

injury, insurance, commercial and business law. She taught a number of courses at Southern University Law Center, and was a clinical professor at Loyola University.

From 1994 to 1996, Ms. Brown served as the Director of Sanitation for New Orleans. She was also a teaching fellow at Tulane Law School. Ms. Brown is a graduate from the University of Southwestern Louisiana and received her J.D. and L.L.M. from Tulane Law School.

The ABA Standing Committee on the Federal Judiciary has rated Ms. Brown with a unanimous "Qualified" rating.

Nancy Torresen is nominated to be United States District Judge for the District of Maine. Since 2001, Ms. Torresen has served in the criminal division of the U.S. Attorney's Office in the District of Maine. She has investigated and prosecuted Federal crimes in the northern half of the district.

From 1994 to 2001, the Department of Justice detailed Ms. Torresen to the Maine Department of the Attorney General Criminal Division in the Appellate Section. In this position, Ms. Torresen represented the state of Maine in appeals of serious violent crime convictions.

From 1990 to 1994, Ms. Torresen served as an Assistant United States Attorney for the U.S. Attorney's Office in Maine. She represented a variety of federal agencies in litigation involving medical malpractice, employment and discrimination cases.

She began her legal career as a law clerk with the Honorable Conrad K. Cyr, of the United States District Court for the District of Maine. In 1988, she joined Williams and Connolly as an associate, working on medical malpractice, libel, and contract disputes. Ms. Torresen is a graduate from Hope College with a B.A. and from the University of Michigan School Of Law with a juris doctorate.

The ABA Standing Committee on the Federal Judiciary has unanimously rated Ms. Torresen as "Well Qualified."

William Francis Kuntz, II, is nominated to the Eastern District of New York. This seat also has been deemed to be a judicial emergency. Since 1986, he has been a partner with a number of private law firms. While he has focused his practice on commercial litigation, he has represented financial services institutions, and large industrial entities.

From 1987 through 2010, Mr. Kuntz was appointed by Mayors Koch, Dinkins, Giuliani and Bloomberg, and confirmed by the New York City Council, to serve on the New York City Civilian Complaint Review Board, CCRB. As a commissioner, he has reviewed thousands of complaints filed by citizens against New York City police officers. Mr. Kuntz has taught courses in American Legal History at Brooklyn Law School.

Mr. Kuntz received his bachelor of arts, a master of arts, a juris doctorate, and a Ph.D from Harvard University.

The ABA Standing Committee on the Federal Judiciary has unanimously rated Mr. Kuntz as "Well Qualified."

Marina Garcia Marmolejo, is nominated to the Southern District of Texas. This is another judicial emergency seat. Ms. Marmolejo is currently a partner with Reid Davis LLP., where she has been focusing on complex commercial cases. Prior to this, she served as Of Counsel for two firms, working on complex Federal and State criminal defense matters, public corruption matters, criminal tax fraud, health care fraud, and mortgage fraud.

In 1999, Ms. Marmolejo worked briefly for the law offices of Jesus M. Dominguez before becoming an assistant U.S. attorney in the U.S. Attorney's Office for the Southern District of Texas. As an AUSA, Ms. Marmolejo was assigned to the Organized Crime Drug Enforcement Task Force where she handled narcotics cases and money laundering investigations.

After graduating from law school, Ms. Marmolejo joined the Federal Public Defender's Office for the Western District of Texas as Assistant Public Defender where she remained until 1998. She then moved to the Federal Public Defender's Office for the Southern District of Texas where she again served as an Assistant Public Defender until 1999.

Ms. Marmolejo is a graduate of the University of Incarnate Word and received her master of arts from St. Mary's University Graduate School, and her Juris Doctorate, cum laude, from St. Mary's School of Law.

The ABA Standing Committee on the Federal Judiciary has rated Ms. Marmolejo unanimously "Qualified."

