

been able to keep up with this particular pace of funding that has gone into education.

Just one more chart while we are looking at these charts, and that is funding for programs under the No Child Left Behind Act, a 40 percent increase in 5 years, showing that, in the last 5 years since No Child Left Behind, we have also had very significant increases as far as No Child Left Behind is concerned to help with those programs. These are programs, by the way, which were being put into place by most of the States and most of the school districts in this country even before No Child Left Behind came along. I am very dubious of any argument saying the Federal Government has not done its share as far as that is concerned. I am discouraged, frankly, by States and organizations that focus more on the funding levels than on what the law is supposed to ultimately be providing to students, which is a quality education and the opportunity for future success. Many even argue that it is an unfunded mandate, that it is impossible for schools to implement the law at the funding levels provided by Washington, D.C.; This is a disingenuous argument at the very best.

The nonpartisan Government Accountability Office, which you may know as GAO, released a report in May 2004 which discredits comments that No Child Left Behind is an unfunded mandate. The GAO reviewed more than 500 different statutes and regulations enacted in 2001 and 2002 and officially concluded No Child Left Behind is not an unfunded mandate. Even more clear are the significant increases in Federal funding of Elementary and Secondary Education Act programs since the enactment of No Child Left Behind as was shown by those charts. According to the U.S. Department of Education, Federal funding for programs encompassed by No Child Left Behind has increased \$17.4 billion, as I indicated, representing a 40 percent increase in just 3 years. Included in this number is title I funding for disadvantaged students and schools, which is funded at \$12.7 billion in fiscal year 2005, an increase of 45 percent since No Child Left Behind was signed into law. That is significant, because that is the money that is going to the schools that have the most low-income children in their schools.

It should also be noted that, in 1994, President Bill Clinton signed the Improving America's Schools Act, a reauthorization of the ESEA, that required States to develop standards and aligned assessments for all students. Districts were required to identify schools not making adequate yearly progress and take steps to improve them. Bill Clinton, 1994.

This makes two important points. First, States across the country should already have been implementing accountability systems similar to what is required under No Child Left Behind. The previous reauthorization included

many of the same provisions, just without the necessary teeth to ensure compliance. Second, during that time, Congress did not appropriate the same levels as were authorized in the act. Democrats funded education in the same manner when they controlled Congress and the White House.

Yes, raising the student achievement levels are difficult and expensive. The fact remains that the Congress has been funding the program. States and organizations should not be avoiding their responsibilities to students on the back of a failed funding argument.

The hard work and dedication of those implementing No Child Left Behind is clear, and we can all agree with the law's goals. We are beginning to see results. Many educators across the country have stepped up to the plate. New test results for the 2003-2004 school year show students are posting high math and reading scores on States' tests. For example, in my home State of Delaware, scores have improved in three out of four grade levels in all three subjects tested, reading, writing and math. Fifth grade reading performance in Delaware climbed to 85 percent, a seven percentage point increase from last year. In Ohio, fourth grade math scores improved from 58 percent last year to 66 percent this year. Additionally, according to the Chicago Tribune, students in every grade level posted increased scores on statewide reading and math tests in the 2003-2004 school year. Finally, according to a 2004 study by the Council of Great City Schools, the achievement gap is narrowing in both reading and math between African-American and Caucasian and Hispanic and Caucasian students in our Nation's inner city schools, and they attribute the positive change in part to No Child Left Behind.

We must also recognize that the job is not done. We must see to it that all children are receiving a quality education. No Child Left Behind is a step in this direction, and we must stay the course. Any attempts to change the system would play into the hands of those who support the status quo, effectively preserving a failed system that does not ask if children are learning.

CHINA

The SPEAKER pro tempore (Mr. JINDAL). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the opportunity here to address the House on an issue that I think has become more and more pertinent to the American people and to the American economy. One issue that I hear about almost as much as I hear about the Social Security issue back home in my district, which is north-east Ohio, I hear about the issue of China. We cannot, I do not think, speak of any kind of economic recovery

in the United States of America or talk about providing middle-class people with high-wage, high-paying jobs until we figure out the issue of China. I am going to have a brief discussion here tonight and show some charts just to kind of outline what has been happening here in the United States of America.

