

who want as much as any child in this country to live a life of success and self-sufficiency and deserve that right as much as any other child in the country.

So I ask my colleagues to consider what we would want for our own children. All of us have the resources to essentially exercise school choice, and that is precisely what many of us do because we want the best for our children. But there are many parents around America—in this case, particularly, who live in our Nation's Capital, the place where we work—who have much more limited resources and also want the best for their children. They want to make a choice, which the Opportunity Scholarship Program allows them to make. So I appeal to my colleagues to take up this amendment. Let's have a vote on it, and let's act favorably on it to preserve this lifeline for a gifted and hopeful group of children in our Nation's Capital.

I thank the Chair and yield the floor. The PRESIDING OFFICER (Mr. BEGICH). The Senator from West Virginia.

#### MORNING BUSINESS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Maine.

Ms. SNOWE. Mr. President, I ask unanimous consent for 10 additional minutes in morning business.

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

Ms. SNOWE. Thank you, Mr. President.

(The remarks of Ms. SNOWE pertaining to the introduction of S. 3103 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from North Dakota.

#### TAX LOOPHOLES

Mr. DORGAN. Mr. President, earlier today we passed some legislation in the Senate that is important and will create jobs in our country, and I filed an amendment that was not considered. I know that was the case with many amendments on the bill. One of the amendments I filed that was never considered, unfortunately, and I hope will be considered in the future deals with the recommendation the President made during his State of the Union Address.

In the State of the Union Address, the President spoke about jobs and said one of the things we ought to do to try to preserve and keep and create jobs in our country is to shut down or eliminate the tax loophole that rewards companies for moving jobs overseas. The President specifically asked in his

State of the Union Address for the Congress to eliminate that tax loophole. I have tried to eliminate that loophole I think on four different occasions on the floor of the Senate. We have had four votes. On each occasion, I have failed.

One might ask, well, how on Earth can you fail on an amendment such as that? Well, there are a lot of big companies and groups in this town—the Chamber of Commerce is an example—that like that loophole and want it retained, and they fight very hard to keep the loophole.

Here is what we have. We actually do have a circumstance where if you are on one side of a street corner and you have a competitor on the other side of the street making the identical product you do, earning the identical income you earn, and you decide you are going to move your plant to China, fire your workers, put a padlock on the front door of your manufacturing plant and move to China, the only difference between you and the person across the street that you used to compete with and still do is that you now have lower labor costs but you also have a tax break given to you by the Federal Government. It is astounding that exists, but regrettably it does. The President's call to eliminate the tax break is very important, and we ought to heed that call.

I filed an amendment on the last bill, the one that passed today. I did not get a vote on it. I intend to file it again on other pieces of legislation because this Congress, at a time when so many millions of people get up in the morning and put on their clothes and go out looking for work and cannot find work, this Congress has a responsibility to deal with this issue.

Think of this issue of trying to find jobs that are necessary to put 17 million people back to work as trying to fill a bathtub. We are working on a faucet to incentivize and create new jobs, but the drain is wide open, the drain of existing jobs going overseas; in fact, going overseas in search of cheap labor because this country actually rewards you if you move your jobs overseas.

This is Hershey's chocolate. Many people have eaten York Peppermint Patties. York Peppermint Patties were made in a Pennsylvania plant but no longer. It is now Mexican food.

This is a newly built plant in Monterrey, Mexico, now making York Peppermint Patties. On its Web site, Hershey's says:

That cool refreshing taste of mint, dipped in dark chocolate will take you miles away.

Apparently meaning even Mexico. So an American brand goes south. That is not terribly unusual.

Hallmark Cards: "When you care enough to send the very best." It is a privately held Kansas City company. It has been around 100 years. It was founded by a high school dropout who started the company in 1910 with a shoe box of postcards he sold while living out of a YMCA. It is an unbelievable

success story, Hallmark Cards. The company became far and away the most successful greeting card company in America, with a reputation of treating its workers fairly—a very good company.

But under current management, with annual revenues over \$4 billion, they started to move jobs from Kansas City to three plants in China. It moved thousands of jobs overseas, though it is not required to disclose the specific numbers.

What kind of a card do you send to a Hallmark worker whose job is now in China? The very best? We have a right in this country to be concerned about that.

