

per deciliter of blood. So 5 or more micrograms is the danger level, and Flint was at 3.2. Where were some cities in Pennsylvania that, as I said, have higher numbers? Instead of being at 5 or 3.2, this is what we see in Pennsylvania: Allentown, 23; Altoona, 20.5; my hometown of Scranton, 20 percent; Philadelphia and Pittsburgh—our largest cities, the two largest cities and the most urban parts of our State—were at 10 and 8 respectively, which is lower than the other Pennsylvania cities but still higher than Flint. In Pennsylvania, the primary source for childhood lead poisoning is not water but, rather, deteriorating infrastructure and exposure to the remnants of lead-based paint, paint dust, and chips. That is a problem in our State, but there are other States, especially on the eastern seaboard, that have a similar problem.

We must ensure that children who have been exposed to high levels of lead receive all—and I mean that literally—all of the followup services they need to reach their full potential. Whether that is remedial, medical, or educational, we need to be there for those children.

I supported funding for the Centers for Disease Control's Healthy Homes and Lead Poisoning Prevention Program, which supports State and local public health departments working to identify cases of childhood lead exposure. But that is just but one step. We have a lot more to do on this issue.

I will conclude by saying that we should take action on childcare to make sure that it is affordable and that it is of a high quality so that especially poor children can learn more now and earn more later. It is very difficult to learn, grow, and succeed if you have the disadvantage of not only not having childcare and early learning but the additional burden of high levels of lead. These are challenges that we face as a country, and these are challenges that both Houses and both parties must confront.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

#### TRADE FACILITATION AND TRADE ENFORCEMENT BILL

Mr. SESSIONS. Mr. President, tomorrow the Senate will be bringing up the Customs bill that I intend to support moving to. I believe it has a number of good provisions, and I hope to be able to support its final passage.

But first, I want to bring attention to the weakened currency provisions that the conference report included. This is not the language that initially passed the Senate, but instead is much weaker.

The Senate, several times, has affirmed the need to provide the Treasury Department and the Department of Commerce tools to prevent currency manipulation.

In 2011, the Senate passed such a bill to provide the Commerce Department

with enforcement mechanisms by a vote of 63–35.

Second, in 2013, 60 Senators signed a letter to the U.S. Trade Representative, calling for the inclusion of enforceable currency provisions in Trans-Pacific Partnership.

Finally, in May of 2015, the Senate passed by a 78-to-20 vote this Customs enforcement bill, which, for the first time, included new tools that are necessary to defend American manufacturers from foreign currency manipulations—the language to confront currency cheating that the Treasury Department acknowledges is occurring, but they have refused to take action to confront it.

That original bill would have required, where this kind of currency manipulation occurs, action be taken to fix currency manipulation. Unfortunately, that language was removed from the conference report.

I think it is time—and I think a bipartisan majority of this Senate believes it is time—for us to pass enforceable currency protection measures and make sure they make it to the President's desk.

In June of 2015, a New York Times poll showed that 63 percent of Americans believe that trade restrictions are necessary, and only 16 percent of Americans believe that the Trans-Pacific Partnership would actually increase American jobs. I am absolutely convinced the American people are correct on that, based on a study of previous trade agreements and the analysis of studies by Tufts University and other groups.

A May 2015 poll conducted by Ipsos, a leading polling and communications firm, found that 73 percent of the U.S. public believes Congress should oppose any “international trade agreement that does not specifically prohibit currency manipulation.” That is a strong polling number.

A second Ipsos poll, conducted last year, found that 79 percent of respondents said that it was important for the trade deal to include enforceable currency protections.

In August, the Chinese Government devalued its currency 4 percent, creating a regional currency war in that area involving Australia, Malaysia, and South Korea. All those fell against the United States dollar, making their imports to the United States less expensive and our exports to their countries more expensive. It happens just that way.

Former Federal Reserve Chairman Paul Volcker, one of the great heroes of the economic rebound of the 1980s, has said that years of trade negotiations can be wiped out in minutes by currency manipulation. I don't think there is any doubt about that.

These depreciations throughout Asia further disadvantage American workers because they force our workers to compete against international competitors who receive discounts, in effect, on their exported goods in the

form of artificially depressed currencies. These devaluations have a real impact.

I have talked at length to steel manufacturers in my State. They have all told me that steel manufacturing is being hammered by this kind of currency manipulation, dumping, and other unfair, improper trade policies. But they specifically mentioned currency. Foreign market manipulations have virtually eliminated profit margins that were already slim in the steel industry.