Quite frankly, I feel like it was an issue that was not discussed enough in the last presidential election. I feel like this is an issue that the American people want the politicians that are here in Washington, D.C., in this Chamber and leaders in government to talk about, and we have not been. Hopefully, with some legislation that I have offered with the gentleman from California (Mr. HUNTER), the China Currency Manipulation Act, this issue will become and come to the forefront of American politics. I just want to share with the American people some statistics, some charts that I think help outline exactly what has been happening.

This first chart here is the State crisis. It outlines here how many manufacturing jobs have been lost in the United States from June of 1998 to February 2005. As you can see, the red States here have lost more than 20 percent of the manufacturing that they have in their States. You can see the red from Maine, mostly in the North-east-Midwest quadrant, Ohio, Michigan. Ohio lost 216,000 manufacturing jobs. Then between 15 and 20 percent of manufacturing jobs lost are in the deep blue or the deep purple, Georgia, Florida, Texas, New Mexico, Arizona, California, between 15 and 20 percent of manufacturing. These are the high-wage, high-paying jobs that have health care, that have a good retirement, that have a good pension. These are the kind of jobs that drive the middle class forward. And these are the kind of jobs and the kind of companies in Ohio and elsewhere that pay taxes, that workers pay taxes. They vote for school levies. They vote for mental health levies. They vote for library levies. They vote for all the things that are needed to help lift up local communities. What has happened because of this crisis that we have here, local communities are beginning to suffer. They are not able to pass the police and fire levy because the 216,600 workers who no longer work in a high-wage manufacturing jobs are left to go to Wal-Mart, are left to go to Super K or Kohl's and make very little money without health care benefits. If we think that we are going to maintain the kind of prestigious global power that we are today and hopefully will continue to be, there is no way we can do this by replacing General Motors with Wal-Mart or replacing Wal-Mart for General Electric. That is not going to be a great America in the 21st century. This graph, this billboard here, illustrates that point.

And so the issue of China inevitably comes up, and how are we going to deal

with it? Because we know, whether you are the owner of a small machine shop or a mold shop or in some light manufacturing, it is the Chinese goods that are coming into the United States that are helping wipe out the manufacturing that is here now. What is happening is the Chinese are manipulating their currency, and they are manipulating their currency to the rate of 40 cents on the dollar.

I have a factory back at home. They make tubing when you put up the sprinkler systems in industrial facilities and commercial facilities. It is called Wheatland Tube. Wheatland Tube has been a great company and still is. They have invested over \$8 million in the United States over the past few years. Their product is competing with a Chinese product. The Chinese are shipping their tubes into the United States. When the Chinese product, fully assembled, completely at the end of the manufacturing process, when it arrives in the United States of America, that Chinese tube is the same cost as the raw materials that Wheatland Tube has to buy. Wheatland Tube has not even begun the process of making their tubes. But the Chinese tubes have already been manufactured and produced, arrive in the United States less than the cost or the same cost as the raw materials for the United States company.

□ 2130

How can the United States company compete with that? It cannot, and that is why the United States in the previous billboard looked like it did.

This is a graph that has the U.S. annual trade with China. This line here, the gold line with the blue dots going up, is imports. These are Chinese products coming into the United States, and it goes up to \$200 billion in 2004. And we can see where it was in the mid-1980s and early 1990s, and it slowly began to rise.

The exports, what we are shipping to the Chinese, is this blue line, coming straight across. We are not able to increase our exports. And the funny thing is, if the Members remember back when we were signing all these trade agreements in the 1990s, when we were talking about we have to open up markets and we have to export products from the United States so that other people will buy them and we will make them here and we will ship them off and it will be great, that has not happened with the Chinese.

We were told when we signed PNTR, Permanent Normal Trade Relations with China, most favored nation trade status with the Chinese, we were told there is 1.3 billion people in China, we want to sell our products to the Chinese. It has not happened. It simply has not happened. These are the goods we are importing, these in the blue line is what we are exporting, and it is not working out. And when we look at the top 15 exports from the United States to China, three are either waste or

scrap products, three of the 15. Four of the 15 are raw materials or agricultural products, and six of the 15 are parts, which basically means we are exporting parts, raw materials, scrap, to China, which are manufactured there and shipped back only to be imported here in the United States.