I have talked at length about Radio Flyer, the little red wagon, gone from Illinois to China; Huffy bicycle gone from Ohio to China. I spoke about those at length. But there are new ones as well.

Whirlpool. At a time when we are losing so many jobs because of the deep recession, Whirlpool announced last year it was shutting down a 1,100-worker factory in Evansville, IN, and moving the work to a factory in Mexico. Whirlpool made this decision even though the company accepted a \$19.3 million grant by the U.S. Department of Energy as part of the Recovery Act to develop "smart appliances."

By the way, this is a picture of a Whirlpool worker walking out of his place of employment, the last walk on the last day. One can wonder what was going through his mind as he understood he was going to have to tell his family he is now out of work. His job still exists, but it exists in a foreign country.

This is Natalie. Natalie worked for Whirlpool. She is 42 years old. She worked at the Whirlpool appliance plant in Evansville for 19 years and in November of last year was told her job is moving to Mexico; \$17 an hour was too much to pay, and you can get cheaper labor elsewhere. She described that plant closing "like a punch in the gut." You can imagine what it is like.

I am told local workers and local officials did everything they could to try to keep that Whirlpool plant in Evansville, IN, but they were unsuccessful.

We do see a lot of people wearing football jerseys. This is a Reebok Peyton Manning jersey. My guess is they sell a lot of those things. There is not a better quarterback in professional football. He is quite an extraordinary football player.

Reebok makes this jersey. This jersey is made in El Salvador by a Chinese-owned company. This jersey is sold for \$80 in the United States and workers are paid 10 cents for the work they do in El Salvador to make it.

Let me say that again. The workers get 10 cents, one thin dime, and the customers pay \$80 for the Peyton Manning Reebok football jersey.

Here is a photograph that shows the conditions of a sweatshop in El Salvador owned by the Chinese. According

to the National Labor Committee that investigates these things, workers are forced to put in 12 to 15 hours of unpaid overtime each week. They earn wages that are 77 percent lower than the basic subsistence wage for the region. This is the photograph of the home of a worker at one of the Chinese-owned sweatshops. You can see the repressive poverty that exists there, and they get a dime for a jersey the company is paid \$80 for on the store shelf in the United States.

La-Z-Boy chairs announced it would eliminate 1,050 employees in Dayton, OH, and move production plants to Mexico. I have spoken about La-Z-Boy previously. A few days ago when I talked about jobs, I talked about how La-Z-Boy went to Pennsylvania and bought Pennsylvania House Furniture. Pennsylvania House Furniture is a high-end furniture company, using special Pennsylvania wood to make terrific furniture. They had great craftsmen who worked at that company. La-Z-Boy bought the company. They did not want to have competition for La-Z-Boy in the country, so they moved Pennsylvania House Furniture to China and shipped the Pennsylvania wood to China, put the furniture together, and shipped the furniture back to the United States.

On the last day of work at the Pennsylvania House Factory, a company that had been around for 100 years, on the last day the plant was open, all those craftsmen who were proud of their jobs and proud of their work, when the last piece of Pennsylvania House Furniture came off the assembly line, they turned it over, and on the bottom of that last piece of furniture, every single worker at that plant came over and took the pen and signed their name. Somebody in this country has a piece of furniture that they do not quite understand. It has, on its bottom, the signature of craftsmen who worked for a company that for 100 years made fine furniture in America. They wanted to do that because they wanted to sign their name to a quality piece of furniture made by an American worker who was proud of their job.

La-Z-Boy chairs sent Pennsylvania House Furniture to China. Now we understand La-Z-Boy furniture has announced it will eliminate 1,050 jobs in Dayton, OH, and move the production to a plant in Mexico. They moved other jobs to China. In a statement describing the 2008 layoffs, the company said: We regret the impact these moves will have on families and the lives of employees affected and so on.

I have demonstrated enough. I have a lot of examples of this, and I have, over the years, provided a lot of examples. But I wish to demonstrate that on Wednesday, today, 17 million or so people got up, wanted a job and couldn't find it, struggling to try to figure out how on Earth they can make a living, how they can provide for their family.

Here is part of what is happening. This shows the deepening trade deficits

our country is experiencing. All this red demonstrates jobs moving elsewhere—American jobs moving elsewhere.

