

amendments, and a lot of these amendments have nothing to do with the Economic Development Administration. They have to do with everything else that is out there. In fact, I am guilty of the same thing. I have, I think, five unrelated amendments. They are all good stuff, things I wish to get through, and that seems to be what this bill is all about.

But under all these amendments there is a bill and there is a reason for introducing it. It is a foregone conclusion—I think we all understand if we were to pass the EDA bill out of here in any form similar to the way it was introduced, it would never pass the House, and that would be a done deal.

What I am going to attempt to do is—I am going to attempt today and tomorrow and however long it takes—to get an amendment in there that is going to provide oversight authority by the GAO. Through the audits and assessments, the GAO can ensure that the EDA grants are distributed, and put some spending discipline in there, such as through a competitive award process—it is all drafted in the amendment; by the way, the amendment is No. 459—and in accordance with the EDA criteria and requirements.

Additionally, the GAO would submit a report every year to the Senate Environment and Public Works Committee and the House T&I Committee, Transportation and Infrastructure Committee, to have efficiency assured.

What we are doing here is, instead of having a jump ball and saying we are going to do any kind of an EDA program that we can sell through the administration, we will actually have discipline in there so it will have to be, first of all, gone over with the Government Accountability Office. Then, after that, it is not over because it has to come back to both committees in the House and the Senate. And, of course, I am the ranking member, and by the time that gets started, I may end up being the chairman, if it is after the next election. But you never know those things. So we would be able to look at it again.

The purpose of the amendment is to make certain that grant recipients are determined based on competitive procedures and to create more accountability for the EDA. Overall, I think Washington bureaucrats should not be picking winners and losers but, instead, rely on a formula and strict rules to determine where agency dollars flow.

I know we are not on the bill now. We are still in morning business. I understand we are going to go back on the bill at 6 o'clock this evening. But I have to get a request in that my amendment be—at that time, I am going to ask that the pending amendment be set aside for consideration of amendment No. 459, which I have just described.

I think the chief complaint about some of the EDA process—by the way, I have to say about the EDA process, it

has done so well in my State of Oklahoma. We had one project in Elgin, OK—a very small community adjacent to the live range at Fort Sill—for a \$2.25 million EDA grant. They ended up planning to construct a 150,000-square foot building that would employ—the numbers were almost the entire population of Elgin, OK. It is something that would revive that part of the State. The southern part of the State of Oklahoma and the south central part have historically been an area that is somewhat impoverished, and through these EDA grants we have done a good job.

The good thing about EDA grants is they require a lot of local participation. Generally, it is through the city funds, the State funds, and the county funds, and then an equal amount or a greater amount from the private sector.

In my State of Oklahoma, the grants are usually about one to nine in terms of public participation. So the program is good. I am the first one to admit, however, it may not work the same way in every State. I can only say what our experience has been in Oklahoma.

What I am going to suggest with this amendment is something we are doing anyway in Oklahoma. We are going through a competitive award process. That is a process that everyone understands. It is one that is all outlined in our rules. We know what they have to go through for competition. Then it is in accordance with the criteria.

The criteria is very important. One of these days we are going to get around to a transportation reauthorization bill that will come out of my same committee. The last one we had was in 2005. Since then, that has run out, and we are going kind of month to month. We have a dire need for infrastructure in America with the roads, highways, and bridges. It is something we have fallen behind on, and we are going to be getting to that.

The reason our 2005 bill was so successful in infrastructure for transportation in the reauthorization bill is because we had a formula. The formula took into consideration money to be spent on bridges and roads and highways, State by State, with such factors as to the fatalities in that State, the number of road lanes, miles, and all this criteria. When we got through establishing the criteria in 2005, it must have been good because nobody liked it. If it was something that upset everyone, then, obviously, it was one that was pretty good, and we passed it. That was a \$284.6 billion reauthorization bill. We should be able to do something comparable now.

You might say, everyone is goosey about spending money nowadays. And that is understandable with the deficits. President Obama's three budgets have suggested and have put into effect \$5 trillion of deficit—not debt but deficit.

This last budget was around a little over \$2.5 trillion. And I can remember

back in 1995, back when President Clinton was in office, going down to the floor and complaining because he had a budget to run the entire country of \$1.5 trillion. Well, the deficit alone in the last budget we have had here, as prescribed by the President, has exceeded the amount it took to run the country during that period of time.

I see the Senator from Illinois is here. I would say to my good friend from Illinois, what I am doing here is I am going to attempt now—and it will be objected to, and I understand that because we are not on the bill yet—I am going to continue to attempt to have an accountability amendment that takes the EDA process and subjects it to a competitive award process, along with oversight by the GAO and by our committee and by the T&I Committee in the House of Representatives. I think it is something that would make—frankly, if we do not do it, in my opinion, there would be no way in the world that the House of Representatives would pass it. This offers discipline to it. I will go so far as to say that if we are not able to pass this amendment, to have accountability, I will probably end up voting against the bill if it comes up for a vote.