Jennifer Guerin Zipps, nominated to be United States District Judge for the District of Arizona. As I mentioned, this seat has been deemed to be a judicial emergency. Judge Zipps has served as a U.S. magistrate judge since 2005. Prior to her serving on the bench, Judge Zipps served as an assistant U.S. attorney. While in that role, Judge Zipps was promoted to chief of the civil division. She also has private practice experience, serving as an associate in the firm of Molloy, Jones & Donahue. She began her legal career as a clerk for Judge William C. Canby of the Ninth Circuit Court of Appeals.

Judge Zipps is a graduate of the University of Arizona and received her juris doctorate from Georgetown Law. The ABA Standing Committee on the Federal Judiciary has rated Judge Zipps unanimously "Well Qualified."

Mr. President, I yield the floor, and 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. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRAHAM. Mr. President, I rise to speak on two topics, briefly, the

nomination of Judge Henry Floyd for the Fourth Circuit Court of Appeals, and the motion to proceed on China's currency.

First, Judge Henry Floyd has been nominated by President Obama to serve on the Fourth Circuit Court of Appeals in Richmond, VA. He has a lot of bipartisan support from South Carolina. He was nominated by President Bush to be a district court judge. He served as a State court judge before that, and he has a distinguished record as a State and Federal jurist. He is an outstanding choice by the President to serve on the Fourth Circuit Court of Appeals.

I have known Henry Floyd for many years. I have practiced law with him. I have appeared before him as a State judge and have followed his career. He is unanimously rated as well qualified to proceed to the Fourth Circuit. He has an outstanding legal background, great temperament, and is one of the most qualified district court judges in South Carolina. He will serve the people of the Fourth Judicial Circuit well on the court of appeals. He has the kind of intellect and common sense I think most people in this part of the country will appreciate having on the court.

I want to thank the Obama administration, and I urge my colleagues to vote for this well-qualified, fine man to go to the Fourth Circuit Court of Appeals. He has a lot of bipartisan support at home. Everybody who knows Judge Floyd is a big fan—right, left, and center.

CHINA'S CURRENCY EXCHANGE PRACTICES

The issue after this vote is whether the Senate should proceed to debate legislation I have authored with Senator SCHUMER and others dealing with the currency exchange practices of the Communist dictatorship of China. I have been involved in this for almost 7 years. We did a sense-of-the-Senate resolution back in 2004, I believe it was, urging the Chinese to change their currency policy.

But what does this mean to the average American? The exchange rate today is 6.38 yuan to the dollar. When you look at the dollar to the euro, I don't know what it is trading today, but it goes up and down every day. China's economy is growing at 9 and 10 percent. They are the second largest economy in the world. They are moving like gangbusters. Does it really matter for them to suppress the value of the currency? Yes, it does.

Any objective observer, looking at the history of the way the Chinese Government deals with its monetary policy, concludes they keep the yuan below its true value to create a discount on products made in China. Look at it this way. If you are competing with China in the world marketplace, not only do you have cheap labor to compete against, but you have the Government of China directly supporting their industries in a way we don't here, and then add to that intellectual property theft. When you do

business in China, the next thing you know, a Chinese company across the street is producing the very product you went to China to produce.

So the Chinese Government needs to follow the rule of law and live with the norms of international business practices. And when it comes to currency manipulation, it is impossible to believe that the dollar-to-yuan ratio exists without the government manipulating the value of the yuan. People estimate that it is 25 to 40 percent below its true value. What does that mean? It means if you are competing with China, selling the same product made in China, there is a discount on the Chinese product based on the value of their money.

The trade deficit with China has exploded. Last year, it was \$273 billion. We were at \$160.4 billion in July of this year. Cheap exports coming out of China are the source of cash for the Chinese Government and Chinese industry.

We can't convert the currency in China. In the United States, we can take your money and convert it to any currency we would like. But if a Chinese manufacturer sells a product in the United States and gets paid in dollars, they have to convert it to the yuan. They have very restrictive monetary policies, and the ban of trading on the yuan is 0.5 percent day. The dollar can fluctuate based on all kinds of economic forces—our debt, our trade deficit, and what is going on here at home. But the Chinese Government restricts the fluctuation of the currency in a way that costs us jobs.