I had a conversation a few hours ago with a major paper company which said that currency manipulations have hurt their exports. They are still making the exports, but it has eliminated their profit. It is very problematic for them. They have to have profit, but they are trying to maintain their production, keep Americans working, and keep the plants operating, even though their profit margin has been hurt substantially by currency manipulation.

In June of 2015, eBay reported that international currency fluctuations eliminated 8 percent of its sales. Instead of 6 percent sales growth, the company reported a 2 percent decline. Our foreign competitors are exporting their unemployment to the United States. That is the way it is done: You reduce your currency, and you export your products to the United States at a lower price. Our foreign competitors keep their people working and undermine the ability of American manufacturers to keep their employees working. Sometimes American plants are totally closed.

A December 1 Wall Street Journal article highlighted the fact that the Chinese yuan had increased against most other major currencies but fallen 3 percent against the dollar. They let it decline against the dollar, thereby maintaining their trade advantage with the United States—their trade surplus, our trade deficit with China. Our trade deficit with China increased during January and increased substantially during the fourth quarter of last year. Our exports are down, our imports are up, and our trade deficit is up.

A big part of that is improper manipulation of currency by our so-called trading partners. It is time we said no to this. We have the leverage and the capability of doing so. They need us more than we need them.

When Governor Romney ran for President 8 years ago, he was in a debate and explained it very succinctly: If you don't stand up—in this case, to China—they will run over you. Critics say that if we stand up to China, it will create a trade war. But we are in a trade war; we are just not fighting. Finally, he said: And, anyway, they have a lot more to lose than we do in such an event.

We have no obligation—as a matter of fact, we must stop being a patsy for those who take advantage of us. They need our markets. They desperately need to be able to sell huge amounts of

products in our markets. If they will not comply with the rules of trade, we have a right to say no and to limit access to our markets. They say that would hurt American consumers—perhaps some—but in the long run, we cannot allow American manufacturing to be decimated by the sustained manipulation of trading partners. We have to have a manufacturing base in this country. The American people know this, and they are worried about that.

Even a Walmart executive has said: If nobody is working in America, who is going to buy cheap products from abroad? He even started a program to try to buy more from America.

Even the Department of Treasury in its October 2015 exchange rate report said, “Our judgment is that the [Yuan] remains below its appropriate medium-term valuation.” In other words, it is depressed. China devalued the Yuan. They gained market advantage over the United States and other countries.

On the face of all of this, the White House has refused to adopt any enforceable measures. The Treasury Department repeatedly acknowledges we have a problem, but they have refused to take any action to confront it. This is the kind of weakness we cannot accept. The time has come in America where we cannot afford to lose a single American job to unfair trading partners. We have to end this. We have to defend our people who are hurting.

While the Trans-Pacific Partnership agreement that has now been signed by the President—off last week in New Zealand, 7,000 miles around the world. The President never even talked about it. Why didn't he talk about it? Why didn't they highlight it? Why did they want to sign it 7,000 miles away? The reason is, the American people don't want it. He didn't really want anybody to know he had signed it, and they hope they can slip it through Congress at some point. But I don't believe it is going to happen. I think too many things are being raised and discussed that show we have to be careful about these trade agreements. In particular, this is one that should not pass. The White House claims that the TPP includes a side measure addressing currency manipulation, but any study reveals that it does not have any real enforcement mechanisms.

The Wall Street Journal on November 5 wrote this: “Mexico, Canada and other countries signaled they were open to the [currency] deal when they realized it [would not] include binding currency rules that could lead to trade sanctions through the TPP.”

Get that? They were objecting to this currency rule. They like to manipulate their currency, and they don't want to be subject to sanctions if they manipulate it. When they found out the truth—and the truth is that the currency manipulation language attached to TPP means nothing—then they said it was OK. So objected to addressing currency manipulation in the TPP until they found out this proposed fix meant nothing.

On November 6, the Japanese Finance Minister, Mr. Taro Aso, said that “there [will not] be any change” in Japan's currency policy. In other words, by signing on to the TPP, after studying the agreement, Japan realized they are not going to have to change their policy. There is no teeth to the President's side-agreement.

We were expecting that this currency language would be placed on the Customs bill that we would vote on tomorrow. It was passed in the Senate, and it went on the Customs bill. But when it went to the conference committee, President Obama said: No, we are not having this currency language in it. The conference committee eventually capitulated, and struck the enforceable currency provisions in their report. So we have no real enforceable mechanism now to ensure that American workers and American manufacturing are able to maintain a level playing field with our trading partners in this regard.

The statement by Japan's Finance Minister caused Ford Motor Company to immediately object to and oppose the Trans-Pacific Partnership agreement. They did it the day it was released. In their press release, Ford said they could not support such a deal in which currency rules fell “outside of [the] TPP, and . . . [failed] to include dispute settlement mechanisms to ensure global rules prohibiting currency manipulation are enforced.” They could not support it.