So with that in mind, I ask unanimous consent that it be in order to resume consideration of S. 782 so that I can call up my amendment No. 459 which is at the desk.

THE PRESIDING OFFICER. The Senator from Illinois.

MR. DURBIN. Mr. President, reserving the right to object, what I am about to say is no reflection on the Senator from Oklahoma nor the merits of his amendment. We have almost 100 amendments filed and 17 pending, and the majority leader has asked that we at least reflect on those filed and set our schedule accordingly. I am not saying this will not be considered, but at the moment we are going to object to the offering of additional amendments. So I do object.

THE PRESIDING OFFICER. Objection is heard.

MR. INHOFE. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRADE AGREEMENTS

MR. BROWN of Ohio. Mr. President, while it is important to address the Federal budget deficit, too many Washington politicians have turned a blind eye to the U.S. trade deficit. Working families in Ohio and our Nation's manufacturers haven't forgotten about the devastating effects of our ballooning trade deficit.

How much bigger does our trade deficit need to get before Washington

wakes up and realizes we need a very different direction in trade? Let's put American workers and American businesses first for a change. Let's focus on enforcing existing trade laws and helping workers retrain for new jobs. Let's not pursue more of the same style of trade agreements that have wreaked havoc on our economy. That is really what the debate over the Korea trade agreement and the Panama and the Colombia Free Trade Agreements is all about.

Two weeks ago, Senator CASEY and I wrote a letter to the President, which 43 other Senators signed—in fact, it was signed by the Presiding Officer, the Senator from Rhode Island—affirming his decision to pass trade adjustment assistance for workers before proceeding to the trade agreements with Colombia, Panama, and South Korea. Our position on TAA has been consistent since we asked unanimous consent to pass TAA in late 2010. We need a long-term reauthorization regardless of what we do on these free-trade agreements.

Senator CASEY and I stood on this floor time after time, starting in December and into January and February, asking all of our colleagues to reauthorize, to extend trade adjustment assistance to those workers who lose their jobs through no fault of their own; they lose their jobs because of trade agreements this Congress passes and because of a trade policy this administration and Congress has followed. We are likely facing a situation in which TAA, unfortunately, is being linked with the free-trade agreements.

If and when a deal is reached, we will examine both its contents and the process in moving it forward. But when it comes to American workers, we want at least a 5-year reauthorization of TAA, one that includes the 2009 reforms and provides for an 80 percent health coverage tax credit.

Time and time again a Republican Member stood up and objected to our moving forward in helping American workers. I just don't understand, how people here want to pass these trade agreements knowing that workers will be dislocated, that plants will close down, people will lose jobs, and communities will be devastated because of the actions of this body in passing trade agreements. Yet they say, no, they don't want to do anything to help those workers.

That is why we believe TAA should be separate from the free-trade agreements. I ask my colleagues—especially those who call the free-trade agreements with Korea and Panama and Colombia, the same people who called NAFTA and CAFTA and PNTR with China job creators—if that is the case, what sort of message does it send about these trade agreements if they must be linked to assistance for displaced workers? They are saying the only way they want to do TAA is to connect it to Korea or connect it to Colombia or connect it to Panama. They are ac-

knowledging, then, that when we pass these trade agreements, it is costing us jobs. Why would we do that?

Because of that, Senator CASEY and I want a clean vote on TAA and a trade enforcement package, and we want to work with our colleagues to shape this package.

For the Korea Free Trade Agreement, I have two concerns. The first is jobs—always jobs in these trade agreements. Ever since I have been in either the House or the Senate, every time there is a trade agreement—whether it is the North American Free Trade Agreement in 1993, PNTR with China—although not a trade agreement but allowing China into the World Trade Organization—or 2004 or 2005, if I remember right, when the Central American Free Trade Agreement passed the Congress, and now with Korea—the people behind these trade agreements have talked about all the jobs they will create. They tell us: Well, we are going to close our trade deficit because of these trade agreements. Never does that happen.

When we passed NAFTA, we had a trade surplus with Mexico. Today, as Senator CASEY pointed out, we have a \$90 billion trade deficit with Mexico. When PNTR passed, my recollection from 12 years ago was that we had about a \$10 billion or \$12 billion trade deficit with China. Now our annual trade deficit with China is \$273 billion—last year. This year, in 1 month it was \$21 billion.

So, it is pretty clear the promises made with regard to these trade agreements and the reality that exists are different things. They do not create jobs, they do not close our trade deficit, yet the promises continue. So my first problem with the Korea Free Trade Agreement is jobs.