It is estimated that over 2 million jobs have been lost over the last decade because of currency manipulation alone. It is one way to get an unfair advantage in the marketplace. Over 41,000 jobs have been lost in South Carolina alone because companies can't compete with China.

So this legislation would allow the Treasury Department to create new criteria to monitor the currency practices of the Chinese Government. If it is found to be misaligned or manipulated, the Treasury Department can bring countervailing duty proposals, countervailing duty action against China. We have done this before when the Chinese dumped steel into our market.

If a country is violating the international trading standards or business norms, under the WTO we have the ability to fight back. This legislation would elevate currency manipulation. It is one thing to dump a product such as steel or tires into the American economy, creating an unfair advantage for the Chinese manufacturing community; we have tools to deal with that. But we haven't embraced pushing back against currency.

China should be a great place to do business, but it is not. It should be more balanced than it is. I want to do business with China. I just don't want trade deficits of \$273 billion that are ar-

tificially created. If they do something better than us, they should win in the marketplace. That is just the way business works. But if the government intervenes and creates an advantage for a Chinese company, that is not winning in the marketplace. This would not matter if it were a small country such as the Dominican Republic or some small country where they have to keep the currency in check because they don't want wild swings of their currency. But major economic powers—China, the United States, European countries—can't play that game.

So I hope my colleagues will vote to allow this debate to go forward because this is about American jobs at the end of the day.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Under the previous order, all pending nominations other than the nomination of Henry Floyd are confirmed.

The question is, Will the Senate advise and consent to the nomination of Henry F. Floyd, of South Carolina, to be United States Circuit Judge for the Fourth Circuit?

Mr. BROWN of Massachusetts. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN), the Senator from Hawaii (Mr. INOUE), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Missouri (Mr. BLUNT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 154 Ex.]

YEAS—96

Akaka	Coburn	Heller
Alexander	Cochran	Hoeven
Ayotte	Collins	Hutchison
Barrasso	Conrad	Inhofe
Baucus	Coons	Isakson
Begich	Corker	Johanns
Bennet	Cornyn	Johnson (SD)
Bingaman	Crapo	Johnson (WI)
Blumenthal	DeMint	Kerry
Boozman	Durbin	Kirk
Boxer	Enzi	Klobuchar
Brown (MA)	Feinstein	Kohl
Burr	Franken	Kyl
Cantwell	Gillibrand	Landrieu
Cardin	Graham	Lautenberg
Carper	Grassley	Leahy
Casey	Hagan	Lee
Chambliss	Harkin	Levin
Coats	Hatch	Lugar

Manchin	Portman	Snowe
McCain	Pryor	Stabenow
McCaskill	Reed	Tester
McConnell	Reid	Thune
Menendez	Risch	Toomey
Merkley	Roberts	Udall (CO)
Mikulski	Rockefeller	Udall (NM)
Moran	Rubio	Vitter
Murkowski	Sanders	Warner
Murray	Schumer	Webb
Nelson (NE)	Sessions	Whitehouse
Nelson (FL)	Shaheen	Wicker
Paul	Shelby	Wyden

NOT VOTING—4

Blunt	Inouye
Brown (OH)	Lieberman

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. MANCHIN). Under the previous order, the Senate will return to legislative session.

CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT OF 2011—MOTION TO PROCEED—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 183, S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

Harry Reid, Sherrod Brown, Charles E. Schumer, Tom Udall, Richard J. Durbin, Richard Blumenthal, Benjamin L. Cardin, Daniel K. Akaka, Jack Reed, Joe Manchin III, Debbie Stabenow, Sheldon Whitehouse, Kay R. Hagan, Robert P. Casey, Jr., Kent Conrad, Kirsten E. Gillibrand, Robert Menendez.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to Calendar No. 183, S. 1619, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 79, nays 19, as follows: