in this country.

The President has tried to justify this increasing avalanche of redtape. He said he does not want to choose between jobs and safety. Well, in today's regulatory climate, the choice is a false one. Washington's wasteful regulations are not keeping Americans safe from dangerous jobs. The American people cannot find jobs because no one is safe from the regulations coming out of Washington.

For every step our economy tries to take forward, Washington regulations continue to stand in the way. The expansion of the Federal bureaucracy is suffocating the private sector economy. Federal agency funding has increased 16 percent over the past 3 years, while our economy has only grown 5 percent over the same 3 years.

The regulatory burden is literally growing three times faster than our own economy. This massive increase in Washington's power has only made the U.S. economy worse and China's better. Americans know regulating our economy makes it harder and more expensive for the private sector to create jobs. The combined cost of new regulations being proposed by the Obama administration in July and August alone was \$17.7 billion. Much of this cost was borne by Americans working in red, white, and blue jobs.

Those who try to justify these policies claim they will help us create green jobs at some unknown time in the future. Our economy, our job market, is not a seesaw. Pushing one part down does not make the other side pop up. This administration's out-of-control regulations scheme is dragging down large portions of our economy.

Now the President has promised to stop this kind of overreach. President Obama issued an Executive order at the start of this year. Way back in the beginning of 2011 he said he wanted to do that, to slow down Washington's regulations.

Let's see how effective the President has been with his Executive order. Well, it has failed. In the month the President issued his Executive order, way back in the beginning of 2011, all of those months ago, hundreds of new rules and regulations have been either enacted or proposed. For every day that goes by, America's job creators face at least one new Washington rule to follow.

When the President announced his Executive order, he said he wanted to promote predictability and reduce uncertainty. These are very laudable goals, but a new rule every day does nothing to promote predictability and is the very definition of uncertainty. The main source of uncertainty in the economy right now is Washington regulations.

To make things worse, the people most victimized by this uncertainty are the very people the President claims he wants to help. The President said last year that when it comes to

job creation, he wants to "start where most new jobs do, with small businesses."

Well, the sentiment is right, but, again, what has he done about it? According to the U.S. Chamber of Commerce, businesses with fewer than 20 employees, well, those businesses incur regulatory costs that are 42 percent higher than larger businesses which have up to 500 employees. These figures do not include the avalanche of new regulations coming down the road.

Since January 1 of this year, over 50,000 pages of regulations have been added to the Federal Register. The U.S. Chamber of Commerce has said the President's new health care law alone will produce 30,000 pages of new health care regulations. At whom are many of those aimed? Well, it is these same small employers the President claims to want to help.

The President said he will keep trying every new idea that works, and he will listen to every good proposal no matter which party, he said, comes up with it. Well, I have a pretty simple idea. If the President wants to know which proposals will work to create jobs, maybe he should require his regulatory agencies to tell him how their own actions will affect the job market.

The amendment I am offering is going to do just that. It is a bipartisan amendment. It is based on a bill that I have introduced called the Employment Impact Act. This amendment will force every regulatory agency to prepare what is called a jobs impact statement—a jobs impact statement—for every new rule proposed.

The impact statement must include a detailed assessment of the jobs that would be lost or even gained or sent overseas upon enactment of a rule coming out of Washington. Agencies would be required to consider whether new rules would have a bad impact on our job market in general. This job impact statement would also require an analysis of any alternative plans that might actually be better for our economy.

The amendment requires regulatory agencies to examine and report on how new rules might interact with other proposals that are also coming down the road. The problem with Washington regulations is not only that they are too sweeping, but there are also too many. It makes no sense to look at any one individual rule or regulation in a vacuum and then enacting hundreds of them without identifying and understanding their cumulative impact and effect.

The cumulative effect of those regulations is going to spell death by a thousand cuts for hard-working Americans who are trying to work, trying to support their families. In keeping with the principles of transparency that President Obama regularly proclaims is a priority for him, this bill, this amendment, will require every jobs impact statement prepared by a Federal agency to be made available to the

public. The American people deserve to know—have a right to know—what their government is actually doing.

Federal agencies in Washington need to learn to think, to think about the American people before they act. Requiring statements from these agencies on what their regulations will do is nothing new. For 40 years the Federal Government has required an analysis of how Federal regulations will impact America's environment. They have to file what are called environmental impact statements. What I am asking for is simply a jobs impact statement.

Past generations of legislators rightly recognized the importance of America's land, air, and water. It is equally important that we recognize the importance of America's working families as well. America's greatest natural resource is the American people. We are talking about people who want to work, who are willing to work, who are looking for work, and yet cannot find a job.

This amendment, the Barrasso amendment, will force Washington bureaucrats to realize Americans are much more interested in growing our Nation's economy than they are in growing China's economy.

I urge a vote and adoption of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I rise today to, first of all, congratulate all of my colleagues, the 79 Members who came together to vote to proceed to a very important measure, a jobs bill that is currently before us.

The great news is that it is a jobs bill that will cost us zero dollars to be able to implement in terms of about 2.25 million new jobs, new jobs that will come. Why? Because we are saying as a group, as the Senate: Enough is enough, and we want China as well as other countries to follow the rules. We want them to follow the rules so when our companies and our workers are competing in a global economy they will have a level playing field and the ability to compete. We know if the rules are fair, if there is a level playing field, we in America will compete, and we will win. We know that.

The biggest violator on any number of trade issues we know of right now is China. When they joined the WTO 10 years ago, the whole point of them being able to join the world community under a world set of economic agreements was to make sure they would have to follow the rules like everybody else. But ever since that time they have done nothing but flagrantly violate the rules.

When China does not play by the rules, it costs us jobs. It puts our businesses in Michigan, our workers in Michigan and across the country at a severe disadvantage. It has to stop. We in Michigan have been through more, deeper and longer than any other State in the Union, and we are coming back

because of a great work ethic and ingenuity and ideas and entrepreneurship. We are moving forward and creating new ideas. More clean energy patents are being created in Michigan than in any other place in the country.

We just had news today that, in fact, we are—last year 2010—the fastest growing high-tech sector. There are more high-tech research and development jobs in Michigan than any other place in the country. So we know how to compete and we know how to win.

But we are in a global economy, where our companies are competing against countries. When we have an entity, a country like China that does not believe they need to follow the rules—whether it is stealing our patents, whether it is blocking our businesses from being able to bid to do business in China, or whether it is the huge issue of currency manipulation, which is in front of us today, we know the rules matter. We know it is our job to stand for American businesses and American workers, and that is what the bill in front of us does.

It says to China and any other country involved in currency manipulation that we have had enough. It directs Treasury to take action; to look around the globe, determine where there is currency misalignment, and to prioritize the countries that are most egregious in their actions—we know China is at the top of that list—and then it requires them to act.

It requires Commerce to work with our businesses to act. We have had enough talk. We have had enough of hearing about give China time. We are now past 10 years when they entered the WTO, and every time we start talking about this, they say: Well, we are going to change it. We are starting to change it.

There are those in Congress who say not only has it not changed but maybe it is even getting worse. The point is, we are losing jobs as a result of the way China cheats. Enough is enough.

How do they do that? In this case, when we say currency manipulation, eyes glaze over. The reality is, because of the way they value their money—their currency—they are able to get an artificial discount. Their products appear to cost less coming to the United States—the same product made the same way. Ours artificially gets an increase in the price. It can be up to a 40-percent difference, not because of anything other than the fact that they do not value their currency the way every other country in the world does in the world economy. They always make sure they peg it in a way that they get a discount, no matter what.

That is illegal under the WTO. It is unfair. It is cheating. That is what this bill fixes. A real-world example: We have some great auto parts manufacturers in Michigan, and a very common story would be that a part breaks and to get another part, it costs \$100 in Michigan, but the Chinese were able to peg their cost at \$60—not because it

was any different, other than the fact that they value their currency in a way that allows them to have it appear that it costs less. So this is something we intend to take action on.

We know right now that if the Chinese currency was revalued, if they did what everybody else does and followed the rules, we would see up to \$286 billion added to the U.S. GDP right now. We would see 2.25 million U.S. jobs being created if China and others around them followed the lead and revalued their currency—2.25 million jobs. We don't need a line item in the budget to do that.

We are not talking about a new program. We are simply talking about leveling the playing field and stopping China from cheating. We can create those jobs. Our deficit would be reduced by between \$621 billion and \$857 billion, at no cost to taxpayers. At a time when we are struggling with the largest deficit we have ever had, and we are struggling with how we address that, the ability to have up to \$857 billion reduced in our deficit at no cost to taxpayers—that sounds like a pretty good deal to me. People in Michigan would say: Why has it taken so long to be able to address this?

Now is the time that we have a strong, bipartisan coalition. I am so proud of all our colleagues who have come together from every part of the country, every part of our economy, whether it is manufacturing, agriculture, textiles or those involved in high tech, saying it is time for us to stand for America, for American jobs, and for American businesses. That is what this is all about. What else are we hearing about this particular effort? The Federal Reserve Chairman, Ben Bernanke, said:

The Chinese currency policy is blocking what might be a more normal recovery process in the global economy. It is . . . hurting the recovery.

Again, that is something we can do to reduce the deficit and create jobs. China is proceeding with a policy that is hurting the recovery, at a time when we need to get everything out of the way so we can come roaring back as a country. We are the greatest country in the world. We have tremendous challenges right now, economically, that we will work our way out of. But one of the first things we can do is say to China: Stop cheating.

We also have C. Fred Bergsten, a former Assistant Treasury Secretary, saying this:

I regard China's currency policy as the most protectionist measure taken by any major country since World War II.

Over the years, we have debated fair trade and free trade, whether it is protectionist to stand up for American businesses or workers, and here we have an expert saying to us that China's policy on currency manipulation is the "most protectionist measure taken by any major country since World War II."

The reality is, we can compete with anybody and win—and we will. But it is

our job to make sure there is a level playing field. This is about American competitiveness. This is about being a global economy and making sure the rules are fair, making sure everybody is following the same rules, and then let's go for it. I will put America's ingenuity and entrepreneurship, research and development, and skilled workforce up against anybody's.

Some say—and we have heard from the highest levels of the Chinese Government—it could spark a trading war if we stand for our businesses and require there be a level playing field. We know we have a complicated relationship with China. We borrow funds to offset our debt. But we also are the largest consumer market in the world. They want to be able to sell to us. I cannot believe they will decide that they suddenly don't want to sell to the United States all those things they make, the largest consumer market in the world. The difference is, they would not be able to cheat, to get artificial discounts that will hurt an American small business that is making the same product.

As for the American textile industry, I had an opportunity to visit some folks who make denim for jeans and folks in the cotton industry and talk about competitiveness and what this protectionist policy in China is doing to the American textile industry, which is beginning to come back—and will come back if, in fact, there is a level playing field on trade. But they are up against a situation where they artificially are facing a 28- to 30-percent discount because of currency manipulation. Yet they are still competing. Can you imagine if the rules were fair?

This is about American competitiveness, and it is about the fact that we are responsible for making sure there is a level playing field for American businesses and American workers. We will not have a middle class in this country if we don't make and grow products. We want to make products here and grow products here and the jobs will be here and then we are happy to export products. We want to export our products, not our jobs. That is the difference. We are sick and tired of exporting our jobs because of the fact that China does not follow the rules. Enough is enough. After more than 10 years, they have not had to step up and do what they are supposed to be doing under the agreements they have entered into. Enough is enough.