Ford and all these companies are placed under terrific pressure to sign on to these deals. A lot of them that signed on and said they will support it don't like it, but they were basically put in a room and asked: What do you need to do? We will agree to some things if you will agree to support the deal. Many felt it was going to pass anyway, and they got a few little trinkets—a few little gifts out of the TPP that they liked out of the 5,000 pages that it consists of, and they have agreed to either be silent or support the deal. But many of these companies like Ford are very uneasy about it.

So where are we today? I was very pleased that one of the strong supporters of trade in Congress—the new Speaker of the House, PAUL RYAN—announced yesterday that there was not support in the House to pass the TPP now, and, in fact, he has concerns about it. He has been an advocate of these trade agreements. I have been worried about that. But I was very pleased that at least now, in the temporary situation, he has indicated that he has doubts about the agreement, it is not going to have the votes in the House.

Our leadership has indicated they don't intend to bring it up immediately, either. I think that is a good decision. I believe we as a nation need to be studying how this works and studying whether these agreements are actually helping us. Or are they accelerating the decline in American manufacturing?

The Bush nor the Obama White House has taken strong actions to deal with currency manipulations. This administration and its own Treasury Department continues to reassure us that they are doing everything they can to protect American manufacturing from unfair currency manipulation. However, they repeatedly rejected Congress's efforts to give the White House the tools they need to help enforce our laws. One of the best ways to do this is to give the White House the ability to implement countervailing duties, but they have opposed those efforts and steadfastly seen to it that they are not made law.

Last year, in the spring, we had a month-long debate about the importance of these measures. I think a lot of our Members learned a good bit in the course of that. The Senate passed a TPP negotiating objective calling for enforceable measures in the President's trade agreement. What did the President do? He threatened to veto the Customs bill if it included the kind of currency language that I have just been describing.

In fact, the White House even issued a Statement of Administration Policy—a SAP—on this question stating that “the Administration opposes the way the [Customs] bill uses the countervailing duty process to address currency undervaluation.” With that objection, the conferees took out the language, so the bill we will vote on tomorrow does not have the language in it that passed in the U.S. Senate with 78 votes in favor.

Last year, I wrote the President and asked him a few simple questions. I believe these are simple questions that the American people are entitled to have answered by the leader of our country who is proposing and pushing the TPP.

One, I asked him to state whether the TPP would increase or decrease our trade deficit. Shouldn't we know that? Our trade deficit is surging. Some try to contend that trade deficits don't matter. They do matter. They do matter if your factory is closed. Trade deficits reduce GDP. Some studies say that about one-half percent of growth in GDP has been reduced as a result of the trade deficit. It does impact America.

I further asked the President, two, whether the TPP would increase or decrease the number of manufacturing jobs in the United States.

Third, I asked him how the TPP would affect the average hourly wages for the American middle class. Shouldn't he tell us that? Shouldn't we be told whether wages are going to go up or down? Shouldn't we be told whether the trade deficit would increase? Shouldn't we be told whether manufacturing jobs are going to increase or decrease?

What have they said? This is so clever. I think the media deserves criticism for not talking about it more. All they have ever said was that the TPP would increase jobs in the exporting industries. They don't say how many jobs

are being lost when American factories are closed. In fact, the Administration used to make specific job claims, but stopped doing so once the Washington Post gave their claim that the TPP would create 600,000 jobs four Pinocchios.

Let's go back to 2011, the U.S.—South Korean Free Trade Agreement. I voted for it. South Koreans are good people. They are allies of ours. We do business with them. I signed on to that agreement. When the President signed it, he stated to the American people it would increase our exports by \$10 billion a year.

We have had a chance to look at that. How has that promise come out? Have we increased our exports? Well, we did increase our exports. It was eight-tenths of \$1 billion last year. I think we will be a little over \$1 billion this year—not 10, 1. What about Korean exports to the United States? How did that come out? They increased annually \$12 billion a year. What about our trade deficit from 2010 through 2015? The trade deficit with South Korea increased 260 percent.

Are these trade agreements effective? Are they helping America? Are they fulfilling the promises being made for them? I don't think so. The President has repeatedly rejected bipartisan efforts to put protections in for American workers. He clearly did not follow Congress's negotiating objectives. He has ignored an issue which the Senate overwhelmingly approved, and he failed to negotiate enforceable currency protections for American workers.