The gold bars are the trade numbers with China, the deficit that we have, \$162 billion trade deficit with the Chinese. We are importing \$162 billion more than we are exporting to the Chinese. They are wiping out the middle class in the United States of America because of our trade policies here and because we are allowing the Chinese to manipulate their currency.

Now, if the currency situation was fixed in China, if they were not gaining a 40 cents on the dollar advantage, Chinese products that were made in China, the price would go up; and if the price goes up and they still try to ship it to the United States, our goods here would be more competitive, and then the Chinese would have currency that had more value so that when we shipped products, when we exported products to China, our prices coming from the U.S. would actually be cheaper to the Chinese consumers.

And the Chinese agreed, when they came into the World Trade Organization, that they were going to be fair brokers and they wanted to be a part of the global system. And we are not seeing much action by the Chinese. And, quite frankly, we need to be firmer here in the United States. And that is why the gentleman from California (Chairman HUNTER) and I, along with the gentleman from Wisconsin (Chairman SENSENBRENNER), who signed on to our legislation, the gentleman from Illinois (Chairman MANZULLO), AFL-CIO, China Currency Coalition, a lot of the small business trade groups, this is not a Republican or Democrat issue. This is an American issue. This is an American issue. And if we do not fix it, there is not going to be a middle class in the United States of America, and we are going to continue to see some of the older industrial cities and industrial areas in our country continue to struggle. Whether it is the county funding, police and fire, schools, we are not going to be able to survive.

This is a startling, stunning chart. This is the U.S. trade balance in goods. The U.S. trade balance in goods. The goods deficit which covers manufactured products hit a record \$651 billion in 2004. And from 1998 to 2004, a \$421 billion jump, just in these few years, from 1998. These are the hardcore manufacturing products which contribute to job loss here in the United States: steel, supply chains for all of the major corporations that have moved and have altered the trade balance with the Chinese to the tune of \$651 billion.

So we have to ask ourselves, why do we continue down a road where we are losing, we are losing this battle? And I do not know about anyone else, but I keep score, and when we are losing, we

need to stop doing what we are doing and fix it and apply the pressure to the Chinese that we need to apply until they fix at least their currency problem that is cheating everyone else who is trying to buy their products and in the U.S. up to 40 cents on the dollar. They are cheating.

And the reason this is so urgent for the United States of America to act now and not wait 10 years from now, not take the slow, diplomatic process that we have been taking, the reason it is so imperative is right now we are buying all their products. Right now we are consuming all of the Chinese products. They need us now. They need us now. And when they need us, that is when we have leverage to move.

Now, we also need to balance our budget because the Chinese are helping fund our \$500 billion deficit. So we ought to do our job here. But at the same time, we need to recognize what the U.S.-China Commission said and told Congress, submitted a report. First it said that the overall trade situation with the Chinese had an overall negative impact on the United States, overall negative. A bipartisan commission, people from the Reagan administration, people from the Clinton and Carter administrations, totally bipartisan.

The Chinese trade has overall negative implications on the United States. That is scary enough. But they went on to say that we have about a decade in the United States, about a decade, to fix this problem because at some point we are not going to be consuming as much as we are, because we are not going to have the kind of money here that we have now. We are not going to have the kind of wealth to be buying if we continue to go down this road. If jobs that pay \$50,000 or \$60,000 are getting replaced by jobs that are paying \$30,000 or \$35,000 without health care benefits, there is only so much we can consume, and that is what is happening. The jobs replacing the jobs that are leaving are \$10,000 to \$12,000 less a year without health care benefits.

So how are we going to keep up? And what the U.S.-China Commission has told us is that we have about a decade and we had better fix it now. And that is why this is so urgent. That is why we see bills, the Schumer-Graham bill in the Senate, talking about putting on 27 percent tariffs on Chinese goods coming into this country to try to stem some of this tide that is coming in, or whether it is the WTO-compliant Ryan-Hunter bill that is gaining a lot of support here in this Chamber because Members are beginning to recognize that this is a real problem in the country.

Our bill does not violate any of the WTO rules. It is compliant with the World Trade Organization, which I am not exactly thrilled with the World Trade Organization. I do not like the way they operate. I do not think it is a democratic body. I think it rubber

stamps decisions for multinational companies. There is no doubt about it. But what happens a lot here is someone will put a bill up that will say put 27 percent tariffs or 30 percent tariffs on Chinese goods and a lot of people in this body will say that is not WTO compliant, so we will not even look at it.

So the gentleman from California (Chairman HUNTER) and I went out of our way with a lot of very smart people to compose a bill that is WTO compliant because we want to get over that first hurdle. And we have because we have a good bill, and that is why it is gaining the kind of steam it is gaining. WTO compliant. And it allows the President to recognize currency manipulation for what it is, and that is a subsidy; and so it should be seen as any other kind of subsidy that other countries give in order to ship products into our country and hurt us domestically.

Currency manipulation is no different. If we are gaining 40 cents on the dollar, then that is subsidy; and it is no different than any other kind of subsidy. And our bill gives the President the tools he needs. We want to work with the administration. We have got three Chairs of Republican committees on this bill with the AFL-CIO, with the China Currency Coalition, with a tremendous amount of trade groups, mostly Republican small business owners. This is not a Democrat or Republican issue. And it is time for us in Congress to get the guts we need to make this happen because it is hurting average people in the country.

This is the U.S. manufacturing employment from January of 1999 to March of 2005. And we can see here that in January of 1991 we were at about 17.3 million jobs, manufacturing jobs; and we hit the recession in the early 1990s and we came out of it and peaked out in 1998-1999 at over 17.6 million manufacturing jobs. Not too bad. And then we peaked off in the end of the century; and when we hit January of 2001, here comes the downward slide, from 17.6 million in 1999 all the way down to under about 14.3 million jobs in March of 2005.

Look at this slide in U.S. manufacturing. And, again, it is the manufacturing jobs that are the jobs that have the high wages. They are the jobs that pay a decent wage, a real wage. They are the jobs that provide health care. These are the shops that are part of communities all over the country. These are not the big multinationals who can have the wherewithal to pick up and go over to China and ship the products back. These are the people who live in our communities who donate to the church. They are the small business owner who would donate to the school and give that little extra and the workers who had solid work can work overtime and contribute to their union and to their church and to the civic organizations in local communities, which would be the tax base that supported a lot of the local community.

□ 2145

We have all been there. In Northeast Ohio, it seems like it happens all too much, where a local company that has been in your community for 100 years, or 50 years or 60 years, all of a sudden cannot compete anymore. Then the county and the city and the local school district loses hundreds of thousands of dollars, and the crunch, the squeeze on the people in that community continues, and it ultimately results in a weaker United States of America.

Just a few final charts here.

We were told MFN, PNTR, NAFTA. Now we want to pass CAFTA here, which I do not think is going to make it. Now we are being told here in the U.S., and we were told all throughout the nineties, we are going to sign these trade agreements, and it is going to be really great, because the low wage jobs are going to go to the other countries and we are going to keep all the high-tech, high-wage jobs here in the United States and it is going to be a panacea here. Everyone is going to have a good job and work with their brains and not with their hands, and it is going to be great.

This is the total trade balance in advanced technology products. These are the millions of U.S. dollars. We had in the early nineties a surplus of millions and millions of U.S. dollars, all throughout the early nineties, throughout the mid-nineties into the late-nineties, and then we began the decline. These are advanced technology products. These are the things that appear in the computers. These are the things that appear in your cars, that you do not really know how they work, in airplanes, in televisions. We are losing this too.

We were told we were going to win on these. We are still losing on that too to the tune of millions and millions of dollars in deficits in the United States of America. This is a trend we need to begin to turn around, or our kids are going to be left with a country that is not as strong as it should be.

So we have been told, as the gentleman from South Carolina (Mr. SPRATT) said about an hour ago in this very Chamber as we were talking about a lack of job creation and more or less tied to Social Security, the key in the United States of America, if we are going to compete, is we are in the process of creating a new economy and we do not really know what it is. We want to help with the Chinese and we need to fix the currency manipulation problem, and I think we are applying a lot of pressure to the Chinese now with some of the legislation we have here. Hopefully they will be able to do it on their own and we will not have to implement the kind of reforms here in the U.S. to give the President the power to do that. We want that done.