Again, I look forward to our final vote on this legislation. I think this is a very important moment, at a time when there are many disagreements, and there have been many difficult times in the Senate—being able to move forward and take action, the fact that colleagues on both sides are standing together on behalf of businesses and workers at every corner of this country, saying we are going to fight for American jobs and businesses, large and small, and we are going to make

sure we create a level playing field so we have the competitiveness structure we need in this country, because we know if we have that level playing field, there is nothing that can stop American ingenuity and American workers, who are the best in the world and will continue to be.

I urge adoption of this bill and congratulate all my colleagues who have been involved with this issue for many years—colleagues on both sides of the aisle. I am very pleased we have been able to get the legislation to this point. It is now time to act on behalf of American workers and American businesses.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. HATCH. Mr. President, as we discuss our relationship with China, it strikes me that we are ignoring one of the most critical issues impacting U.S. competitiveness in regard to China—namely, China's inadequate protection of U.S. intellectual property, or what I call IP.

Let's remember that intellectual property is our Nation's No. 1 export. American IP underpins the knowledge economy, providing our workers and companies with a significant competitive advantage. In short, IP equals jobs for American workers. It is that simple. Studies have shown that IP-intensive industries employ more than 19 million workers, create higher paying jobs across all skill levels, and support more than 60 percent of total U.S. exports. That is why throughout my service here I have endeavored to ensure that U.S. innovators and content creators are able to operate in an environment in which their IP, or intellectual property, is adequately protected.

I am pleased to have been the lead Republican sponsor of the recently enacted America Invents Act, which resulted in long overdue reforms to our Nation's patent system that will strengthen our economy, create jobs, and provide a springboard for further improvements to our intellectual property laws. I was very pleased to see Senator GRASSLEY take that over as the new ranking member of the committee and do such a great job with it. And I want to pay tribute to the distinguished Senator from Vermont, Mr. LEAHY, as well and to my colleagues in the House who saw the importance of that particular new law. It is the first time we have modified the patent laws in over 50 years, and that was a historic event.

So it is pretty apparent that I take a great interest in intellectual property and all aspects of it. I am the chairman

of the Senate Republican High-Tech Task Force. I have to say it is really a privilege to work with these brilliant people who work in the intellectual property area, and while many of them are in Silicon Valley out in California, we have our own Silicon Valley in Utah that is becoming very well known, a lot of innovation. So we have most of the really great companies right there in Utah as well.

U.S. leadership in innovation has not gone unnoticed by our economic and strategic competitors, who are adopting and evolving innumerable tactics to steal, expropriate, or otherwise undermine our intellectual property rights. Few, however, have been as overt in these efforts as China. The statistics on counterfeiting and piracy alone are staggering. According to a recent report by the U.S. International Trade Commission, firms in the U.S. IP-intensive economy that conducted business in China in 2009 reported losses of approximately \$48.2 billion—that is billion with a "b"—in sales, royalties, or license fees due to IP infringement in China. Now, that bears repeating: \$48.2 billion in losses for U.S. companies due to intellectual property infringement in China.

Perhaps most disturbingly, the ITC report noted that companies reported that an improvement in IP protection and enforcement in China to levels comparable to that in the United States would likely increase employment by 2.5 percent. Think what that would do for our country. That amounts to almost 1 million U.S. jobs. And these aren't just jobs, these are really good jobs. These are jobs that would benefit our country a great deal.

But counterfeiting and piracy does not stop at China's border. Based on U.S. border seizure statistics, China is the primary source of counterfeited products in the United States. These counterfeited products from China run the gamut. We are talking about counterfeit toys, fake drugs, fake auto and aircraft parts, counterfeit computer chips, and counterfeit software, music, movies, and games—in essence, anything and everything that has value in the sights of Chinese counterfeiters. Imagine if you are flying on an airplane and the parts they thought were valid and good parts all of a sudden quit working. This is a very important point I am making.

Clearly, this is not incidental. It is pervasive. Given China's system of government, it is fair to draw the conclusion that piracy and counterfeiting have explicit or implicit government approval, for there is little doubt that China would deal severely with any other activity they found objectionable well before it became pervasive. If they wanted to, they could clean this up. I hope they will because it is very much to the disadvantage of our country.

It is becoming clearer every day that China's failure to protect U.S. intellectual property is part of a well-coordinated government-led national economic development plan. Nowhere is

this more obvious than in China's adoption of plans to promote "indigenous innovation." China's indigenous innovation policies disadvantage U.S. innovators through rules and regulations which mandate the transfer of valuable technology and rules which provide preferential treatment for intellectual property which is developed in China. In addition, there have been continued attempts to use technology standards as both a means to erect barriers to U.S. technology and as a means to unfairly acquire very valuable U.S. technology.

This is not to say China has not made any progress in combating the theft of U.S. intellectual property. Certainly the commitments made at the recent JCCT meeting regarding indigenous innovation and government procurement were a positive step, as was the recent agreement by the Baidu Web site to license legitimate content from certain IP owners. But while these actions are a good start, there is a lot more that needs to be done.

We can debate currency manipulation all day long, but if we want to foster immediate job growth in the United States, we should focus our energies on working to find ways to staunch the bleeding when it comes to the theft of American innovation by China. Again, we are talking about close to 1 million good-paying U.S. jobs which stand to be created if we can get this problem under control.

I stand ready to work with my colleagues on this important set of issues, but these are important issues, and it is time for China to grow up and get into the world community and do what is right. It is a wonderful land. They have tremendous capacities. They are brilliant people. A lot of their engineers were educated here. They are people who really deserve to be leaders in the world community if they live in accordance with the basically honest rules of the world community. But right now they do not live in accordance with these rules, and they could do a much better job on intellectual property than they have done.

I have been there a number of times, and each time I have gone there, I have raised the intellectual property issues and I have raised the piracy issues. They always say they are going to do something about these issues, but when push comes to shove, they really don't do what really needs to be done.

Another important issue we need to discuss is enforcement, and that is why I filed amendment No. 679. My amendment requires the Comptroller General of the United States to submit an annual report to the Congress on the trade enforcement activities of the Office of the U.S. Trade Representative—or we refer to it as USTR. This is a simple amendment that serves a vitally important purpose.

USTR is a relatively lean agency as compared to much of the bloated Federal bureaucracy. It is at the front lines in our efforts to open new mar-

kets to U.S. goods and services providers, and it leads the way in holding our trading partners accountable when they fail to live up to their trade commitments. It is a tough job. U.S. companies face an unrelenting onslaught of governments and NGOs which collaborate in seeking new ways to hamper America's economic competitiveness by undermining our intellectual property rights, by imposing unwarranted phyto-sanitary measures that have no basis in science, by enacting new technical barriers to trade, imposing unfair pricing and regulatory regimes upon our industries, and other equally harmful measures. Our goal, of course, should be to eliminate every single one of these. But the reality of the situation is that, in a world of limited resources, we must prioritize.

To my mind, the No. 1 priority should be removing barriers to our exports of goods and services, and eliminating foreign government practices which most impact U.S. jobs and economic well-being. Unfortunately, that has not been the case under this administration. Unfortunately, that is the situation we find ourselves in.

To cite an example, most people realize that China is an enormous problem for U.S. innovators and content creators. Our companies face policies designed to foster Chinese innovation at the expense of U.S. innovators, the imposition of standards-based barriers, the continued refusal to direct adequate resources toward stemming counterfeiting and piracy in both the online and physical realms, and other policies, laws, and regulations that diminish the value of U.S. intellectual property. To date, this administration has not filed a single intellectual property-related enforcement action against China.

Similarly, Chile continues to flagrantly violate the terms of our bilateral free-trade agreement with regard to crucial protections for intellectual property. Despite the direct and demonstrable harm to American innovators and workers, no dispute settlement process has been initiated with regard to Chile's failure to adequately protect intellectual property in accordance with the terms of our free-trade agreement that we have entered into with them.

In contrast, after 3-plus years of devoting significant resources to intensive negotiations with the Government of Guatemala, the Obama administration announced the initiation of the first ever bilateral labor dispute against an FTA partner. The administration also recently announced that it will investigate allegations by a Peruvian union that the Government of Peru has violated its labor under the United States-Peru Free Trade Agreement. To me, these actions demonstrate skewed enforcement priorities.

It is hard to believe that Guatemala's alleged failure to adequately enforce its own domestic labor laws is any-

where near the top of the list when it comes to trade barriers facing U.S. companies and workers. I also find it hard to believe that expending critical enforcement dollars to defend the interests of a Peruvian labor union should be among the top trade enforcement policies for this administration.

China, India, Brazil, Russia, and Chile are some of the many countries where we face very real threats to American industry and competitiveness due to unfair trade practices and barriers. But instead of focusing on these immediate, ongoing, and very real economic harms, the administration seeks yet again to instead score political points with labor union leadership.

I can hardly blame them for that, in a sense, because the trade unions in this country are the biggest supporters of the President and of the Democrats, but it is outrageous to not put our country first under the circumstances. It really is outrageous. I think even the trade unions are going to have to stop and think about, is this administration doing what is right with regard to our interests in all of these countries I have mentioned.

It is outrageous to direct the limited resources of our most important trade agency toward activities that have little to do with opening new markets or protecting U.S. jobs. This inability to prioritize based upon what is best for workers in the economy, as compared to what is best for building labor union support, is another unfortunate example of the administration's inability to lead on trade.

My amendment requires the Comptroller General, on a yearly basis, to detail the enforcement activities undertaken by the USTR and assess the economic impact of each such activity, including the impact on bilateral trade and on employment in the United States. It would also include an assessment of the cost of, and resources dedicated to, each such activity.

I am hopeful my amendment will assist this and future administrations in setting rational enforcement priorities. By providing an objective measure of the likely impact on trade and employment of any enforcement activities undertaken, it will also be an important resource for this and future Congresses in the conduct of our oversight responsibilities.

I would hope all of my Senate colleagues could support an amendment which provides us with important information and insights which will help us in ensuring that USTR utilizes taxpayer funds in the most effective manner possible toward opening markets and removing barriers to U.S. companies and workers.

I rise again today in support of my amendment No. 680. First, allow me to further explain some of my underlying concerns with the current bill's approach.

We have heard many estimates of job losses in the United States associated

with our trade deficit with China, following China's entry into the WTO, the World Trade Organization. Unfortunately, most of those estimates are highly unreliable and should be taken with a large amount of skepticism.

We have heard numbers coming out of the labor-backed Economic Policy Institute, or EPI, saying that 2.8 million U.S. jobs have been lost or displaced because of trade deficits with China since that country's entry into the WTO, with 1.9 million of those jobs estimated to have been in manufacturing. Unfortunately, those estimates come from an unreliable static analysis which essentially says imports displace labor used in domestic production and, therefore, lead directly to job loss and unemployment.

Looking at this particular chart here, you can see from that chart the relation between U.S. imports, which is the blue line, and the unemployment rate, which is the red line, and you can see how it has shot up since 2008, and it is still wavering at the top—does not seem to conform to the jobs and unemployment claims being made with some of the numbers being used in our current debate. If anything, a casual observer might even say that when import growth is strong, it tends to be associated with a strong underlying economy, one in which unemployment is relatively low.

You can see from this chart that the imports were going up throughout the first part of 2002 to 2008, when they hit the pinnacle and then all of a sudden drop down with this administration. Now they are coming back up. But the unemployment rate has now gone up tremendously, and it doesn't seem to be coming down very far. So there is a correlation here. And, frankly, one that concerns me, as the chart suggests, following the pro-growth tax relief of 2003, the economy began to pick up some steam, imports correspondingly grew, and the unemployment rate fell until the financial crisis hit. That unemployment rate went down. The 2.8 million job loss number from the labor-funded think tank, or the 1.6 million job loss number the majority leader recently mentioned here on the floor, and many of the other job loss numbers associated with the China currency issue that are being offered by many of my colleagues on the other side of the floor, are highly unreliable and often not much different from numbers simply picked out of thin air.

