

**SEC. 15. REPEAL OF THE EXCHANGE RATES AND ECONOMIC POLICY COORDINATION ACT OF 1988.**

The Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5301 et seq.) is repealed.

Mr. UDALL of Colorado. Mr. President, I rise to discuss the recent vote on the Currency Exchange Rate Oversight Reform Act of 2011 that just passed in the Senate. The issue of currency misalignment and manipulation has brought to the surface a myriad of concerns that face our country's workers and businesses.

Coloradans are concerned that American businesses and producers are unable to compete fairly in the global marketplace when foreign countries keep the value of their currency artificially low. Those who have both supported and opposed this legislation agree that the artificial undervaluation of foreign currency has had a negative impact on the competitiveness of U.S. exports and that it needs to be remedied. In the case of China, numerous economists have estimated that its currency is undervalued by anywhere from 12 to 50 percent. The International Monetary Fund and the U.S. Treasury are also among those who have determined that the undervaluation of Chinese currency is real.

The implications of this artificial undervaluation include a detrimental effect on the competitiveness of U.S. products abroad, making Chinese products artificially cheaper than U.S. products. The National Association of Manufacturers has affirmed "that the excessive valuation of the dollar [relative to foreign currencies] simply prices U.S. exports out of the market." They highlight that their members "have made it clear that the number-one factor affecting their exports is the value of the dollar."

We can agree that artificial undervaluation of currency is a serious problem that harms our economy, our worldwide competitiveness, and our American workers. And it needs to be addressed. Yet the principle challenge here has been how we should ultimately go about making sure our economic partners, such as China, are honoring shared commitments to compete on a level playing field.

I understand the concerns of both sides in this debate and I know that many American businesses that have a presence in China and across our globe are concerned about the potential for retaliatory action from China. These companies, many of which also face ongoing issues of inadequate protection of intellectual property, discriminatory indigenous innovation and other industrial policies that limit access to Chinese markets, are understandably worried that China would further restrict their markets to fair competition.

I have also heard the frustration of domestic producers and U.S. workers who, together, produce a whole host of products in the U.S. and have felt the direct effect of being unable to com-

pete fairly due to the discounting effect that China's currency undervaluation has on Chinese imports.

All of these concerns are valid, and despite some of my Senate colleagues' disagreement on whether to support the legislation that came before us, the common denominator in this debate has been a desire for fairness. And I believe that we will move closer to achieving fairness in the market place with a clearer commitment to a market-based exchange rate from our trade and economic partners.

As sovereign nations, we all have the economic well being of our respective countries at heart, but that does not justify the use of unfair trade practices, and we cannot turn a blind eye when this happens. Nor should we allow the specter of a "trade war" to distract us from the fact that China is not abiding by the international rules that were put in place to help prevent trade wars in the first place. China agreed to abide by these rules of the international community—including rules about intellectual property rights and unfair restrictions to market access, as well as rules against intentional currency misalignment—and we should not accept their adherence to certain rules but not others. They all apply.

After taking a closer look at the issue of China's currency undervaluation, taking into consideration the concerns that I have heard on this issue from a range of Coloradans, and reviewing the legislative proposal that was before us, I believed that the U.S. Senate needed to send a signal to China, and others who may be intentionally undervaluing their currencies. The message is that Americans value playing by the rules and that we expect our trade partners to live up to our shared commitment to compete fairly in the global marketplace.

I ultimately came to the conclusion that this bipartisan legislation, known as the Currency Exchange Rate Oversight Reform Act of 2011, was an appropriate way to send a signal that we are serious about working bilaterally and/or multilaterally, in a manner consistent with World Trade Organization agreements, to develop a responsible plan so that currencies identified as fundamentally misaligned can be valued appropriately based on relevant market factors. In the event that the misaligned currency goes unresolved, the legislation also authorizes the administration to take action to protect American businesses and workers from the discounting effect that the undervaluation of the currency can have on imports from the respective country. I believe that the mechanisms built into this legislation can promote a collaborative effort to address any undervaluation of a foreign currency, while also sending the message that we cannot allow American businesses to be undercut.

My choice to support this legislation aligns best with the common sense and

pragmatic thinking of Coloradans. Unfortunately, China continues to characterize efforts on the part of the United States to ensure a level playing field for international trade as "protectionist." Supporting fair competition, fair access to markets and fulfillment of the commitments of our shared expectations among economic and trade partners is far from protectionist. As former President Ronald Reagan once stated, "To make the international trading system work, all must abide by the rules." I urge China to act in good faith and to remain committed to reaching economic stability through cooperative action that encourages fair competition. The legislation I just supported is one component to reaching that goal, and I believe it supports the American businesses and workers who are propelling our nation to continue to be the leader in the global economic race.

Mr. WARNER. Mr. President, I rise today to discuss S. 1619, known as the China Currency bill. I voted for that bill today because China has not made the progress that the U.S. and other countries have sought on currency issues. These currency issues can lead to economic distortions that cost the American economy jobs and increase economic risks for the global economy. Ideally, we would address these problems through negotiations with China and some other countries, but that course that has not yet yielded significant results. I hope we will make better progress on these currency issues in the future, and then perhaps legislation such as this won't be necessary. This bill is not perfect; ideally it would more clearly distinguish countries with unhelpful currency policies, from those which have taken a more measured course in managing their economies and currency. I would rather not resort to sanctions or countervailing duties, but the lack of progress on currency issues has made it appropriate to consider the steps set forth in this bill. While the final version of this legislation is not precisely as I would have written it, it is appropriate for the Congress to be heard on this issue, so tonight I voted for this bill. I hope that in the near future, we can resolve all of our currency issues with China and other nations.

**AMERICAN JOBS ACT OF 2011—  
MOTION TO PROCEED—Resumed**

The PRESIDING OFFICER. Under the previous order, there is now 5 minutes for debate equally divided between the two leaders or their designees prior to a vote on the motion to invoke cloture on the motion to proceed to S. 1660.

Mr. REID. Mr. President, we would yield back our time and use leader time for a colloquy between the two of us.

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

Mr. McCONNELL. Mr. President, we have done a lot of sparring back and

forth over the last week trying to get a vote on the President's so-called jobs proposal, and now we have before us cloture on the motion to proceed to the second version of the President's so-called jobs proposal. It strikes me it would be appropriate to try one more time to see if we could get a vote on the actual proposal. So I have indicated to my good friend the majority leader that I am going to ask unanimous consent that we vote on both the original President Obama jobs proposal and the revised Obama jobs proposal upon which we currently have pending cloture on the motion to proceed. It strikes me this would expedite the process. The President has been out on the campaign trail asking us to vote on his proposal and vote on it now without change. If that is a vote our friends on the other side do not want to have, we would be happy to have a vote on the President's proposal as changed, which I gather he also supports.

So bearing that in mind, I now ask unanimous consent that the cloture vote on the motion to proceed to S. 1660, the newly introduced jobs act, be vitiated, the Senate proceed to its consideration, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, with no intervening action or debate; provided further that if the bill does not receive 60 votes on passage, the bill then be placed back on the calendar.

I further ask unanimous consent that immediately following that vote, the Senate proceed to the consideration of S. 1549, the President's job package; that the bill be read the third time and the Senate proceed to vote on passage of the bill, with no intervening action or debate; provided further, that if the bill doesn't receive 60 votes on passage, the bill then be placed back on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, everyone should understand, on Thursday, on this side we agreed to a vote on the President's jobs bill. There have been a number of things that have occurred since then.

We seek today, with this motion, to proceed to get to the jobs bill—a good jobs bill. We seek to begin a legislative process. Senators from my side and Senators from the other side—the Republican side—have said they want to be able to get a bill where they can offer ideas to create jobs. I think that is commendable. That is what we seek to do to get on this bill.

I ask my colleague, the Republican leader, if he might modify his request to allow the Senate to proceed to the bill so we might begin consideration of an amendment to the bill. I also say, in response to modification, I have said to my friends on the Republican side of the aisle and on the Democratic side, as I said last Thursday, the President's original package we have talked about for some time. If people want to vote on that, they can vote on that. I think

it would be to everyone's best interest to move to proceed to this so we can make this legislation even better than it now is. I ask for that modification.

The PRESIDING OFFICER. Does the Republican leader so modify his request?

Mr. MCCONNELL. I have been trying for a over a week to get a vote on the President's so-called jobs proposal, which he has been asking us to give him repeatedly. Our friends on the other side are not only objecting to voting on the President's original jobs proposal but his jobs proposal as modified.

The practical result, however, of voting for cloture on the motion to proceed, rather than going on and voting on the bill, as the President has asked us to do on 12 occasions out on the campaign trail, is we will not be able to proceed to one of the things that is rare here—we actually have a bipartisan agreement to go forward on these important trade agreements, pass them tomorrow night, and then have the President of South Korea address a joint session of Congress. South Korea is one of our most important allies—probably the most important ally in Asia. Why would we not just want to vote on the proposal tonight? I am sorry we will not be able to do that.

