

[Rollcall Vote No. 125 Ex.]

YEAS—55

Alexander	Gardner	Perdue
Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hawley	Roberts
Boozman	Hoeven	Romney
Braun	Hyde-Smith	Rounds
Burr	Inhofe	Rubio
Capito	Isakson	Sasse
Cassidy	Johnson	Scott (FL)
Collins	Jones	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sinema
Cramer	Lee	Sullivan
Crapo	Manchin	Thune
Cruz	McConnell	Toomey
Daines	McSally	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

NAYS—43

Baldwin	Hassan	Sanders
Bennet	Heinrich	Schatz
Blumenthal	Hirono	Schumer
Booker	Kaine	Shaheen
Brown	King	Smith
Cantwell	Klobuchar	Stabenow
Cardin	Leahy	Tester
Carper	Markey	Udall
Casey	Menendez	Van Hollen
Coons	Merkley	Warner
Cortez Masto	Murphy	Warren
Duckworth	Murray	Whitehouse
Durbin	Peters	Wyden
Feinstein	Reed	
Gillibrand	Rosen	

NOT VOTING—2

Harris Tillis

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The senior assistant legislative clerk read the nomination of Kenneth D. Bell, of North Carolina, to be United States District Judge for the Western District of North Carolina.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Bell nomination?

Mr. INHOFE. Mr. President, 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 senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from North Carolina (Mr. TILLIS) would have voted "yea."

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS) is necessarily absent.

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

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 126 Ex.]

YEAS—55

Alexander	Braun	Cornyn
Barrasso	Burr	Cotton
Blackburn	Capito	Cramer
Blunt	Cassidy	Crapo
Boozman	Collins	Cruz

Daines	Kennedy	Rounds
Enzi	Lankford	Rubio
Ernst	Lee	Sasse
Fischer	Manchin	Scott (FL)
Gardner	McConnell	Scott (SC)
Graham	McSally	Shelby
Grassley	Moran	Sinema
Hawley	Murkowski	Sullivan
Hoeven	Paul	Thune
Hyde-Smith	Perdue	Toomey
Inhofe	Portman	Wicker
Isakson	Risch	Young
Johnson	Roberts	
Jones	Romney	

NAYS—43

Baldwin	Hassan	Sanders
Bennet	Heinrich	Schatz
Blumenthal	Hirono	Schumer
Booker	Kaine	Shaheen
Brown	King	Smith
Cantwell	Klobuchar	Stabenow
Cardin	Leahy	Tester
Carper	Markey	Udall
Casey	Menendez	Van Hollen
Coons	Merkley	Warner
Cortez Masto	Murphy	Warren
Duckworth	Murray	Whitehouse
Durbin	Peters	Wyden
Feinstein	Reed	
Gillibrand	Rosen	

NOT VOTING—2

Harris Tillis

The nomination was confirmed.  
The Senator from Ohio.

TRADE

Mr. PORTMAN. Mr. President, I am here on the floor today to talk about international trade. It is a very complex issue, but also a really important issue to our country. Our goal with trade should be pretty simple: It is to level the playing field for America's workers, America's farmers, and America's businesses.

One, we have got to be sure they are not hurt by unfair imports coming into our country, so that is really a fairness issue and a trade enforcement issue.

Second, we should expand our exports. Opening up more foreign markets to our products is great for America. That is the balance. As a trade lawyer and as the U.S. Trade Representative in the George W. Bush administration and as a member of the Finance Committee, which has jurisdiction over these issues, I have worked on the trade matters quite a bit. It is really important to my home State.

Ohio has products that are manufactured by workers and crops grown by our farmers that are shipped all around the world. In fact, in Ohio, 1 of every 3 acres is now planted for export. So our farmers are dependent on trade, and 25 percent of our factory workers—manufacturing workers—have their jobs because of exports. Twenty-five percent is a big part of our manufacturing economy.

These jobs aren't just good for Ohio's economy. They are great for the people that have them. Trade jobs pay, on average, 16 percent more than other jobs, and they have better benefits, so we want more of these jobs.

With 95 percent of the world's population living outside of our country, we want to sell more of our stuff to the rest of the world to continue to grow and maximize the potential of our economy. So in my State and a lot of

others, manufacturing and ag jobs that are the bedrock of our economy depend on balanced trade. That goes for our trading partners around the world, but particularly for our two biggest neighbors: Mexico and Canada. They are, by far, Ohio's biggest trading partners.

Since 1994, we have linked our economy to Mexico and Canada in the form of the North American Free Trade Agreement, or NAFTA. In 2018, Ohio shipped 39 percent of our exports to Canada, more than twice the national average. Along with our trade with Mexico, this accounted for \$20 billion in trade. In all, trade with Mexico and Canada now supports 450,000 jobs in Ohio. So it is important.