The jobs numbers do not account for dynamic flows of workers from industry to industry, and the message being delivered is that if a job and an industry went away and net imports were going up, then the job must have been lost or displaced because of trade. Well, that is foolish.

What happened to the displaced worker? The analysis doesn't take that into account, and merely suggests, misleadingly, that the worker is unemployed. What happens to the dollars that are associated with financing any

increased net increase in imports? The analysis doesn't take that into account.

If we run a higher trade deficit, finance it with dollar outflows, and foreign countries recycle the dollars back into Treasury bills to finance the President's stimulus spending spree, does the analysis take into account the resulting jobs that the President claims become "saved or created"? No. Those jobs numbers are only convenient when advocates of the stimulus, such as the EPI, wish to promote more debt-fueled government spending.

I do not dispute that there are important dynamic effects of international trade on the U.S. labor market. I do dispute many of the numbers being tossed about and offered as estimates of job losses stemming from trade with China. I do dispute that dealing with our bilateral trade deficit with China is the most important thing we can do for jobs today, as the Senate majority leader has suggested. Those doubts, of course, are not reasons to not act on the Chinese currency issue, but they do lead me to doubt the job creation priorities of my friends on the other side of the aisle.

The President has been actively campaigning for congressional consideration and passage of the so-called American Jobs Act—right now, today—yet the majority leader here in the Senate refuses to let us consider the President's proposal right now, despite the minority leader having introduced a proposal for Senate consideration. Evidently, Senate Democrats believe that construction of a new mechanism to use to confront China and raise prospects of trade wars is more important to jobs than the President's plan. I don't think so.

The President states—rightfully so—that unemployed American workers don't have 14 months to wait for action on jobs. Yet we are considering a currency bill that, at best, would set in motion a lengthy process of currency misalignment determinations and perhaps ensuing trade sanctions. If anyone believes that the process set up in the currency bill to confront any currency misalignment in existence today will lead to job creation right now or in the next 14 months, then I suggest they do not understand much about international trade, labor markets, and the often painfully slow processes of international trade negotiations.

It took President Obama over 2½ years to send free-trade agreements to Congress, bills that were all set to go from the day he took office. Do you believe the legislation before us, even if it went into effect right now, would lead to a fundamental misalignment finding immediately, along with rapidly ensuing dialogue and action that would lead to job creation right now? Even if the legislation before us today were implemented today, it would likely take months and years before it achieved any results.

It is important to confront existing currency misalignments and global im-

balances, the sources of which include persistently high amounts of U.S. debt made significantly worse during the past 3 years of deficits in excess of \$1 trillion that were used wastefully on so-called "stimulus" and commercially non-viable green energy experiments that just plain did not work. People are starting to wake up to this type of approach to government.

To say that the issue of China's managed currency peg is the most important issue for job creation today is telling, and it certainly does not speak well for how the President's jobs act is perceived by his Senate Democratic colleagues as a job creator.

My concerns go beyond some of the claims related to job creation. I am afraid the current bill will be ineffective, and could actually end up harming our exporters through retaliation. That is a real fear, it is a real concern, especially since the Chinese have said they will retaliate. We don't need that right now, with the economy the way it is. But that is what they are going to do if this bill passes, even though some might think that is the right thing to do. And I am not the only one with concerns. Today, according to an article by the Associated Press, the White House finally publicly stated that it has concerns with this legislation. While we still don't know what those specific concerns are, we do know that they believe approval of the bill would be counterproductive.

We know that. Why doesn't the administration come out and say it? Why is it the President cannot lead on these issues? Why is it he always calls on Congress to lead on these issues? That is why we elected him as President—or should I say, that is why they elected him as President, because I did not vote for him, even though I like him personally. I did vote for my colleague, JOHN MCCAIN.

Similar concerns were expressed in an opinion editorial by the New York Times entitled "The Wrong Way to Deal with China." They call this bill a "bad idea" and "too blunt of an instrument." Specifically, they state that the bill is very unlikely to persuade China to change its practices, noting that it will instead "add an explosive new conflict to an already heavy list of bilateral frictions."

That is the New York Times. My goodness. That is pretty much the Bible for folks on the other side, and they do write very effectively on some of these issues.

I agree currency manipulation is a serious problem, and I have proposed a better way to address it. My amendment empowers the administration to work within existing frameworks to mitigate the effects of currency manipulation and stop it from occurring. If our negotiators cannot make progress in the WTO and IMF—we go there first—we must go outside these organizations and align with other like-minded countries to confront the Chinese currency interventions together.

I could not agree more with my colleagues who have introduced the bill we are debating that China's beggar-thy-neighbor's currency policies do harm the United States and our workers, and from that standpoint, I commend my colleagues. But massive currency interventions harm many other economies and their workers as well. We should join together in a pluralistic way to counter China's actions and negotiate a long-term solution to stop the fundamental misalignment of currencies, whether by China or any other country. If we did that, it would bring tremendous worldwide pressure on China, rather than acting in a bilateral fashion, which this bill will do. My amendment would allow that to occur. I would be happy to give credit to the other side if they would accept that amendment. They have to know it is a prescient, worthy amendment—something that would make a difference, rather than just making talking points or creating a trade war with a country that we should work toward getting along with.

Appreciating the Chinese currency will help address global macroeconomic imbalances and serve China's long-term economic interests as well, while ensuring that American businesses, farmers, manufacturers, service providers, and workers compete on a level playing field.

I just introduced this amendment yesterday around noon and I am pleased many of my colleagues have reviewed my substitute bill and they do support it and support a different approach. I think, if we want to work together, it is a perfect way of doing it because it gives what the folks want on this side and brings the right kind of pressure, without causing a huge trade war that is going to be very much to our disadvantage.

In addition, since the introduction of my amendment, many business associations, advocacy groups, think tanks, and others have come out in support of my substitute bill. I did not file that for political reasons. I did not file that to just cause trouble. I filed it because these ideas in that bill are far superior to the ideas in the underlying bill. I think my friends on the other side ought to look at it and tell me where they can improve it and take it over, if they will. The fact is, it is far superior to what the underlying bill is.

Many agree my approach is our best chance at solving this problem that we all find so frustrating. To those who think this is more of the same old approach, I say absolutely not. The old policies and the old Exchange Rate Act have not worked and they need to go. On that I think we all agree.

My proposal does not say try and work this out with China and hope for the best. Instead, my approach directs our negotiators to work with others and challenge China until a solution is agreed to. My approach does not prevent the United States from taking unilateral action, but it does demand

that the administration seek out those countries that will join our efforts to combat currency manipulation so our actions are more effective and bring worldwide pressure on China to do what is right and to be more fair. We do need a bold, new approach, and we need to empower our negotiators to work within the WTO and IMF to ensure a level playing field for American businesses and workers. But if they cannot do that there and these institutions cannot handle this problem, then we must join with other like-minded countries to act in concert to counter China's currency policies outside the WTO and IMF.

This bill is going to cause a tremendous dislocation if it passes, and it is going to cause a trade war that is much to our disadvantage. It may make good populist talk, but it will be very much to our disadvantage and, in the end, will not do what they want it to do. My bill will. It may take some effort, but my bill will.

If they cannot confront these existing currency misalignments and global imbalances the way we are suggesting, if they cannot do that there and these institutions cannot handle this problem, then we have to join other like-minded countries to act in concert to counter China's currency policies outside the WTO and IMF.

That is what leadership is all about. That is what real executive branch leadership should be about. That is what a real USTR should be about. But we also need a partner. We need an administration that will lead on this issue. If I have an objection to this administration, it is that they do not lead on anything. They didn't send up a budget or the one they did failed 97 to zero. But they have not taken it seriously. They just wait for Congress to act and for Congress to do these things. That is what we elected the President to do, to send up his approach to this. That is what we elected him for and he ought to do that. But they do not, for some reason.

We also need a partner. We need an administration that will lead on this issue. My amendment will hold the administration accountable until they achieve results and that is whether it is this administration or a successive administration. We are debating which approach will better solve the chronic currency manipulation problem with China. My approach has been endorsed by Americans for Tax Reform, which said that the Hatch amendment "offers a sensible approach that utilizes the mechanisms created by the international trade community to resolve such disputes."

The Emergency Committee for American Trade says the Hatch amendment "will more effectively address concerns about currency misalignment by China and other countries, without opening the door to many harmful effects on U.S. business and workers."

The Retail Industry Leaders Association also supports my amendment, as

does the Financial Services Roundtable. This amendment is already generating significant support. Why don't my friends on the other side take it, declare victory, and go from there? They can refile it in their name. That will be fine with me. I don't care who gets the credit for it, I just care that we handle it in a way that makes sense rather than make a bunch of political points that frankly will irritate the daylight out of our friends from China.

I urge my colleagues to support my amendment and let's all agree to hold the administration accountable and work with the other like-minded countries to challenge China's currency practices.

I am happy to yield the floor at this point.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the senior Senator from Ohio I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I said to Senator INHOFE I will be no more than 10 minutes and I appreciate his courtesy and his being here.

I rise in opposition to the Hatch amendment. I respect and appreciate my colleague from Utah and his proposal to negotiate a solution with China and other nations on currency. I have worked with him on the Health, Education, Labor, and Pensions Committee, as the Presiding Officer has, and I appreciate his concern on all these issues and his wide range of knowledge. My firm belief, however, is his amendment is not going to work. I know he generally does not want to take the same direction we do in standing up to the Chinese. I think, when we talk about multilateral negotiation, we are pretty much saying to the Chinese: Please stop the strategy, however unfair and in violation of international norms, that has helped your country accumulate enormous wealth. Please stop. We hope you will stop. Please stop, or we are saying please stop what Fred Bergsten says is the "most protectionist policy any major country has taken since World War II."

We have tried this. We now have the ability to do multilateral negotiations. Senator HATCH is right. The administration has not particularly led on that.

He is also right to add that the Bush administration also did not particularly lead on that. Before that, the Clinton administration did not particularly lead on that.

We have the ability, without amendment No. 680—because it would add nothing significant to the procedures and the steps that are already in place as a matter of current law and practice—to do these negotiations. We have an administration, a Treasury Department that may change political parties

from time to time but doesn't change strategies in dealing with the Chinese. It is always: Please stop. We hope you will do something differently. We would like it if you would change what you are doing. We think it would be better if you are not cheating on currency and cheating on international trade policies. We would like, now that we let you into the World Trade Organization, that you actually follow the rules of the WTO. We think it would be great if you follow the force of law and the rule of law.

Saying those things has gotten us nowhere. That is why, while I respect Senator HATCH, amendment No. 680 doesn't get us anywhere. It doesn't change the law. It just delays. We know how the Chinese like it when we delay because every day we delay is one more day where the Chinese cheat, where the Chinese have an advantage, where the Chinese, the People's Republic of China, the Communist Party, can again take advantage of American workers and American companies.

The Treasury Department already has specific reporting obligations. They already have ample authority to consult and engage bilaterally, multilaterally, and plurilaterally under the Exchange Rates and Economic Policy Coordination Act of 1988, which amendment No. 680 would repeal.