I will continue to look for opportunities to give the President the vote he has asked for repeatedly—not a procedural vote but a real vote on the matter he requested.

I object.

Mr. REID. Mr. President, I will continue to work with my friend to get on the jobs bill, so the Senate can work its will and provide to the American people jobs. I object to my friend's request.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Pursuant to rule XXII the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 187, S. 1660, the American Jobs Act of 2011.

Harry Reid, Richard J. Durbin, Charles E. Schumer, Sherrod Brown, Robert Menendez, Mark Begich, Barbara Boxer, Debbie Stabenow, Richard Blumenthal, Sheldon Whitehouse, Bernard Sanders, John F. Kerry, Frank R. Lautenberg, Jeff Merkley, Barbara A. Mikulski, Benjamin L. Cardin, Patrick J. Leahy

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1660, a bill to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs,

shall be brought to a close? The yeas and nays are mandatory under the rules.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

The PRESIDING OFFICER (Mr. UDALL of Colorado). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 49, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—50

Akaka	Gillibrand	Mikulski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	Lieberman	Warner
Coons	Manchin	Webb
Durbin	McCaskill	Whitehouse
Feinstein	Menendez	Wyden
Franken	Merkley	

NAYS—49

Alexander	Grassley	Nelson (NE)
Ayotte	Hatch	Paul
Barrasso	Heller	Portman
Blunt	Hoeben	Reid
Boozman	Hutchison	Risch
Brown (MA)	Inhofe	Roberts
Burr	Isakson	Rubio
Chambliss	Johanns	Sessions
Coats	Johnson (WI)	Shelby
Cochran	Kirk	Snowe
Collins	Kyl	Tester
Corker	Lee	Thune
Cornyn	Lugar	Toomey
Crapo	McCain	Vitter
DeMint	McConnell	Wicker
Enzi	Moran	
Graham	Murkowski	

NOT VOTING—1

Coburn

The PRESIDING OFFICER. On this vote, the yeas are 50, nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

Mr. RUBIO. Mr. President, I strongly oppose S. 1660, the American Jobs Act of 2011.

I am eager to work with Members of both parties to find common ground on policies that will help grow the economy at a time when our nation continues to struggle with high unemployment and low economic growth. To be clear, there are certain proposals in the American Jobs Act that I would support individually, including an extension of the payroll tax cut, allowing businesses to fully expense the cost of acquiring new capital, and a delay of the three percent withholding penalty on government contractors. These provisions would provide piecemeal relief to the economy.

Unfortunately, the positive provisions in the American Jobs Act are

overshadowed by a massive \$453 billion tax hike that would be highly damaging to the ability of businesses that pay individual tax rates to expand operations, hire new workers and compete internationally. According to data from the Department of the Treasury, 80 percent of taxpayers affected by this new 5.6 percent tax increase would be business owners. Furthermore, the Joint Committee on Taxation estimates that 34 percent of business income would be ensnared by the job-destroying tax increase in S. 1660.

Worse, if the 2001 tax relief expires as scheduled in 2013, this new tax surcharge would push the top marginal tax rate to nearly 50 percent when accounting for the new 3.8 percent Medicare tax on unearned income in the Patient Protection and Affordable Care Act. It would also sharply increase taxes on capital gains and dividends investment, hurting small businesses and investors.

Small businesses have been burdened by more than \$1 trillion new taxes and penalties in the health care law and regulatory agencies have churned out over 60,000 pages of new Federal regulations this calendar year alone. Simply put, they cannot afford the burden of another tax hike from Washington under the guise of job creation.

This is why the Nation's leading business groups representing millions of American business owners, including the National Federation of Independent Business and the National Association of Manufacturers, all strongly oppose the permanent tax hike in S. 1660. This is why a growing group of Democrats vocally oppose this legislation, and why I oppose proceeding to it.

Since I joined the Senate 9 months ago, I have maintained my strong belief that Democrats and Republicans should work together to pass policies proven to boost economic growth like pro-growth tax and regulatory reform, lowering barriers to free trade, and cutting spending to avert our looming debt crisis. Unfortunately, the huge tax increases on job creators and more debt-financed stimulus spending in the American Jobs Act would move our Nation in squarely the wrong direction.

Mr. WHITEHOUSE. Mr. President, this evening, I cast my vote in favor of the Senate moving forward with critical job-creation legislation. With 61,000 Rhode Islanders and millions of Americans currently looking for jobs, we must take swift action to help put people back to work. Sadly, as they have all-too-many times this Congress, Republicans chose to obstruct our efforts by blocking us from even debating the American Jobs Act.