American manufacturers cannot wait longer. It is time to give them the tools they need, a fair ability to compete, and a level playing field. The Customs bill that is before us is a step in the right direction. It ensures the Commerce Department and Customs and Border Protection share information more efficiently. It gives the Customs and Border Protection new tools to identify and stop illegal trading practices. It provides early notification of trade surges, which helps ensure stable prices of goods here at home, but it is important to note the Customs bill is not a perfect solution. There is still work to be done.

As I noted, Paul Volcker pointed out, all of these agreements can be eliminated overnight through currency manipulation. We can pass this Customs legislation and send it to the President, but we must realize that the protections created in this legislation, the new tools that are provided to CBP, can be made irrelevant by our competitors that manipulate exchange rates to benefit their exports.

We have that problem now in China, Japan, South Korea, and other countries. I am not going to be satisfied until the President signs legislation granting the Commerce Department real powers to protect American workers and American manufacturing from these devastating market manipulations.

Our government does not offer such subsidies to American manufacturers. There are other subsidies, too, that foreign countries offer that we don't offer. These subsidies and currency manipulations are forbidden by international trading standards, but they go on anyway, and nothing is done about it. We must not allow other countries to take advantage of us any longer.

I will note some of the quotes that we heard about this subject, but no action of significance has been taken.

On September 3, Treasury Secretary Jack Lew in an interview on CNBC said, “[China has] to understand, and I make this point to them quite clearly, that there's an economic and political reality to things like exchange rates.”

He is talking about currency exchange rates. There is a political reality there. In other words, Mr. Lew, who should be doing something effective besides just talking, acknowledges that currency rates have real impact on Americans.

He goes on to say:

They need to understand that they signal their intentions by the actions they take and the way they announce them. And they have to be very clear that they're continuing to move in a positive direction. And we're going to hold them accountable.

We haven't been holding them accountable.

Mr. Lew continues: “I think that we have been very clear for a very long time with China, how they manage their exchange rate is a matter of great concern to us and that they need to be willing to let market forces drive the value up, not just drive it down.”

That is true, but they are not doing it, and China is going to continue to manipulate their exports until some action is taken to stop them.

He said in his interview:

I think it is something we will discuss at the G-20, is any temptation to slip into what might look like a competitive devaluation. It's both unfair and it ultimately leads to a worse global economy.

I think there is some truth to that. He is acknowledging that there is a problem. What he is saying is our response to devaluation—it is unfortunate if we are put in a position where we devalue, where Korea devalues, where Vietnam devalues, where other countries in the world devalue. That is a currency war and that is not helpful. What needs to happen is we need to push back against countries that are improperly devaluing and stop that and try to create a currency system worldwide that serves our Nation in an effective way. It is part of the whole economic future of America.

Every business journalist is talking about this. They have different views about what ought to be done, if anything, but everybody talks about the impact.

This is T. Rowe Price. They did their fall 2015 Economic Outlook Report.

To be sure, the U.S. economy remains the world's largest and most innovative. But this summer's dramatic plunge in China's stock

market and the unexpected devaluation of its currency quickly reverberated around the globe—triggering market volatility, dimming growth prospects for certain industries and the countries, and exacerbating pressure on emerging markets.

I don't think anybody would dispute that. That is common business knowledge. T. Rowe Price's Outlook Report says:

The devaluation, along with the government's unsuccessful intervention in its plunging stock market, also undermined confidence in China's leadership and, most important, in its ability to manage the transition of its economy from one led by investment and exports to one more driven by domestic services and consumption.

This is where we are. We need to get this ship on the right path, and we need to not adopt the TPP. We need to use the leverage we have as the greatest market in the world that all these countries want access to. We have the leverage. They have more to fear from a trade war than we do. We must put an end to it because we owe it to this country. The day we can give away more and more jobs and assume that this has no negative impact on the American economy is over. Wages are down in this country. The percentage of Americans of working age actually working today is the lowest we have had in nearly 40 years. We have had a tremendous drop in the percentage of males from 24 to 55, high working years, who are actually working in jobs today. It is a troublesome trend. We need to reverse that.

We need to put people to work and get them off welfare. We need to put them in good job training programs to help them take jobs that already exist in the country. We can't afford to bring in hundreds of thousands and millions of people from abroad to take jobs. Our people should be trained and be taken. That is so basic as to be without dispute, it seems to me.

I think the Customs bill that we consider tomorrow is worthy of our support. In the long run, I do believe that if we don't confront the trading issues that are facing America, we will regret it, and we will continue to see adverse economic consequences for the citizens we represent.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### TRADE FACILITATION AND TRADE ENFORCEMENT BILL

Mr. HATCH. Mr. President, 2015 was an extremely productive year for our Nation's trade agenda as, on multiple occasions, both parties were able to come together to take several steps to advance effective trade policies that