I appreciate what Senator HATCH wants to do, but the fact is, we have to make the Chinese understand, other than occasional pleading, occasional begging, the occasional polite requests—we have to make them understand, if they do not stop manipulating their currency, if they don't stop intervening to keep a weaker renminbi, the United States will defend itself. The United States cannot turn the other cheek on this one.

The Presiding Officer said the other day the Chinese steal our lunch, and if we take any of it back, they get all upset at us, although the Presiding Officer said it better than I just said it. But the fact is, the Chinese have not played fairly. I used the example on the Senate floor of what currency manipulation means in very simple terms. If there is a gas station on Summit Street in Akron and there is a gas station across the street—there are two Marathon stations—one of the Marathon stations gets its oil from Findlay, OH, at a 30-percent discount and the other station doesn't, the Marathon station that gets a discount is going to put the other one out of business, pure and simple.

As Senator MERKLEY said the other day, there is a tariff on goods we sell to China, and there is a subsidy on goods China sells to us. How do we compete with that? Amendment No. 680 will not help us compete with that, it will just delay and delay. That does not make sense. That is why this legislation, S. 1619, without the Hatch amendment, makes much more sense. It allows us to move finally and quickly. It allows us to move with certainty. It allows us

to move straightforwardly. It strips away all the delay and the head fakes and the feinting and all the other things the Chinese Party Government is so good at doing.

I ask for defeat of the amendment and passage of S. 1619, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent at the conclusion of my remarks that Senator HARKIN be recognized.

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

Mr. INHOFE. Mr. President, recently both the majority leader and the minority leader came down to the floor to talk about the President's jobs bill. There was an effort to bring up this bill by the minority leader, and it was objected to by the majority leader. And I understand that, but all we have heard from the President from the very first time he introduced this was "pass the bill, pass the bill, pass the bill." I know there is some reason he keeps using that phrase over and over. It has probably been tested and is one that I think he believes will move a lot of people. Frankly, I don't think it will because too many people remember what happened the last time he had a stimulus bill. That is something which has not been really discussed on the floor in consideration of what he refers to as the jobs bill. So I can see why he keeps talking about passing the bill, because he doesn't really want to talk about it.

His new proposal reminds me so much of that \$825 billion stimulus package he rammed through Congress shortly after entering office. It is almost the same thing. The Recovery Act is the \$825 billion act. It included only \$27.5 billion in highway spending, which was the stimulus portion of that bill. We are talking about 3 percent of the \$825 billion.

I am particularly sensitive to this since I have in the past been the chairman of the Environment and Public Works Committee, and I am now the ranking member. We have a Transportation reauthorization bill we are trying to get up and get up on a bipartisan basis.

Back during the consideration of the Recovery Act, the \$825 billion, I tried to pass an amendment on this floor to increase that to about 30 percent instead of 3 percent of the bill. If that had happened, we would not be in the situation we are today. We would have a lot of jobs out there that would be under construction and good things would be happening.

In the case of this \$447 billion bill, which is kind of the Recovery Act lite, there is only \$27 billion in highway spending, and it is not conceivable that he didn't learn his lesson from the first go-around that that is the main reason people are upset with it right now. That is the reason he keeps saying: Pass the bill, pass the bill.

The proposal includes a few different things, but much of it will be sent to

the President to spend however he wants. Now, you may be wondering, will Congress tell the President where to spend the money? To a very limited extent, that is right. When Congress does not tell the President exactly what he is to do with each dime he gets, the President gets to decide what to fund.

This administration has a history of making incredibly poor spending decisions with the money appropriated to it. The biggest example I can think of is the \$825 billion stimulus package. When the President signed this bill in February of 2009, he said—and I want you to hold this thought—he said:

What I'm signing, then, is a balanced plan with a mix of tax cuts and investments. It's a plan that's been put together without earmarks or the usual pork barrel spending. It's a plan that will be implemented with an unprecedented level of transparency and accountability.

That is what he said. That is a direct quote. For those of you who are watching, I have news for you: Despite the President's remarks, the spending was not balanced, and it had a tremendous amount of porkbarrel earmark spending even though there were no congressional earmarks. This is a distinction not many people make. I tried to get this point across back when the Republicans very foolishly talked about having a moratorium on earmarks. I said: Those are congressional earmarks. That is not where the problem is. The problem is in bureaucratic earmarks.

The clearest and most recent example of a huge earmark is the loan guarantee that was given to Solyndra. We have been reading about this and hearing about it recently. It is now a bankrupt solar panel manufacturing company. We have heard about that. Solyndra was a politically connected firm from California that was able to lobby the White House to obtain a loan guarantee of \$535 million to fund its green jobs pipedream. This happened despite the fact that some in the administration were warning the White House to give them more time to evaluate the company's finances. It seems they were concerned about the company's long-term viability. But these warnings were ignored by the White House. They wanted to fund the project anyway. Why? I think it was for two reasons: First, the White House has a fascination with green energy; second, political gamesmanship. Some of Solyndra's biggest investors are big fundraisers and have been big fundraisers for President Obama. We now know they made repeated visits to the White House. That is not just a coincidence.

Another question is this: How did the White House have the authority to give the loan guarantee to Solyndra in the first place? The short answer is Obama's stimulus package. That was the \$825 billion stimulus package. It significantly expanded the Department of Energy's Loan Guarantee Program, and with this expansion the White

House was able to select Solyndra for a loan guarantee.

While the stimulus package did not include any porkbarrel spending in the way that most people think about it—congressional earmarks—this provides clarity to the fact that when Congress does not explicitly state where taxpayer funds should go, the money is handed over to the administration to spend however they want. They get to earmark every last dime.

In the case of Solyndra, the President handed it over to his political buddies who were in favor of the green energy projects. If that isn't a porkbarrel project, I don't know what is. Now the damage has been done, and the taxpayers are going to be on the hook for as much as \$535 million in losses.

Sadly, Solyndra is just one of many examples of porkbarrel spending in the stimulus bill. We are talking about the first stimulus bill, the \$825 billion bill. Not too long ago, Sean Hannity had on his program—I think it took him two programs to get it through—the 102 most egregious earmarks that are recorded. It is really kind of interesting. In fact, I have the whole list here, and I am going to ask that it be made a part of the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. INHOFE. I would love to be able to name all of these. These are just ridiculous. There is \$219,000 to study the hookup behavior of female college coeds in New York; \$1.1 million to pay for the beautification of Los Angeles, Sunset Boulevard; \$10,000 to study whether mice become disoriented when they consume alcohol in Florida. It goes on and on. Again, there are 102 of these. These are the most egregious.

What is interesting is that the day after Sean Hannity exposed these earmarks—102 of them—I came to the floor and I read all 102 of them. I said: What do these 102 earmarks have in common? The answer: Not one is a congressional earmark. They are all bureaucratic earmarks. They all came from the \$825 billion.

Remember I said a minute ago that he said there will be no earmarks in this package? It is the same thing he is saying about this second go-around for the jobs bill he is talking about today. The administration took \$825 billion that Congress gave it and chose to spend it on stupid things such as the ones I just listed, but there are 102 of them. I hope he will take the time, since it will be in the RECORD, to read all 102 of them.

What does this have to do with the jobs bill? To me, the jobs bill is simply the President coming back to Congress to ask for more money to spend however he wants on porkbarrel projects such as these. No one has talked about this on the floor. They have talked about the problems they have with this spending bill and why it is really not a

jobs bill, but no one is talking about the fact that this is exactly what he did before. I don't know why we are not talking about this and featuring this because if he said before that there were going to be no earmarks and then he had 102 egregious earmarks, why would he not do the same thing now? The answer is, he would do it. He would like to hand this out to his cronies in ways that would best benefit him.

You may remember the President's State of the Union Address from earlier this year. In it, he promised, and I quote, "If a bill comes to my desk with earmarks inside, I will veto it." Well, you have a promise from the President that unless Congress gives him all of the authority to determine how money is spent through the bureaucratic earmark process, he will veto the bill. In other words, he will veto a bill unless he has total authority on how to spend it, and he can spend it on his own earmarks in spite of the fact that he said there will be no earmarks. So for any jobs bill to be considered, Congress is going to have to let the President decide how all the money is being spent. It is a hard concept to get ahold of.

"Earmarks" has become a dirty word, and people assume that when you say "earmarks," you are talking about congressional earmarks. That is not the problem. I have legislation I am going to be talking about that will correct this and better inform the public as to what is really going on. So we are finding ourselves in the same situation again.

What is worse is the fact that the problem of bureaucratic earmarks is not limited to special stimulus packages. It is a normal course of business. On any given day, the administration is making thousands of decisions on how to spend money it has appropriated. Congress first passes laws authorizing the executive branch to do certain things, and then we appropriate the money and go and do it. But unless Congress gives specific instructions as to where to spend the money—a process many people decry as congressional earmarks—the administration gets to decide where to spend the money. In other words, the bureaucracy does the earmark or President Obama does it.

I serve on the Armed Services Committee. We are staffed with experts in defending America. We have experts in missile defense, experts in lift capability, all of that. The way it has always happened before is the President—whether it was President Bush or Clinton or any other President—designs a budget, and that budget, the parameters, goes to Congress. Then we in the authorization committees decide if we agree with the President and how he wants to defend America.

A good example of that is that right before the prohibition on earmarks came in, the President sent his budget down—I think that was his first budget—and in that budget was \$330 million for a launching system. It was called a Bucket of Rockets. It was a good sys-

tem. It was something I would like to have for defending America. But when we analyzed it, we looked and we thought, with what is happening right now, our greatest need is to expand our F-18 program and buy six new F-18s. So we took the \$330 million he would have spent on the rocket-launching system and spent it on six new F-18s, and it was a wise thing to do. You can't do that now because the President has to make all of the decisions because that would be called a congressional earmark.

Earmarks don't increase spending at all. All they do is say: All right, Mr. President, you go ahead and spend it the way you want to. A recent example of this comes from the Bureau of Land Management within the Department of the Interior.

While I could talk for hours about whether the management of Federal lands is appropriate for government to do, that is not what I want to bring your attention to. That is another discussion for another time. What I am concerned about is how carefully the Bureau of Land Management works to keep its actions aligned with the authorization and power it has been given by Congress. We write laws for a reason. We say the bureaucracy can do certain things and not do certain things. When we do that, we are limiting the bureaucracy and the bureaucracy's authority. We are not saying they can interpret the law in any way they choose, but generally that doesn't stop them from trying.

One thing the Bureau of Land Management is authorized to do by a statute is to enter into contracts and cooperative agreements to manage, protect, develop, and sell public lands. In managing public lands, title 43 authorizes the BLM to, among others things, preserve the land's historic value.

A few days ago, as I was searching through the government's grants database—by the way, this database is something we put in when Republicans were a majority in our committee. The Environment and Public Works Committee has a database which will show people, if they care to wander through, just what the bureaucracy is spending money on.

I was looking through the grants database, and I came across one that shocked me. On September 9 of this year, just a few days ago, the BLM announced its intent to award a grant of \$214,000 to the Public Land Foundation to fund a research project to describe in detail why the Homestead Act of 1862 had a significant impact on the history of America. When I asked them to justify that, they started talking about how important history is.

Today, my question is this: What part of this grant has anything to do with today's actual public lands? This is not a grant to dust off the historic landmarks at national parks. This is a research project to study history, which may be a noble task, but nonetheless that is what it is for.