But, at the same time here at home, we cannot talk about our trade issues, we cannot talk about China, without fixing the problem here at home. We

need healthy and educated students in the United States of America who have access to a quality education in any school in the country, because that is the only way that they are going to move themselves forward, that is the only way they are going to be able to lift themselves out of poverty, that is the only way that these communities are going to be able to create and generate enough wealth, enough wealth, to be able to fund their schools and provide for libraries and all the different sorts of services that need to be funded. So we need to focus on education, as well as dealing with the China currency manipulation issue.

This is the budget the President submitted on education. Fifty appropriations will be below current services in the billions of dollars with that budget. You can see there are cuts of \$2.5 billion in 2006, \$6.2 billion in 2007, and then the same and even greater in 2008, 2009, and, by 2010, cuts of \$11.9 billion in the various education programs.

Something the 30-Something Group and I have been working on for a good many years now is college tuition and the Pell Grant. The Pell Grant, when it started, would account for 80 percent of a student's college tuition, 80 percent. Today a Pell Grant accounts for a little over 40 percent of a student's college tuition. An average student graduates with over \$20,000 in loans.

Here is what we are doing, the outpaced college tuition compared to what the Pell Grant is. Here is the Pell Grant minimum award, here in light purple, the Pell Grant maximum award in the navy blue, and then the average cost of tuition and fees in a four-year public college setting.

You can see how much it outpaces that, so this grant here no longer meets the need of what the average college student needs in order to go to school and get an education and allow them to compete.

So we have our work cut out for us. I commend to the American people this week's Newsweek, May 9 and the title, "China's Century, a Special Report." "China's Century."

The reason this is so urgent for us is not because America is perfect and not that America does not make mistakes, because we have, and we have articulated many of them on the floor here over the years, and we will continue to make mistakes. But when the question comes as to who will lead the world in the 21st century, will it be the Chinese? Will it be a Communist regime that is currently manipulating their currency? Will it be a Communist regime that is spending mass amounts on their military budget? Is it the Communist regime that has no concern for worker rights? Is it the Communist regime that has no concern for the environment? Is it the Communist regime that has no concern for human rights? Is it going to be the Communist regime that has no concern for religious freedom? Is it going to be the Communist regime

that will promote and implement a policy of forced abortions on their own citizens?

Or will it be the United States of America? Will it be the country that has promoted the middle-class, the country that does stand for freedom? We have many warts, but we do promote democracy. There are disagreements on how we go about it, but this is a democratically elected body here of human beings, of American citizens who make human mistakes. But this is a lot better, and this country is best to lead the world in the 21st century, not a Communist regime who has no concern for the human rights of other citizens.

That is what is at stake here in this whole debate. We could talk about currency manipulation and trade and funding and all these different political issues, but the bottom line with this whole situation is who is going to lead the world in the 21st century? If you want it to be the United States of America, we better use this window of opportunity to play tough with the Chinese; to tell them to fix their currency manipulation, or face the consequences.

This body needs to provide the President with the tools that he needs to be tough with the Chinese and force them to fix this issue, and then we come back home and we fix and fund and implement education reform and funding for education and funding for health for young children and young students all over the country, and let us get ready to go to battle in the 21st century with healthy, educated kids who have an opportunity at schools all over the country, with access to the arts and speech and debate and drama and music and foreign languages.

We can do it, but we have got to make it a priority and we have got to make it a goal. And this all starts, Mr. Speaker, with making sure the Chinese, if they want to participate in the global economy, they do it in a fair way. They agreed to play fair, and now they are cheating.

This body is primed to act, and we are going to act. It is going to start with facing down the currency manipulation problem and not allowing the Chinese to cheat to the tune of 40 cents on the dollar.

CONSTITUTIONAL GUIDELINES FOR SUPREME COURT DECISIONS

The SPEAKER pro tempore (Mr. JINDAL). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. POE) is recognized for 60 minutes.

Mr. POE. Mr. Speaker, "I solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and I will faithfully discharge the duties of the office of which I am about to enter, so help me God."