This filibuster is particularly disappointing because the American Jobs Act, as introduced in the Senate by Leader REID, represents a balanced and already-tested approach to job creation. Indeed, the bill includes a host of provisions that have received wide bipartisan support in the past. It may not be the exact bill each of us would

draft on our own, but it is a thoughtful and reasonable place to begin working on a Senate jobs plan.

I say the bill is "balanced" because it includes a full range of job-creating provisions from tax credits to help businesses hire, to infrastructure programs that will put people to work updating and upgrading our roads, bridges, and schools.

In addition to being "balanced," I say the American Jobs Act is "tested" because it includes programs that have worked in the past. For example, the Federal Highway Administration estimated that \$1 billion invested in our highways supports about 28,000 jobs. That means that the President's proposed investment of \$27 billion would generate or save over 750,000 jobs. In addition to the upfront investment, the bill would deposit another \$10 billion in a National Infrastructure Bank which could leverage the money with private investments to create hundreds of thousands of additional jobs. We know how well the National Infrastructure Bank would work from the experiences of local revolving funds like Rhode Island's Clean Water Finance Agency.

We also know that funds provided by the bill would prevent hundreds of thousands of teachers, police officers, and firefighters from losing their jobs. According to the Department of Education, \$10 billion in emergency funds provided last summer have already spared 114,000 teachers' jobs. The \$35 billion included in the American Jobs Act would keep hundreds of thousands of additional teachers and first responders from getting pink slips. A lot of small businesses count on teachers and firefighters and police officers with paychecks coming in to do business.

We are not just talking about statistics in this debate. The millions of jobs that would be created or preserved under the American Jobs Act would hit home for families who have been trying to find work for so long.

Just last week, I held a telephone town hall with Rhode Islanders from all across our State. We took questions from folks on issues from jobs to the future of Medicare and Social Security. There was one call in particular that really stuck with me. It was from a woman named Diane in Narragansett. Diane, a Marine veteran, and her husband are both out of work and struggling to put food on the table for their three young children. Her husband a trained heavy equipment operator and welder has taken temporary employment as a landscaper and a fisherman, but can not find a steady paycheck. They have missed bill payments and have struggled to keep a roof over their heads. On the call Diane said, "[o]ur dream of owning a house is shot out the window . . . [We] don't know where to go [We] don't know what else to do." Diane and her husband are hard-working people doing their best to survive in a frustratingly sluggish economic recovery. They are just asking for a fair chance to provide for their

kids and reclaim their portion of the American dream. We owe it to Diane and her family to set aside our differences and focus on getting something done to create jobs for the American people. It is not too late for us to work together to help solve our Nation's jobs crisis. Let us cut the politics and delay tactics and begin that critical work.

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#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for 5 minutes each.

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

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#### REMEMBERING STEVE JOBS

Mrs. BOXER. Mr. President, today I join my colleagues and so many around the world in paying tribute to Apple chairman and cofounder Steve Jobs, the Silicon Valley pioneer who died at age 56 after a long, brave fight with pancreatic cancer. I send my deepest condolences to Steve Jobs' family and friends on this devastating loss.

Steve was a California icon and one of America's greatest innovators who changed the way we work, communicate, and live our daily lives. Billions of people around the world have been touched by the power of his ideas.

His true genius lay in knowing what consumers wanted and needed before they themselves knew it, and then giving them simple, elegant products to meet those needs. Many of us who never knew we needed an iPad or an iPod now can't do without them.

Steve was a Californian through and through: He was born in San Francisco, raised in Los Altos, and changed the world from Cupertino. He embodied California's entrepreneurial spirit of creativity and optimism. In the process, he created millions of jobs in industries that he himself helped to create.

Even in the face of a deadly disease, Steve never lost his grace, his sense of humor, and his optimism. In a commencement address at Stanford University in 2005, he talked openly about his illness and urged graduates to devote their lives to following their passions. "Your time is limited, so don't waste it living someone else's life," he told them. "Don't be trapped by dogma—which is living with the results of other people's thinking. Don't let the noise of others' opinions drown out your own inner voice. And most important, have the courage to follow your heart and intuition."

These were the principles he lived by. This was the guiding philosophy that helped create a revolution in communications. And these are the lessons that still inspire so many all across the world.

All of us are deeply grateful to Steve Jobs, who showed us once again how one person really can change the world.