What the American people need to understand is that this sort of thing happens all the time. The bureaucracy is completely numb to the fact that we have a \$1.5 trillion deficit just in this year alone, and while this should inform the way it spends money and help to prioritize accordingly, it doesn't. The bureaucracy takes the money given to it by Congress and spends it on porkbarrel projects that are important to the President. Right now, there is no way around this. There is no accountability or transparency built into it in any way. The bureaucracy earmarks its funds.

I believe this needs to be changed, and I am currently drafting legislation that will change the way the bureaucracy makes funding decisions. My legislation will bring true transparency and accountability to the process, and it will require the administration to state explicitly which laws authorize its grant awards. It will also provide a way for Congress to weigh in and challenge the administration's thinking. This is not just for the current administration; it is for any administration.

With trillions of dollars in deficits, we cannot afford to give the President another \$447 billion to spend on whatever he wants because that is what it would be. We need to reduce spending, but we also need to ensure that the spending we are doing is justified by the laws Congress passes. Because of this, we need to bring more light and accountability to the bureaucratic earmarking process.

Further, I warn my colleagues to not be fooled into the idea that whenever we pass money off to the administration, it is in safe hands. The opposite is true, and I urge my colleagues to oppose more blank check stimulus spending because of it.

Again, after President Obama stated on February 17, 2009, there will be no earmarks in his \$825 billion stimulus bill, it contained more than 100 very egregious, offensive earmarks. I could—again, I am not going to read off the list, but it will be a part of the RECORD following these remarks I am making now.

He will do it again. If we pass another \$450 billion stimulus bill, we can be sure it will be full of earmarks as bad as the ones he put in the initial stimulus bill.

This is our second blank check for the President. He fooled us once. Do not let it happen again.

With that, I yield the floor.

EXHIBIT 1

BUREAUCRATIC EARMARKS IN THE STIMULUS BILL

102. Protecting a Michigan insect collection from other insects (\$187,632)
 101. Highway beautified by fish art in Washington (\$10,000)
 100. University studying hookup behavior of female college coeds in New York (\$219,000)
 99. Police department getting 92 blackberries for supervisors in Rhode Island (\$95,000)
 98. Upgrades to seldom-used river cruise boat in Oklahoma (\$1.8 million)

97. Precast concrete toilet buildings for Mark Twain National Forest in Montana (\$462,000)
 96. University studying whether mice become disoriented when they consume alcohol in Florida (\$8,408)
 95. Foreign bus wheel polishers for California (\$259,000)
 94. Recovering crab pots lost at sea in Oregon (\$700,000)
 93. Developing a program to develop "machine-generated humor" in Illinois (\$712,883)
 92. Colorado museum where stimulus was signed (and already has \$90 million in the bank) gets geothermal stimulus grant (\$2.6 million)
 91. Grant to the Maine Indian Basketmakers Alliance to support the traditional arts apprenticeship program, gathering and festival (\$30,000)
 90. Studying methamphetamines and the female rat sex drive in Maryland (\$30,000)
 89. Studying mating decisions of cactus bugs in Florida (\$325,394)
 88. Studying why deleting a gene can create sex reversal in people, but not in mice in Minnesota (\$190,000)
 87. College hires director for project on genetic control of sensory hair cell membrane channels in zebra fish in California (\$327,337)
 86. New jumbo recycling bins with microchips embedded inside to track participation in Ohio (\$500,000)
 85. Oregon Federal Building's "green" renovation at nearly the price of a brand new building (\$133 million)
 84. Massachusetts middle school getting money to build a solar array on its roof (\$150,000)
 83. Road widening that could have been millions of dollars cheaper if Louisiana hadn't opted to replace a bridge that may not have needed replacing (\$60 million)
 82. Cleanup effort of a Washington nuclear waste site that already got \$12 billion from the Department of Energy (\$1.9 billion)
 81. Six woodlands water taxis getting a new home in Texas (\$750,000)
 80. Maryland group gets money to develop "real life" stories that underscore job and infrastructure-related research findings (\$363,760)
 79. Studying social networks, such as Facebook, in North Carolina (\$498,000)
 78. Eighteen (18) North Carolina teacher coaches to heighten math and reading performance (\$4.4 million)
 77. Retrofitting light switches with motion sensors for one company in Arizona (\$800,000)
 76. Removing graffiti along 100 miles of flood-control ditches in California (\$837,000)
 75. Bicycle lanes, shared lane signs and bike racks in Pennsylvania (\$105,000)
 74. Privately-owned steakhouse rehabilitating its restaurant space in Missouri (\$75,000)
 73. National dinner cruise boat company in Illinois outfitting vessels with surveillance systems to protect against terrorists (\$1 million)
 72. Producing and transporting peanuts and peanut butter in North Carolina (\$900,000)
 71. Refurnishing and delivering picnic tables in Iowa (\$30,000)
 70. Digital television converter box coupon program in D.C. (\$650,000)
 69. Elevating and relocating 3,000' of track for the Napa Valley Wine Train in California (\$54 million)
 68. Hosting events for Earth Day, the summer solstice, in Minnesota (\$50,000)
 67. Expanding ocean aquaculture in Hawaii (\$99,960)
 66. Raising railroad tracks 18 inches in Oregon because the residents of one small town were tired of taking a detour around them (\$4.2 million)
 65. Professors and employees of Iowa state universities voluntarily taking retirement (\$43 million)

64. Minnesota theatre named after Che Guevara putting on "socially conscious" puppet shows (\$25,000)
 63. Replacing a basketball court lighting system with a more energy efficient one in Arizona (\$20,000)
 62. Repainting and adding a security camera to one bridge in Oregon (\$3.5 million)
 61. Missouri bridge project that already was full-funded with state money (\$8 million)
 60. New hospital parking garage in New York that will employ less people (\$19.5 million)
 59. University in North Carolina studying why adults with ADHD smoke more (\$400,000)
 58. Low-income housing residents in one Minnesota city receiving free laptops, WiFi and iPod Touches to "educate" them in technology (\$5 million)
 57. University in California sending students to Africa to study why Africans vote the way they do in their elections (\$200,000)
 56. Researching the impact of air pollution combined with a high-fat diet on obesity development in Ohio (\$225,000)
 55. Studying how male and female birds care for their offspring and how it compares to how humans care for their children in Oklahoma (\$90,000)
 54. University in Pennsylvania researching fossils in Argentina (over \$1 million)
 53. University in Tennessee studying how black holes form (over \$1 million)
 52. University in Oklahoma sending 3 researchers to Alaska to study grandparents and how they pass on knowledge to younger generations (\$1.5 million)
 51. Grant application from a Pennsylvania university for a researcher named in the Climate-gate scandal (Rep. Darrell Issa is calling on the president to freeze the grant) (\$500,000)
 50. Studying the impact of global warming on wild flowers in a Colorado ghost town (\$500,000)
 49. Bridge build over railroad crossing so 168 Nebraska town residents don't have to wait for the trains to pass (\$7 million)
 48. Renovating an old hotel into a visitors center in Kentucky (\$300,000)
 47. Removing overgrown weeds in a Rhode Island park (\$250,000)
 46. Renovating 5 seldom-used ports of entry on the U.S.-Canada border in Montana (\$77 million)
 45. Testing how to control private home appliances in Martha's Vineyard, Massachusetts from an off-site computer (\$800,000)
 44. Repainting a rarely-used bridge in North Carolina (\$3.1 million)
 43. Renovating a desolate Wisconsin bridge that averages 10 cars a day (\$426,000)
 42. Four new buses for New Hampshire (\$2 million)
 41. Re-paving a 1-mile stretch of Atlanta road that had parts of it already re-paved in 2007 (\$490,000)
 40. Florida beauty school tuition (\$2.3 million)
 39. Extending a bike path to the Minnesota Twins stadium (\$500,000)
 38. Beautification of Los Angeles' Sunset Boulevard (\$1.1 million)
 37. Colorado Dragon Boat Festival (\$10,000)
 36. Developing the next generation of supersonic corporate jets in Maryland that could cost \$80 million each (\$4.7 million)
 35. New spring training facilities for the Arizona Diamondbacks and Colorado Rockies (\$30 million)
 34. Demolishing 35 old laboratories in New Mexico (\$212 million)
 33. Putting free WiFi, Internet kiosks and interactive history lessons in 2 Texas rest stops (\$13.8 million)
 32. Replacing a single boat motor in a government boat in D.C. (\$10,500)
 31. Developing the next generation of football gloves in Pennsylvania (\$150,000)

30. Pedestrian bridge to nowhere in West Virginia (\$80,000)

29. Replacing all signage on 5 miles of road in Rhode Island (\$4,403,205)

28. Installing a geothermal energy system to heat the "incredible shrinking mall" in Tennessee (\$5 million)

27. University in Minnesota studying how to get the homeless to stop smoking (\$230,000)

26. Large woody habitat rehabilitation project in Wisconsin (\$16,800)

25. Replacing escalators in the parking garage of one D.C. Metro station (\$4.3 million)

24. Building an airstrip in a community most Alaskans have never even heard of (\$14,707,949)

23. Bike and pedestrian paths connecting Camden, N.J. to Philadelphia, Pennsylvania, when there's already a bridge that connects them (\$23 million)

22. Sending 10 university undergrads each year from North Carolina to Costa Rica to study rain forests (\$564,000)

21. Road signs touting stimulus funds at work in Ohio (\$1 million)

20. Researching how paying attention improves performance of difficult tasks in Connecticut (\$850,000)

19. Kentucky Transportation Department awarding contracts to companies associated with a road contractor accused of bribing the previous state transportation secretary (\$24 million)

18. Amtrak losing \$32 per passenger nationally, but rewarded with windfall (\$1.3 billion)

17. Widening an Arizona interstate even though the company that won the contract has a history of tax fraud and pollution (\$21.8 million)

16. Replace existing dumbwaiters in New York (\$351,807)

15. Deer underpass in Wyoming (\$1,239,693)

14. Arizona universities examining the division of labor in ant colonies (combined \$950,000)

13. Fire station without firefighters in Nevada (\$2 million)

12. "Clown" theatrical production in Pennsylvania (\$25,000)

11. Maryland town gets money but doesn't know what to do with it (\$25,000)

10. Investing in nation-wide wind power (but majority of money has gone to foreign companies) (\$2 billion)

9. Resurfacing a tennis court in Montana (\$50,000)

8. University in Indiana studying why young men do not like to wear condoms (\$221,355)

7. Funds for Massachusetts roadway construction to companies that have defrauded taxpayers, polluted the environment and have paid tens of thousands of dollars in fines for violating workplace safety laws (millions)

6. Sending 11 students and 4 teachers from an Arkansas university to the United Nations climate change convention in Copenhagen, using almost 54,000 pounds of carbon dioxide from air travel alone (\$50,000)

5. Storytelling festival in Utah (\$15,000)

4. Door mats to the Department of the Army in Texas (\$14,675)

3. University of New York researching young adults who drink malt liquor and smoke pot (\$389,357)

2. Solar panels for climbing gym in Colorado (\$157,800)

1. Grant for one Massachusetts university for "robobees" (miniature flying robot bees) (\$2 million)

Grand Total: \$4,891,645,229

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the so-called supercommittee created by the

Budget Control Act has begun their work. It is mandated to produce a plan by November 23 that will reduce future deficits by at least \$1.5 trillion. As chair of the Health, Education, Labor, and Pensions Committee, I have been invited to submit recommendations to the supercommittee, and I will do so in the days ahead.

Certainly, I wish this group well. However, it is critically important we define success in terms that matter to working Americans. Frankly, I am deeply disturbed by the Washington groupthink that defines success narrowly in terms of maximizing deficit reduction. I have come to the floor to urge members of the supercommittee to embrace a broader and more powerful definition of success. Success must include boosting the economy and creating jobs.