The ITC—the International Trade Commission—projects the Korea FTA will increase the trade deficit, especially in auto parts, transportation equipment, metal and iron, and textiles and apparel. The economy is still facing extreme challenges. Since President Obama took office—when we were losing 700,000 jobs a month in January and February of 2009—we have seen some job growth. In the last 14 months, we have seen manufacturing job growth for the first time since 1998. So things are starting to turn around. But the last thing we do when the economy is facing extreme challenges—the last thing we should do—is pass a trade agreement of this magnitude with its short-term and long-term effects on jobs.

Finally, we have an administration that is being a little more truthful when it comes to promises about these trade agreements. As I said, during the NAFTA timeframe, we had President George H.W. Bush, and then President Clinton, who said it would provide all these jobs—200,000 jobs, I think one of them said. But this time, at least, the administration is not saying they expect this is going to create jobs. They

say: This agreement is expected to support—whatever that means—70,000 jobs.

But let's do the math. The Congressional Budget Office said the cost of this trade agreement—yes, this trade agreement costs money because we lose a lot of money in tariffs—is \$7 billion over 10 years. That means if we are going to support—not create but support—70,000 jobs, and spend \$7 billion to do it, the agreement costs about \$100,000 for every job supported—again, not created but every job supported.

This trade pact has unusually low rules of origin, allowing goods from Korea that are made with up to 65 percent of their parts from China or other countries. When the European Union negotiated their Korea Free Trade Agreement, they had domestic content rules of 55 percent, meaning that 55 percent of the components in a product had to come from South Korea.

The Obama administration improved this over the Bush agreement, but only marginally, by saying only 35 percent has to come from Korea. That means 65 percent or two-thirds of the added value of the components of these products shipped from Korea, with basically no tariffs coming to the United States, can come from China or can come from a low-wage country with low or weak environmental laws and low worker standards and all of that. So it allows a back door for countries such as China to gain even more access to the American market.

We all recognize that we live in a world with global supply chains. But this low domestic content threshold of 35 percent will clearly hurt American manufacturers over the long term. So let's be clear. This is not just a Korea Free Trade Agreement, it is effectively a global free-trade agreement.

Second, the Korea FTA causes me concern because it includes what is called the “investor-state” enforcement in which a corporation is empowered to directly challenge laws as violations of a trade pact. Before the North American Free Trade Agreement, there was no such thing as investor-state relations. That meant that a company could not sue another foreign government. For instance, if the Canadians were unhappy with some U.S. law, the Canadian Government could sue the U.S. Government, but a Canadian company couldn't sue the U.S. Government. So what these investor-state provisions do is to undermine sovereignty. It undermines what we have done in this body.

We fight in this body for strong clean air laws and strong environmental rules and strong pure food laws and strong consumer protections. Under the investor-state relations, a company in Korea could sue the U.S. Government for those kinds of strong environmental workforce safety or food safety laws. We don't want to give a company in another country the standing to undermine our sovereignty on laws that were democratically attained in this country.

This mechanism is not necessary for a pact between two countries with well-established rules of law. We didn't do that in the U.S.-Australia Free Trade Agreement. It did not include these investor-state provisions. Why would we do it now with Korea, which is also a country that operates under a rule of law?

One more reason this Korea Free Trade Agreement undermines our sovereignty, weakens our environmental laws, weakens our food safety laws, and dilutes what we stand for in the American values we hold so dear is about jobs, and it is about these investor-state provisions which undermine our sovereignty.

Before pursuing more of the same style of trade agreements that caused our trade deficit to balloon to more than \$600 billion, why not focus on enforcing existing trade laws? We know some things we ought to be doing before we look at passing new trade agreements. We need to better enforce trade laws. We have done that.

President Obama, to his credit—and again, I don't agree with him on these trade agreements. I think he is wrong. But to his credit, more than any President I think in at least 25 years, President Obama has begun to enforce some trade rules. He enforced on oil country tubular steel. His decision created hundreds of jobs in Youngstown and Lorain, OH. His decision on Chinese tires created hundreds of jobs in Findlay, OH, and other places around the State in tire-building. His and the Commerce Department's decision on the Chinese gaming the system on coated paper, an industry that still exists in this country—not what it used to be, but it meant jobs in southwest Ohio and all over my State and all over States where paper is still manufactured in this country.

Another thing we should do before a new trade agreement is we should consider reintroducing Super 301 so that we have the tools to fight back when countries such as China game the system.

I am working with the Republican Senator from Ohio, the Republican Senator from Missouri, the Democratic Senator from Missouri, and the Democratic Senator from Oregon, Chairman WYDEN of the Finance Committee's subcommittee, to begin to enforce customs duties and make sure companies in countries that evade these customs duties can no longer evade them. That will make a huge difference in job creation.