Mr. Speaker, this is the judicial oath that justices of the United States Supreme Court take to uphold America's Constitution, the sacred manuscript our Nation was established upon, the foundation of who we are.

Yet, Mr. Speaker, some of the same justices who preside over the highest court in our land are systematically unraveling the threads of the very Constitution they vowed to protect. In what amounts to a most disturbing development, the United States Supreme Court continues to flirt with the temptations of foreign court decisions and the lure of opinions of international organizations. They do this in the interpretation of our American Constitution.

Mr. Speaker, this trend is terribly troubling. Has the Supreme Court lost its way?

As a former Texas judge for over 22 years, having heard 25,000 criminal cases, I took the same oath as our Supreme Court justices, to uphold the United States Constitution. Never once did I make a decision based upon the way they do things in other countries. My oath was to our Constitution, not to the Constitution of the member countries of the European Union, such as France. America should not confer with the decisions of any of the hundreds of foreign powers on our planet. As Anthony Scalia, our justice on the Supreme Court has said, "those decisions are irrelevant in the United States."

In 1776, amidst a revolution, our forefathers signed the Declaration of Independence which stated brazenly and boldly the 13 colonies desire to dissolve political bonds with England. In this document, Mr. Speaker, Thomas Jefferson penned among the list of grievances against King George the following statement: He said of King George, "He has combined with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws."

Mr. Speaker, 10,000 to 14,000 patriots over the course of 8 years in the American War of Independence spilled their blood or died to secure liberty for us and safeguard our constitutional rights.

□ 2200

The purpose was to sever ties with England forever. Then, in 1812, the British invaded the United States again. The British still wanted America to be subject to the King and their ways. They burned this very city, including our Capitol. President Madison and his wife, Dolly, fled Washington, D.C. in the damp darkness of the dreadful night to escape the invaders. The British were determined to retake this free Nation of America and this very soil on which I stand today. Americans defeated the British a second time to make them understand that we will not do things the English way.

Now, justices in this land of America, across the street from this very Cap-

itol, use British court decisions and European thought in interpreting our Constitution. What the British could not accomplish by force, our Supreme Court has surrendered to them voluntarily. Has the Supreme Court handed over our sovereign Constitution to other nations? Mr. Speaker, has the Supreme Court lost its way?

The Constitution is the basis for who we are, what we believe, and what our values are. My colleagues will notice, Mr. Speaker, the oath our judges take is to the Constitution; not to the government, not to the President. It is to the Constitution. That is because the Constitution is the supreme authority of the land. It is our identity. It is our path to justice for all Americans.

The Framers of the Constitution made clear their vision for the Federal judiciary. Named in Article III behind both of the other branches of government, the Founders intended a court system with a narrow scope and restricted authority. As Alexander Hamilton explained in one of the Federalist Papers, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution, because it will be the least in its capacity to annoy or injure them. He states that the judicial branch is, beyond comparison, the weakest of the three departments of power.

Mr. Hamilton continued in his Federalist Papers, the executive dispenses the honors, holds the sword of the community. The legislature commands the purchases, prescribes the rules by which the duties and the rights of every citizen are regulated. The judiciary, on the contrary, has no influence over either the sword or the purchases, no discretion, either of the strength or the wealth of the society, and can take no active resolution whatsoever. It may truly be said to have neither force nor will, but just judgment.

Mr. Hamilton was wrong. History now reveals that the Supreme Court has become the most powerful of all the branches of government, although it was intended to be the weakest. And the people of this country cannot hold them accountable for their actions. Nonetheless, Mr. Speaker, an alarming number of judges deem the Constitution a bendable document, more like a catalog of suggestions rather than the rule of law; a set of elastic principles which, at the end of the day, can be easily interchanged with the judge's own personal policy and emotional agenda. As one author on the topic of our judges has put it, they see their role limited only by the boundaries of their imaginations.

And in the case of consulting foreign statutes to determine rulings here in the United States, a majority of our nine Supreme Court Justices even encourage it. Justice Sandra Day O'Connor, for example, has said that although international law and the law of other nations are rarely binding on decisions in the United States and its