After all, the most effective way to reduce the deficit is to help 25 million unemployed and underemployed Americans find jobs and become taxpayers once again. There can be no sustained deficit reduction without a recovery of the economy and a return to normal levels of employment. Indeed, just yesterday, the Congressional Budget Office released an analysis showing that if our economy were not in recession—if it were employing labor and capital at normal levels, the deficit would be reduced next year by an estimated \$343 billion—a reduction of one-third of the deficit in 1 year if we just had normal employment.

So I have a simple but urgent message to the supercommittee: Go big on jobs. That message would be strongly seconded by people such as Connie Smith of Tama, IA. In January, she was laid off after working 27 years for the same telecom company. Since being laid off, she has been working as a contractor doing the same type of work for less pay and no benefits.

Jean Whitt would also agree. She was laid off in 2008 and is now a student at Iowa Western Community College, striving for a new career in nursing. She is hoping good jobs will be available when she graduates.

As I said, inside the Washington bubble, our leaders have persuaded themselves that the No. 1 issue confronting America is the budget deficit. I assure everyone that ordinary Americans are focused on a far more urgent deficit: the jobs deficit.

But I am also concerned about a third deficit: the deficit of imagination and vision in Washington today. I am dismayed by our failure to confront the current economic crisis with the boldness earlier generations of Americans summoned in times of national challenge.

Let's be clear about the staggering scale of today's challenge. Our Nation remains mired in the most severe period of joblessness since the Great Depression. As I said, some 25 million Americans are desperate to find full-time employment. According to new

data from the Census Bureau, the poverty rate has risen to 15 percent—the highest level in 18 years. Twenty percent of American children are being raised in poverty—one out of every five kids in America.

Last week, the Chairman of the Federal Reserve, Mr. Ben Bernanke, said unemployment is a "national crisis." Very true, Mr. Bernanke. It is a national crisis. It is far and away the No. 1 concern of the American people. That is why an exclusive, single-minded obsession—obsession—with slashing spending and reducing the deficit is not just misguided, it is counterproductive. If the supercommittee cuts the deficit by \$1.5 trillion and does nothing to create jobs, this would amount to a massive dose of antistimulus. It will further drain demand from the economy and destroy even more jobs. That, in turn, will make the deficit worse, not better. It is the equivalent of applying leeches to a patient who needs a transfusion.

We must stop this mindless march to austerity. Smart countries, when they have these kinds of challenges, do not just turn a chainsaw on themselves. Instead of the current slash-and-burn approach, which is being sold through fear and fatalism, we need an approach that reflects the hopes and aspirations of the American people.

To be sure, we must agree on necessary spending cuts and tax increases. But we must continue to invest in what will spur economic growth, create jobs, and strengthen the middle class, knowing this is the only sustainable way to bring deficits under control.

Again, I say to the supercommittee: If you are serious about reducing the deficit, you must put job creation front and center in your deliberations and agenda, not just slashing and cutting government spending to reduce the deficit.

I do not want to be misunderstood. My preference, of course, is always to reduce the deficit. I know that. As a senior member of the Appropriations Committee, I appreciate that we must seize every opportunity to prudently—prudently—reduce Federal spending. There are opportunities, including in the Pentagon, to reduce Federal spending while minimizing further damage to the economy and jobs.

However, I believe we must be equally willing to say no—no—to foolish, destructive budget cuts. Most important, as I have said, the supercommittee must broaden its focus to include a sharp emphasis on creating jobs and boosting the economy.

That is why I was very pleased by the plan presented by President Obama: the American Jobs Act. As the President said in his speech to Congress, the American Jobs Act boils down to two things: putting people back to work and more money in the pockets of working Americans.

Most importantly, in my book, the American Jobs Act would dramatically ramp up investments in infrastructure

in order to boost U.S. competitiveness and directly create millions of new jobs.

Specifically, the American Jobs Act includes \$30 billion to renovate some 35,000 schools and community colleges nationwide. This would create hundreds of thousands of new jobs, especially in the hard-hit construction industry.

The legislation—the President's bill—provides \$30 billion to help local school districts hire and retain teachers. This new fund would save or create nearly 400,000 education jobs.

In addition, the American Jobs Act includes \$50 billion for immediate investment in our transportation infrastructure. Again, this will dramatically boost employment, while modernizing the arteries and veins of our commerce.

Now people say: How are we going to pay for all this and these other investments, keeping our teachers in the classroom, renovating the infrastructure? How are we going to pay for all this to get our economy back on track?

For the answer, we again need to listen to the American people. I received a heartfelt message from Dan Carver, a fifth-grade teacher in Carlisle, IA. He says he is struggling similar to other middle-class Americans to pay his bills and his taxes and he does not understand why corporations and the very wealthy are not also paying their fair share.

In poll after poll after poll, by 2-to-1 margins—2-to-1 margins—Americans want an approach that includes tax increases on those who can most afford it, those whose incomes have skyrocketed in recent years, even as middle-class incomes have fallen, those who have benefited the most from tax breaks initiated during the Bush administration. By a 2-to-1 margin—this should be a no-brainer for people elected to Congress. Read the polls. That is what people want done.

We see all those people up on Wall Street. It is now spreading to Washington. There is even an event planned for Mason City, IA, this weekend by a lot of young people, saying: Look, we have to raise revenue. We can't just slash and cut back and retreat. We need to raise revenue and charge forward.

We would be foolish to ignore the voices of working Americans from all walks of life. For more than a decade now, these good citizens have been told that tax breaks for the wealthy will result in millions of new jobs and a booming economy. That is what they have been told. They were told wealthy Americans are so-called job creators, and if we just shove enough tax breaks their way, jobs will magically bloom.

Frankly, this is the same old theory of trickle-down economics, and it manifestly has never worked. For ordinary Americans, the only things that have trickled down are wage cuts, mass unemployment, upside-down mortgages, personal bankruptcies, and disappearing pensions.

Instead of this failed trickle-down economics for the rich, it is time for percolate-up economics for middle-class Americans. We have a saying for this out in the Midwest, and I have heard it many times: You do not fertilize a tree from the top down. You have to put it in at the roots.

It is time to invest directly in jobs by renovating our crumbling infrastructure, rebuilding our schools, putting laid-off teachers back to work. By all means, it is time to ask those who have benefited the most from our economy to pay more—yes, to pay more—to help finance these urgent investments. Because these are the kinds of things individuals cannot do on their own. An individual cannot rebuild a highway or a school. An individual cannot retrofit a building. An individual cannot build new energy efficiency systems. But we can do this acting together. That is why it is time to ask those who have benefited the most from our economy to pay some more.

I close by reiterating that we need to pursue a path that, first and foremost, right now, focuses on job creation; in the longer term, focuses on deficit reduction. After we get the economy going and get people back to work and being taxpayers again, then we can reduce the deficit. As the report showed this week, if we were to just have normal employment levels, we would reduce the deficit by \$343 billion.

So I say again to the supercommittee: Do not just focus on slashing, cutting, and retreating.

Focus on raising revenue and charging ahead, investing in education, innovation, infrastructure. It means a level playing field with fair taxation—fair taxation—and a strong ladder of opportunity to give every American access to the middle class. It is time to put America back to work. It is time to change the tenor of the debate. It is time to get away from this groupthink in Washington; that if only, if only we would just cut more government spending, somehow magically people will go back to work. It is not going to happen. Only in your dreams.

It will only happen if we are bold enough, as our forefathers and people before us were bold enough, to raise the necessary revenue to put this country back to work. That should be the first charge of this supercommittee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I very much thank Senator HARKIN, the chairman of the HELP Committee, for his advocacy always for the middle class, advocacy always for those who aspire to the middle class, and especially the jobs bill. I particularly appreciate his comments about school construction. That is a major component of the jobs bill.

My State has gone through a pretty good period under Governor Taft, who is not in the same political party as I am but he is a friend of mine who

launched a program 10 years or so ago in Ohio to begin to replace—to give incentives to local governments, local school districts, to vote bond issues where there was a lot of State matching funds that built a lot of new schools but nothing close to what we need yet with all of the progress we made.

We tell our children that education is the most important thing in their lives and our lives and our country, and then we send them to lousy, decaying, falling-apart school buildings. I do not think that quite clicks in kids' minds. So the school construction part of this bill, first of all, puts construction workers to work in their high-unemployment rates, as Senator HARKIN said. Second, it puts steelworkers and cement workers and concrete workers and people who are making the products—the glass makers, the glass companies, and all manufacturers—to work for the materials. Third, it sets the foundation by building community colleges and rebuilding school buildings and all of that, putting people to work for long-term economic growth and prosperity.

We know for a fact the United States, in the 1950s, 1960s, and 1970s, created an infrastructure the likes of which the world had never seen. That is the foundation for our prosperity. Unfortunately, in the last 20 years we have let that infrastructure crumble. We let that infrastructure decay. When I look at these young pages here, 15, 16, 17, 18 years old, I do not want them to inherit a huge budget deficit, but I also do not want them to inherit a huge education deficit, an infrastructure deficit. We owe that to that generation to do much better than we have.

I thank Senator HARKIN and yield to him.

Mr. HARKIN. Well, I thank the Senator very much. I thank the Senator from Ohio, a great friend and a great supporter of working Americans. I would just say that the bill that Senator BROWN has been championing is now leading the charge on the China currency bill, and I think it is one of the important steps forward in making sure we start creating jobs for Americans.

How can we create jobs for Americans when we have a Chinese currency that is underpinning their exports to America, undercutting our jobs in this country? So this is a big step forward. I hope we can get cloture. I hope we can move forward on the bill. So I thank the Senator from Ohio for his steadfastness on making sure we got the bill to the floor, and I hope we get the votes to pass it.

Again, we can focus on the jobs in this country, but if we are just going to continue to allow China to undercut us in just every possible way through manipulating their currency so they can undercut us by 20 or 25 percent on a lot of goods that come into this country, how are we going to manufacture those things?

Mr. BROWN of Ohio. We are joined in the Chamber by two of the sponsors of this bill: the Presiding Officer, Senator WHITEHOUSE, and Senator CASEY from Pennsylvania.

The Senator said something earlier about the supercommittee and deficit reduction, and what he said is exactly right. Many in this institution and down the hall in the House of Representatives do not seem to understand that we cannot only cut our way to prosperity, we have to grow our way to a more balanced budget and prosperity.

One of the things this China currency bill will do is, it is estimated by the Economic Policy Institute that over 10 years it will cut the deficit \$600 billion to \$800 billion. Why is that? Because of job growth, because this bill provides—according to the Economic Policy Institute study, it creates more than 2 million jobs. That is 2 million people, instead of receiving unemployment benefits, instead of being eligible for food stamps, instead of other kinds of things we do for people who are out of work, it will mean those 2 million people will actually be working, many of them in manufacturing. Those are \$12-, \$15-, \$20-an-hour jobs. They will be paying taxes. They will be paying into Social Security, into Medicare, into local retirement systems—all of that—paying property taxes for the schools, doing all of the things that employed, hard-working taxpayers do.

So it is a win in that situation too. So while we need to focus on the President's jobs bill, this is one that makes so much sense, and that is why we need to move forward.

Mr. HARKIN. The Senator from Ohio clearly understands percolate-up economics. I appreciate that very much. I thank the Senator from Ohio for his leadership.

Mr. BROWN of Ohio. I yield the floor and I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise just for a few moments to make a few comments regarding the pending legislation that deals with the currency policies that China has had in place which have proven to be adverse to American workers. I was saying on the floor yesterday, and I will say it again, that this is not a complicated issue. When China does not play by the rules, when they cheat on the international stage on their currency policies, Americans lose jobs.

We have lost far too many of them for us to just sit back and do nothing or sit back and just discuss and urge and plead instead of taking action. But what I failed to do yesterday was put a couple of basic numbers on the table. I

mentioned in some of my comments yesterday that we had a hearing in the Joint Economic Committee, which for those who are not as familiar with the workings of that committee, it is a House-Senate joint committee where we have Senators and House Members, obviously, from both parties meeting and participating in hearings on a whole range of topics, most of them dealing with the economy and jobs.

Yesterday, we had the Federal Reserve Chairman, Ben Bernanke, who testified broadly about a lot of issues. But I asked him about currency, and one of the things he said—I thought this was a pretty significant statement. I am just reading something Chairman Bernanke said in pertinent part. This is not, obviously, a full statement. But when I asked him about currency, China currency and their policy, he said:

I think right now, a concern is that the Chinese currency policy is blocking what might be a more normal recovery process in the global economy. The Chinese currency policy is blocking that process.

I should add here, "process" meaning the recovery. Then he goes on to say:

So it is to some extent hurting the recovery process.

That is the Chairman of the Federal Reserve, someone whose job it is not to comment on public policy on a regular basis necessarily or to take positions on one side or the other on public policy; but the fact that he made that statement, which made it abundantly clear that this is not simply a problem for our workers when we lose jobs, when we hemorrhage the jobs we have lost, but this currency policy that China has in place is an impediment to the recovery, the economic recovery of the world.

So I thought it was a critically important statement that he made as further evidence that this bill we are working on is the right way to go. I do not want to imply that he endorsed the bill; he did not. But I thought it was interesting that he focused on the economic recovery worldwide and not only on the adverse consequences for our workers, our companies, our jobs.

Two other notes, and then I will sit down. One is the impact in a State such as Pennsylvania. I have the privilege to represent the people of Pennsylvania. So I want to make sure the record is clear in terms of what China's policies, both on currency, and more broadly on trade, have meant in the context of Pennsylvania workers.

A report released just recently by the Economic Policy Institute—and we hear the so-called EPI quoted a lot—estimates that from the year 2001 through 2010 our trade deficit with China has led to the loss of 106,970 jobs in Pennsylvania, almost 2 percent of total employment in Pennsylvania.

Across the Nation, the same trade deficit has led to a loss of 2.8 million jobs since 2001. Basically, you are talking about less than a decade. Because of the trade deficit with China, we lost

2.8 million jobs nationally, and a little shy of 107,000 jobs in one State—the State of Pennsylvania.

Some would say, well, you should be careful how you say that because we are not saying that the currency policy they have in place—which I assert is cheating—that the job loss could be attributed to that solely. I am not saying that. But there is no question—and I think the record is replete with evidence and examples—that much of that job loss can be attributed to their currency policies, as well as other policies they have in place. I will not even get into the infringement on copyright and intellectual property, and the whole range of other issues where we have disagreements with other policies emanating from China.

Two more points, finally, about EPI. The Economic Policy Institute did an analysis, and they released the report on June 17, 2011. They wanted to make a determination that if China were to revalue its currency and play by the rules, to the extent of a 28-percent level—and some people think the manipulation they are doing amounts to more than 28 percent—but if they are able to revalue their currency up to that level, what would happen? Here is what EPI found:

If only China revalued to 28.5 percent, the growth in U.S. gross domestic product would support 1.631 million U.S. jobs. If other Asian countries also revalued [at that level, 28.5 percent] then 2.250 million U.S. jobs would be created.

I mentioned the study yesterday. I said: What if their estimates are off? What if, for some reason, you had to scale down that estimate? Well, if 1.6 million jobs—if they are off by even a lot, that is still a big job number. If you add the other Asian countries that are impacted by the policies in China, you are over 2.2 million jobs. Even if that is off, it is still a lot of jobs.

This is a jobs bill. We talk about creating new consequences for China cheating on currency. This is a job creator if we do it—if we can pass the bill and implement the policy. We can create a lot of jobs over the next several years at the same time. This has an impact on job creation and, ultimately, on GDP.

I know that when I go back to Pennsylvania, people will say to me: Let me get this straight: You have a bill that deals with getting tougher on China, relating to their currency policy; you have bipartisan support in the Senate, and it is a job-creating bill. Why won't this pass, and why don't you have this enacted into law?

I believe we have a lot of momentum for passage. I hope the bipartisan support we have on the Republican side of the aisle, with a number of Democrats, will result in passage of this legislation, especially when you put it in the context of two points I made—one, the job impact or the job loss that has resulted from China cheating on its currency policy over all these years; secondly, when you put it into the context

of not just our economy but the world economy—when we have the Chairman of the Federal Reserve saying their policy on currency is impeding—well, I will read what he said:

. . . the Chinese currency policy is blocking what might be a more normal recovery process in the global economy. . . .

Blocking recovery in the global economy. That is compelling testimony for anyone who cares about and is concerned about creating jobs here, strengthening our recovery and, obviously, helping the recovery worldwide. I think the evidence is overwhelming. The support for this legislation is as broad based as any I have seen for any bill I have ever considered in the almost 5 years I have been in the Senate.

We need to finish this debate this week and get a vote. I hope we will continue to have an overwhelming vote that reflects the overwhelming support across the United States.

Mr. COONS. Mr. President, I rise to speak about two amendments I filed today to help protect American intellectual property from theft abroad. If we are serious about leveling the playing field with countries like China, then protecting U.S. intellectual property from theft has to be a part of it.

This summer I went up and down our State meeting with business leaders and asking them about what we need to do in Washington to help them create jobs. Though currency manipulation came up from time to time, it paled in comparison to the fear our innovative business owners had about intellectual property theft.

When foreign companies and governments steal our ideas, they are stealing more than just formulas and schematics—they are stealing jobs. These two amendments are about giving America the tools to fight back.

I introduced my first amendment with my colleague on the Judiciary Committee, Senator KOHL. It provides a Federal private right of action for victims of trade secret theft. Trade secrets are a critical form of intellectual property, particularly among manufacturers, and when they are stolen, it can result in catastrophic damage to American companies and their employees.

After the Korean company, Kolon, was found to have stolen the trade secrets behind DuPont's next generation Kevlar fiber, a jury last month found that DuPont had suffered a staggering \$919 million in damages.

Trade secrets are a critical part of the American economy. Yet they are the only form of intellectual property without a Federal cause of action. Our amendment would fix that and provide U.S. victims of trade-secret theft access to the same service of process, same ability to keep sensitive documents secret, and the same uniformity of substantive law available to other intellectual property victims.

My second amendment, which I introduced with my colleague Senator GRASSLEY, the distinguished ranking member of the Judiciary Committee,

fixes a simple problem, but one that vexes an array of companies that I hear from regularly.

Under current law, when Customs and Border Patrol agents intercept a shipment that they suspect contains counterfeit or trademark-infringing goods, there are prevented from properly investigating the shipment because they cannot share product samples or UPC codes with the intellectual property holder.

That is ridiculous. Why are we tying the hands of our agents and preventing American businesses from sticking up for themselves? Worse, it means that shipments of counterfeit goods are being let into this country even when Customs agents have reason to believe they might be counterfeit. And it is not just toys, clothes and electronics that we are talking about; it is prescription drugs and medical technologies.

We are abetting the trade imbalance that is stifling the American economy by allowing this gaping hole to continue to exist. In come cheap counterfeit goods, and out go American jobs.

Our amendment would close this gaping hole in our economic security by allowing Customs and Border Patrol agents to share the information that they need to identify counterfeit goods, stop these illicit shipments, and protect American jobs.

The time has come to get serious about the threats posed to our health and workforce by foreign intellectual property thieves.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask that the order for the quorum call be rescinded.

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

Mr. CASEY. I ask unanimous consent to speak as if in morning business.

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

SYRIA

Mr. CASEY. We have been dealing with an issue that relates to China's currency policies. I know that has been the pending business, but I have been wanting to address another issue for a number of days now and I am grateful for this opportunity. It is an issue that a number of people here in both parties are very concerned about. It relates to Syria.

I rise to talk about the situation in Syria, which is a place of ever increasing violence, and this violence has taken the lives of more than 2,600 Syrians.

I spoke a number of months ago at a hearing about a Pennsylvanian. His name is Hazem Hallek, a doctor who lives outside of Philadelphia in a suburban community. His brother Sakher

lived in Syria and visited the United States for a medical conference earlier this year. Upon his return to Syria, demonstrations against the Assad regime were beginning to intensify. Sakher was not engaged in politics, nor did he want to be engaged in politics. But despite this, he went missing and was soon found dead in a ditch in a village south of the town of Aleppo. Sakher was subjected to unspeakable torture before he was killed. His visit to the United States was enough for the Assad regime to target him for death. So his brother, a constituent of mine, Hazem, has asked me to do everything I can to support democratic change in Syria and to protect civilians who continue to be hunted down by this brutal regime.

I believe—and I know this is a broad-based point of view in this Chamber—Democrats and Republicans alike believe that now, more than ever, it is critical that the international community, led by the United States—and the United States has done a lot already but needs to do more—show support for the Syrian people who continue to live under this dictatorship. The Syrian people, especially the democracy and human rights activists, feel defenseless against the tanks, guns, and the bullets of the Assad regime.

The United Nations Human Rights Council passed an important resolution which called for the deployment of three human rights monitors to bear witness to the terrible crimes in Syria. I was very disappointed, and I know others were as well, but unfortunately we weren't surprised to see that Russia and China vetoed a U.N. Security Council Resolution just last night. This resolution had been watered down so much that observers had taken to calling it the so-called monsoon resolution. Yet the Russians and the Chinese still refused to recognize the terrible actions of the Assad regime and show support for the embattled people of Syria.

I am an original cosponsor of Senate Resolution 180, which was introduced in May. This resolution expresses support for the peaceful demonstrations and universal freedoms in Syria and condemns the human rights violations perpetrated by the Assad regime. This bipartisan resolution has 25 cosponsors, but it has been held up by one Senator who will not let us pass through by unanimous consent—the language we use around here for letting legislation pass without a rollcall vote, so-called unanimous consent—one Senator, holding up a resolution to show our solidarity with and support for the Syrian people who have been living through the most horrific of nightmares, torture, killing, and abuse, for all these months.

There is a lot we can do and that we should do. There is also a lot we should be debating here in the Senate. But I can't understand, on an issue of such importance, how we cannot come to consensus on something this basic, to

show fundamental solidarity with the people of Syria, especially at this hour. We cannot let another day pass without the Senate expressing its outrage over the behavior of the Assad regime. It is not enough just to condemn it in words. It is very important the Senate go on record to pass this resolution.

I have spoken in the past very highly of Ambassador Ford and his team in Damascus; he is our Ambassador from the United States to Syria, and I was proud to support his nomination. Instead of conferring legitimacy on Mr. Assad and his regime, Ambassador Ford is the most high-profile opponent of the Assad regime, sending out regular condemnations through press releases and Facebook postings. But what has been even more impressive is the personal courage demonstrated on an almost daily basis that Ambassador Ford and his staff have demonstrated in traveling throughout the country and engaging directly with the democratic opposition in Syria.

Last week, Ambassador Ford met with the leader of the opposition national democratic gathering in Damascus. Ambassador Ford's vehicles were attacked, and he was forced to stay inside the building until security forces arrived 3 hours later to escort him from the premises.

He has attended the funerals of human rights activists, observed the aftermath of government massacres, and engaged directly with the people of Syria. He will say that he is just doing his job, like good soldiers say often when we commend them for their valor and bravery and service. But I am glad the Senate finally did its job last night in confirming Ambassador Ford. Long overdue, by the way, but it was finally done.

Ambassador Ford serves as a shining example of the best our Foreign Service has to offer to the world. Countries that have representatives remaining in Damascus should join Ambassador Ford on his visits with opposition figures and human rights activists around the country. He should not be the only one who bears witness to this horror. Other diplomats should join him on his travels throughout Syria.

We have seen some positive developments among other countries in the international community. I want to acknowledge the increasingly positive role played by Turkey, which is reportedly considering sanctions against Syria. Turkey is Syria's largest trading partner, and sanctions could have a serious impact in Damascus. Turkey has also provided safe haven in border camps for more than 7,000 refugees who have fled from Syria to Turkey. Turkey's concrete support for the Syrian people, combined with ongoing diplomatic pressure, is a critical element in isolating the Syrian regime.

We know some of the history here, and it is a history of a lot of horror and death. Twenty-nine years ago, Bashir al-Assad's father unleashed the government's security forces on the commu-

nity of Hama to repress unrest in that city. The killing that took place in February of 1982 was both indiscriminate and massive in its scale. Some estimate that more than 10,000 Syrians were killed as security forces literally razed the city. Thomas Friedman, the New York Times columnist, dedicated a chapter entitled "Hama Rules" in his book, "From Beirut to Jerusalem," to the horror seen in this town in 1982. Assad's Hama rules were meant to send a chilling effect to all who would dare to question the authority of that Assad regime.

Bashar al-Assad has proven today, and certainly over the last several months, if not years, that he is incapable of reform.

When faced with the democratic movement inspired by the wave of change sweeping across the region, the younger Assad responded with his own 2011 version of Hama rules. As the world watched, as I said before, over 2,600 Syrians have been killed in a number of communities. Whether it is in Hama, or Homs, Rastan, Talbiseh, and several other towns across the country, Assad's rules seem to be focused on the use of militias that have been deployed most recently in Rastan to conduct the most repressive operations that we can think of. These gangs receive informal support from the Syrian security services and have been implicated in Syria's crimes and atrocities. The Syrian people have asked for international monitors to be deployed in the country in order to bear witness and perhaps to provide a deterrent against the wrath of these militias.

In the intervening 29 years since the massacre at Hama, Syria has changed indeed. The Syrian people have shown that they will not be cowed by violence. The opposition has made remarkable progress. Hama rules no longer work in Syria. The opposition has stood up and voted with its feet, every Friday turning out to demonstrate and face the wrath, the terrible, deadly wrath of this regime. Moreover, scores of security forces have abandoned the regime and have come to the side of the opposition, something that did not happen in 1982 when the elder Assad brutally applied his Hama rules.

In recent weeks we have seen emerge elements among the opposition who have resorted to violence. One cannot blame the Syrian people for defending themselves in the face of unspeakable violence. But I do hope, though, that the aspirations of the Syrian people can be met through a commitment to nonviolence, as difficult as that is, and an understanding that democratic change comes not from the barrel of a gun, as we have often said on this floor, but the desire of all citizens to chart a new course, the course of peace.

In summary, the international community can do more to support the Syrian people during this darkest of hours starting right here in this Cham-

ber, in the Senate. This week we sent a strong message in confirming Ambassador Ford. Today we can pass a resolution denouncing the behavior of the Syrian regime. More importantly, the international community can and should do more. Here are some of the measures I believe should take place in the coming days and weeks.

No. 1, the United Nations has proven to not be the best international institution to address the strife in Syria, but key regional organizations could have a positive and substantial impact moving forward. The Arab League should suspend Syria's membership and call for President Assad to step down. The Gulf Cooperation Council should explicitly say that President Assad is no longer the legitimate leader of the country.

No. 2, concerned countries in the West should work together with the Arab League and the Gulf Cooperation Council countries to establish an international Friends of the Syrian People as a contact group for the region which can serve as the main point of contact for the democratic opposition and the Syrian people. Participation in such a group would not necessarily limit the options of individual members and would not preclude bilateral efforts to take separate action in support of the Syrian people. It would, however, send a clear message of international solidarity in support of nonviolent change in Syria.

No. 3, the Syrian people have asked that international humanitarian observers be deployed in the country to monitor the situation and perhaps to serve as a deterrent against violence in the country. Similar to the OSCE human rights monitors deployed to Kosovo in 1998 to bear witness to the violence wrought by the Milosevic regime, this international team of monitors, primarily composed of individuals from the Arab League and the Gulf Cooperation Council, could address a central concern of the Syrian people and would be a welcome alternative to military intervention from the outside.

No. 4, finally, key countries in the international community need to cut off commercial ties with the Assad regime. The United States has done its part, as has the European Union. Turkey may announce new sanctions. But many countries continue to conduct business as usual with the Assad regime. For example, there are reports that India is considering the purchase of crude oil from Syria. The timing of such a purchase is ill-advised and we hope India can look to identify other sources of energy in the region, especially at this time.

The stakes have been raised in Syria as never before. The opposition is understandably tired and to some extent beaten down, and there is some despair that is starting to set in among the abused population of the country. At this critical time, the newly constituted Syrian National Council needs

to show the Syrian people that it can deliver results in the international community. The establishment of a Friends of the Syrian People group, a contact group as I said before, and the deployment of international humanitarian monitors, would demonstrate that the Syrian National Council is effective, and it would send a critical message to the Syrian people. Our options to leverage change in Syria are limited but they do exist. We should be making every effort to build increased international pressure on and isolation of the Assad regime.

Mr. HALLEK and his family and thousands of other families across Syria have suffered enough. They have suffered so much and they deserve nothing less than our support, our solidarity, and our help in this dark hour.

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

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent we move to a period of morning business with Senators allowed to speak therein for up to 10 minutes each.

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

TRIBUTE TO DANIEL NICHOLS

Mr. REID. Mr. President, today I rise to recognize the extraordinary work of Daniel Nichols who served the U.S. Capitol Police with great distinction for 28 years.

Chief Nichols entered duty with the U.S. Capitol Police in 1983. After training, his first duty assignment was providing security and law enforcement at the U.S. Capitol, and in 1984, he was transferred to street patrol duties within the Capitol Complex and the adjoining neighborhoods.

In 1986, Chief Nichols was appointed as the first dedicated public information officer for the department. As spokesperson, he managed all media interaction during events and incidents occurring within the Capitol Complex. Most notably, he represented the U.S. Capitol Police with great poise and unwavering calmness during key events that attracted intense, widespread media attention including the 1998 shooting at the Capitol that claimed the lives of two police officers; the terrorist attacks of September 11, 2001, and the 2001 anthrax attack against Congress.

In 2002, after being promoted to lieutenant, Chief Nichols was given command of the canine section. His accomplishments include expanding the

training program, increasing the number of explosive detection teams to 43, reintroducing the street police service dog program, and creating a K-9 search and rescue team to locate victims of building collapses. In addition, he overhauled the concept of operations for the Off-Site Delivery Center. He also created the department's first horse mounted unit.

In August of 2004, he was promoted to captain and named chairman of the 2005 U.S. Capitol Police Inaugural Task Force. As such, then Captain Nichols managed the overall planning, coordination, logistics, and execution of the U.S. Capitol Police responsibility for the 2005 swearing-in ceremony. This task was particularly challenging due to the fact that this was the first inauguration to take place in a post 9/11 threat environment. He worked closely with the Joint Congressional Committee on Inaugural Ceremonies, the Capitol Police Board, and multiple law enforcement and public safety agencies to ensure the safety and security of the Nation's leaders and the public. While serving as chairman, Chief Nichols was promoted to the rank of inspector.

In February 2005, Chief Nichols assumed command of the House division and led a team of over 400 police officers who provided law enforcement and security operations at the House office buildings, the Capitol Powerplant and the House Page Dorm. In 2006, he was transferred to the Capitol division where he managed over 450 police personnel who perform various security, law enforcement, and emergency response duties to protect the Capitol, the Capitol Visitors Center, and the House and Senate Chambers and leadership offices.

In January 2007, Chief Nichols became the assistant chief of police and served as the chief of operations, providing great leadership to the department. Chief Nichols provided operational support to the department, responsible for the Uniformed, Operations, Protective, and Security Services Bureaus; overseeing the Office of Plans, Operations, and Homeland Security and serving as acting chief when the chief of police was unavailable.

Chief Nichols is recognized as an accomplished leader who builds effective teams, has strong communication skills, and uses innovative approaches to improve the protection of the Capitol, the congressional community, and visitors. He also works to develop the skills and capabilities of the department's personnel and was a key proponent of sending managers and officers to the Police Executive Leadership Program. A native of Fort Washington, MD, Chief Nichols holds a bachelor's and master's degree in management from the Johns Hopkins University.

Chief Nichols is a notable member of the law enforcement community and a fine citizen. On behalf of the U.S. Senate, I congratulate him on his retirement and salute his distinguished career.

RECOGNIZING THE ARSHT FAMILY

Mr. CARPER. Mr. President, on behalf of Senator CHRIS COONS, Congressman JOHN CARNEY, and myself, we remember today the lives and lasting gifts of late Delawareans, the Honorable Roxana Cannon Arsht and her husband S. Samuel Arsht, and we recognize as well the extraordinary philanthropy of their daughter, Ms. Adrienne Arsht. As role models of integrity and giving, the Arsht family has served and enriched the lives of Delawareans for decades.

Like many American families, Roxana Cannon's and Samuel Arsht's parents immigrated to the United States from Russia a century ago, seeking survival and a better life. In this land of opportunity, they worked hard, they valued education, and set high standards for themselves—standards which they met and ultimately exceeded.

Samuel Arsht was a 1931 graduate of the University of Pennsylvania Wharton School and a 1934 graduate of the University's law school. Upon graduation, Sam joined the firm that later became Morris, Nichols, Arsht & Tunnell in Wilmington, DE. Over time he became well known in corporate law circles as one of the architects of the modern Delaware general corporation law and was described as the master of Delaware's influential corporate statutes. In 1953, he led efforts to update the entire body of statutory law, making Delaware the Nation's most favorable place for businesses to incorporate. His work helped to transform the State's economy by later opening the door to national banks and to credit card operations, along with other financial services.

His wife, a Delaware native, Judge Roxana Cannon Arsht, graduated from the University of Pennsylvania's law school as well, where she met her future husband Sam. In 1931, Roxana became the fifth woman to pass the Delaware bar. She made history again when she was appointed by then-Governor Russell W. Peterson as a judge of the family court in 1971, becoming the first female judge in the State of Delaware.

She retired from the bench in 1983, and began a second career in philanthropy. She was a founding member of the Cancer Care Connection and supported numerous community interests, including Planned Parenthood, the Visiting Nurse Association, the First Stage at Tower Hill School, the Winterthur Museum exhibition hall, and the Christiana Care Health System. Roxana was inducted into the Hall of Fame of Delaware Women in 1986.

Roxana and Sam Arsht shared their love of lifelong learning by providing the first and last gifts to the construction of Arsht Hall for the Academy of Lifelong Learning at the Wilmington campus of the University of Delaware. In 2003, Roxana created the Arsht-Cannon Fund at the Delaware Community Foundation to carry out her and Sam's