Those are the kinds of things we should be doing.

Paul Krugman, who has been a free-trader most of his life, a columnist for the New York Times, back in December said:

If you want a trade policy that helps employment, it has to be a policy that induces other countries to run bigger deficits or smaller surpluses. A countervailing duty of Chinese exporting would be job creating here; a deal with South Korea, not.

This comes from a Nobel Prize-winning economist, somebody who has in the past been supportive of these free-trade agreements, believing that they have created jobs. He realizes Korea won't create jobs. Beginning to enforce our trade laws is the way to go.

I will close with this. Some years ago, President Bush said that for every billion-dollar trade surplus or every billion-dollar trade deficit a country has, it translates into 13,000 jobs. In other words, if we have a trade deficit with China of \$1 billion, that would mean we are selling to them \$1 billion less than we are buying from them, and the manufacture of those products we buy versus the ones we manufacture and sell is a net loss to the United States of 13,000 jobs. So for every \$1 billion trade surplus or trade deficit, it translates into 13,000 jobs for that country.

The trade deficit with China last year was \$273 billion. The trade deficit we have with the entire world, the so-called multilateral trade deficit, was \$634 billion.

Mr. President, travel my State. Travel this country. See the kinds of manufacturing job loss we have had. We have lost manufacturing jobs from 1998, the last 2 years of the Clinton administration, all 8 years of the Bush administration, and the first year and a half of the Obama administration. We were losing manufacturing jobs through that whole process. Now we are starting to gain manufacturing jobs, but we can't continue to gain manufacturing jobs when we pass free-trade agreements that clearly cause more companies to shut down in our country and more of those companies to move abroad.

The Korea Free Trade Agreement is a bad idea. It is imperative that we do what the President has said we should do and what so many of my colleagues have asked us to do; that is, pass trade adjustment assistance with a health coverage tax credit for those workers who have already lost jobs from trade agreements and from trade policy. It is the right thing to do. It is good for our country, it is good for our economy, and it is especially good for workers.

EXTENSION OF MORNING BUSINESS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the period for morning business be extended until 6:30 p.m., with Senators permitted to speak for up to 10 minutes each.

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

FOOD SAFETY ACCOUNTABILITY ACT

Mr. LEAHY. Mr. President, in April, the Senate unanimously passed the Food Safety Accountability Act. If enacted, this important bill will hold criminals who poison our food supply

accountable for their crimes. Now more than ever, it is critical that the House pass this noncontroversial legislation.

A recent *E. coli* outbreak in Germany—identified by scientists as a new, deadly strain of the bacteria—has killed at least 35 people and spread to 10 countries. Thankfully, this particular outbreak has not yet hit the United States, but this tragedy, on the heels of several major outbreaks in the United States in recent years, highlights the importance of ensuring that we take every step to protect our food supply. The Food Safety Accountability Act promotes more accountability for food suppliers by increasing the sentences that prosecutors can seek for people who violate our food safety laws in those cases where there is conscious or reckless disregard of a risk of death or serious bodily injury.

Current statutes do not provide sufficient criminal sanctions for those who knowingly violate our food safety laws. Knowingly distributing adulterated food is already illegal, but it is in most cases merely a misdemeanor right now, and the Sentencing Commission has found that it generally does not result in jail time. The fines and recalls that usually result from criminal violations under current law fall short in protecting the public from harmful products. Too often, those who are willing to endanger our American citizens in pursuit of profits view such fines or recalls as merely the cost of doing business.

Last summer, a salmonella outbreak caused hundreds of people to fall ill and triggered a national egg recall. Salmonella poisoning is all too common and sometimes results from inexcusable, knowing conduct like that carefully targeted by the Food Safety Accountability Act. The company responsible for the eggs at the root of the last summer's salmonella crisis had a long history of environmental, immigration, labor, and food safety violations. It is clear that fines are not enough to protect the public and effectively deter this unacceptable conduct. We need to make sure that those who knowingly poison the food supply will go to jail. This bill will significantly increase the chances that those who commit serious food safety crimes will face jail time, rather than merely a slap on the wrist.

Food safety received considerable attention last year, and I was pleased that Congress finally passed comprehensive food safety reforms, but our work is not done. A provision almost identical to the Food Safety Accountability Act was passed by the House with strong, bipartisan support but failed to make it into the final legislation that ultimately passed because of Republican objections in the Senate. Now that the Senate has unanimously passed this bill, it is again time for the House to act.

The American people should be confident that the food they buy for their families is safe. The uncertainty and fear caused by the current *E. coli* outbreak in Europe only reinforces the