This is a description of our trade deficit with China, the largest, single bilateral deficit in the history of humankind. I know where some of these jobs have gone. I know where they make Huffy bicycles. I know where they make Radio Flyer little red wagons. I know where they make Etch A Sketch. I know where they went. They went to China, and I know why they went there. Because they can hire people at 50 cents an hour. They can work them 12 to 14 hours a day, 7 days a week.

The people in Ohio are told: You cannot compete with that. We have to pay you \$11 an hour to make bicycles; you can't compete; sorry, you are out of here.

The question of a century, when we have developed safe plants, minimum wage, retirement benefits to lift America up, when we developed those standards, retirement programs, health benefits, the question at the end of a century is: Do we decide those standards don't matter, the lifting of those American workers to good jobs that pay well doesn't matter because we are now saying to them: You compete with Third World conditions, you compete with Chinese sweatshops in El Salvador making football jerseys, you compete with people living 12 in a room, sleeping at night, when they do get a chance to sleep, in cinder blocks in China in Shinsen making children's toys; is that what we are saying is the kind of competition with which we want the American people to have to compete? Because they cannot. Nobody can make a living working for 50 cents an hour here. You cannot make a living here if they strip away your retirement and health care and give you 50 cents an hour and tell you to work 7 days a week.

The reason I raise this point is because the President said a month and a half ago, when he spoke to the Nation and spoke to the Congress: Close this tax break that rewards companies that move their jobs overseas.

My position is not antibusiness. I want American businesses to succeed. I want them to make profits and create jobs. I just want an understanding that trade agreements must be fair agreements in order for us to compete. I will give an example.

This is an example of automobiles in Korea. Ninety-eight percent of the automobiles driven on the streets of South Korea are made in South Korea. Is that an accident? Of course not. That is exactly the way the Koreans want it. They want to ship Korean cars to be sold in America, but they don't want American cars to be sold in Korea. That has always been their position. The same is true with China.

We now have an agreement with China by which, in the next couple years, we will have a massive influx of cheap Chinese goods coming into this

country in the form of automobiles. They probably want me to say less expensive automobiles from China. We have an agreement that when Chinese automobiles come here, we will impose a 2.5-percent tariff. If we ship cars to China, they will impose a 25-percent tariff, and we agree to that. That is fundamentally ignorant of our economic interests. Those are the kinds of issues we have to address.

If we care about jobs, we need to do two things: One, work on the legislation of the type we are working on. Senator REID, Senator DURBIN, myself, and others have worked very hard on legislation to try to incentivize the creation of new jobs in our country. We passed a bill about a week and a half ago and passed another bill today that is job creating. That is the faucet. We are trying to turn the faucet on to put jobs into this tub here. The problem is, the drain is wide open and we have jobs moving out just as aggressively. We have to plug the drain by saying: Trade matters, fair trade matters most. You must stand for the interests of good jobs that pay well in America. That is a fact.

I will speak more about this issue at another time. I did wish to say I filed the amendment on the bill we finished today and was not able to call it up, as was the case with many amendments. I intend to file it again on another bill. I hope very much we will get a vote on it, and I hope, when we get a vote on it, that given the things I just described that are happening to jobs in America, given the fact the President has said let us at least plug this unbelievably pernicious, ill-advised tax break for companies that ship jobs overseas, let's at least get that done. Let's try to save some jobs in this country. If we can do that, we will have done something very significant for the people who awaken in the morning jobless and who hope to find work at some future date as we restart the engine and start putting American workers back on the payroll again.

I yield the floor.

#### SMEARING OF JUSTICE DEPARTMENT ATTORNEYS

Mr. LEAHY. Mr. President, it saddens and concerns me that another line has been crossed, moving us further toward partisan excess and incivility. I refer to the calculated, political campaign-style attacks on the loyalty and patriotism of honorable Department of Justice attorneys over the past few weeks.

Self-restraint is a crucial but often neglected value in our democracy. Just because a political attack that can put "points" on the board is possible, does not make it right. Misleading appeals to fear, like this one, are corrosive to our system and to the rule of law.

Just as President Lincoln said of leadership generally, we must appeal to our better angels, not to fear and suspicion. Those who have megaphones