We all know that the existing agreement—again, called NAFTA—has to be updated. It is 26 years old. It needs to be modernized. It needs to be improved. We need to be sure that we are doing a better job of leveling that playing field that we talked about and be sure that we are reflecting the nature of the 21st century economy.

Think about it. Back when NAFTA was negotiated, there was no digital economy. So we need to have new rules with regard to digital economy, as we do in our more recent trade agreements.

Also, as an example, there were no biologics. So we have no protections in the NAFTA agreement for biological pharmaceuticals. Of course, we need to have that in the new agreement, but it is more than that. Labor standards and environmental standards that have been in all of the more recent trade agreements need to be incorporated into the NAFTA agreement. There are lots of reasons for us to update the North American Free Trade Agreement and to improve it. Although no trade agreement is perfect, the new USMCA does those things.

By the way, according to a recent study by the Independent Trade Commission, the new USMCA, which is used to replace NAFTA, is estimated to raise wages and add 176,000 jobs to the U.S. economy. That is good. I support this U.S.-Canada agreement, or USMCA.

Last week, President Trump and his administration took a major step toward realizing the USMCA by announcing they would be lifting the so-called section 232 steel tariffs on steel and aluminum coming from Mexico and Canada. This is really good news. It is something I had advocated for, as had others, in order for us to pass the USMCA here but also to be sure that other countries—Canada and Mexico—could ratify the USMCA.

It ends the retaliation by Mexico and Canada on Made in Ohio exports to our northern and southern neighbors. This was really starting to bite in my home State and around the country.

By the way, it also protects against import surges and transshipments, particularly with regard to steel and aluminum. We worry about transshipments coming from China into

countries like Mexico and Canada and then being shipped or sneaked into the United States. You don't want that. That protection is in there as well. I think this was a good agreement.

Tariffs, especially on our allies, ought to be something we try to avoid—used tactically, sparingly, and targeted as to when we are going to use them.

There has been a lot of talk recently about the use of these section 232 tariffs by the administration not just on steel and aluminum but also with regard to automobiles and auto parts. Section 232, the law that this will be done under, is really an exception to our trade laws. Our trade laws say that if you unfairly trade with us—in other words, if you subsidize your products overseas or if you dump them, meaning, you sell them below their cost—then that is illegal, and we get to retaliate by adding tariffs to your product.

We also have laws that say if there is an import surge that domestic industries are substantially harmed by, that is a time for us to step up. But our other trade laws require one of those two things: either a finding of injury to a U.S. industry or some kind of unfair trade.

Under section 232, which is an exception to that, you don't have to do that. You can block imports simply by saying it is a national security issue.

It is a pretty powerful thing that the executive branch has, but it has been used very infrequently, and that is how Congress intended it. Congress intended it just to be used for true national security purposes.

The agency in charge of investigating these 232 tariffs is the Commerce Department. A recent Commerce Department investigation concluded that imported automobiles under the 232 criteria would be a national security threat. I think that is not accurate. I think minivans from Canada, as an example, aren't a national security threat to us. It may be that if they are unfairly traded, then we should enforce our trade laws. It may be that if there is an import surge that hurts our domestic industry, then go after them. But I think to use this tool in that sort of way is not appropriate.

That is why, over the past 50 years since this has been in effect, the section 232 tool has been used only a few times. In fact, it hasn't been used in the last 33 years.

One President tried to use it—George W. Bush, for whom I worked—and his Commerce Department said: You know, that is not a national security issue. So he used another trade provision that, again, required that you showed material injury to a domestic industry. That is the 232 issue.

I think it is important to have the tool. I think if it is a true national security concern, it is good to have it in the toolbox, and we ought to be able to use it. But we have to be judicious about it and not misuse it.

One reason to be careful is if you were to impose tariffs on cars and automobiles, as the Commerce Department has said you could do, it would really cost U.S. consumers and businesses.

First, on average, U.S. cars would cost about \$2,000 more, and I am told that is a conservative estimate. We don't want that.

Second, if you put these 232 tariffs on cars and auto parts with no fairness rationale, the retaliatory tariffs on our exports would be swift and painful.

Finally, if you misuse this 232 tool, I think you risk losing it altogether.

The World Trade Organization might not have too much influence these days, but they do have the ability to say whether something is legal under international trade rules. They have an exception for these national security waivers, but not if they are misused. So I think we have to be careful about how we use it.

President Trump and his administration made a decision over the last several days that I applaud them for. They decided not to move forward on these 232 tariffs against auto parts and automobiles. They decided to put it off for 6 months. I commend them for that.

Again, I hope we would never go there, but I think it is really important that we put that off for 6 months so that we can get not just the U.S.-Canada-Mexico agreement accomplished but so that we can also focus on other things, specifically, our issues with China.

I recently introduced a bipartisan bill on section 232. It is a commonsense approach that says: Let's be sure we are going under the original intent of section 232, that we are not misusing it. It is really simple. It says that instead of having the Department of Commerce make the decision, it should be the Department of Defense. The Department of Defense has the expertise to determine whether something is a national security issue.

With regard to the recent decisions on these 232 tariffs, the Department of Defense did not agree with the Commerce Department and thought that it was not a national security concern. They said that explicitly with regard to steel and aluminum, as examples. I just think the men and women who are hired to protect our country ought to be the ones who decide whether that is a national security threat.

Second, our legislation increases Congress's oversight here and allows for Congress to have an expanded role, to provide a legislative path for Congress to disapprove one of these 232 tariffs decisions if we think it is the wrong way to go. I think it is important to bring some of the power back to Congress, where it resides in the Constitution.

I hope my colleagues on both sides of the aisle will help us with this commonsense legislation and avoid the misuse of section 232 on issues like autos and auto parts.

Again, in the meantime, the administration has made the right choice by delaying the imposition of these 232 tariffs on longtime allies with regard to autos and auto parts.

As I said earlier, balanced trade is about enforcement, being sure that it is fair in terms of what imports are coming into this country for our workers, for our farmers, and for our service providers.

It is also about exports. Do you know what? Because of that goal of balanced trade, I support what the Trump administration is doing vis-a-vis China. Unfortunately, when you look at what has happened to our relationship with China, we have more and more reasons to say that China is not playing by the rules.

China needs to make structural changes in our trade relationship in order for us to have that level playing field we talked about earlier. Right now, this U.S.-China economic relationship lacks equity, balance, and fairness. It also lacks durability.

The big trade deficits and the structural problems we have can't last. To put it simply, China is not playing by the rules.

First, they unfairly subsidized their exports. We talked about this earlier, but it is not fair for another country to say "We are going to use government money to subsidize what we send to the United States," and then have our workers and our farmers have to compete with that. Subsidies are unfair under international rules and under our trade laws.

China does it in a number of ways. One, they have a bunch of State-owned enterprises, and they have actually expanded their State-owned enterprises at a time when it looked as though China was going the other way, that they were going to have a more market-based economy, where the government wouldn't be controlling industries. But they have also committed massive subsidies to some of their favorite industries, companies, and technologies.

Second, China doesn't grant reciprocal access to U.S. investors and engages in coerced technology transfer in intellectual property theft from U.S. companies. Often, that intellectual property or technology then goes to a Chinese company.

To be clear, as a condition of doing business in the huge Chinese market, U.S. companies regularly have to hand over their intellectual property, their technology, and their innovations, like manufacturing processes, let's say, or blueprints, designs, trade secrets, and other things of value. Then, typically, a Chinese competitor uses these advantages to compete against U.S. companies. Again, that is just not acceptable.

I encourage you to check out the administration's section 301 report on USTR.gov. Go on USTR.gov, and you will see the section 301 issues that are laid out in that report. If you want to learn more about it, it is pretty clear.

Let me give you an example of how this technology transfer works. If a U.S. automaker wants to make cars in China—and a lot of them have wanted to and have made them there—China requires joint ventures in order to gain access to production technology that then helps foster China's own domestic auto industry.

In a number of businesses, China requires a 51-percent Chinese partner in a joint venture. Again, that is one way that technology transfer happens.

At first, China's foreign investment catalogue encouraged—that was the word—foreign auto investment. I was in China back in 1984, I believe it was—maybe 1985—at a Jeep plant. And I watched the first American vehicles go off the production line in China. I was there. I saw it. It was very positive. People were thinking: This is interesting. We are going to do business with China. Those Jeeps can then be sold in China and sold in other parts of Asia. It wasn't going to compete with the U.S. market. This was good for Jeep and good for China. That was at a time when they were encouraging foreign auto investment. But as China learned about auto manufacturing from these investments—in other words, they got knowledge about how to manufacture automobiles themselves—the foreign investment catalogue changed its position on auto investment from “encouraged” to “permitted” and then, more recently, in 2015, to “restricted.”

Again, this is an evolution, initially, bringing in a joint venture partner and getting the technology. It goes from “encouraged” to “permitted” and then finally to “restricted” now that China has that technology. That is kind of leapfrogging us, isn't it? Again, that doesn't seem fair, and it certainly is not reciprocal because we don't do the same thing here in this country.

This problem of fueling Chinese innovation with the hard work of U.S. companies is even more pronounced in the electric vehicle sector. There, China tries to incentivize the production of vehicles in China rather than imports from overseas. We would love to sell American electric cars in China, but they prevent this with a combination of things: tariffs, which are relatively high; subsidies for domestically produced electric cars; and a credit system that requires all automakers selling in China to produce a portion of their electric vehicles in China or face penalties. Again, we don't do that.

It is clear from this experience that China's unfair trade practices are at odds with the current rules-based, multilateral trading system.

I will continue to support the administration's efforts to increase pressure on China in order to reach a strong but fair and enforceable agreement. I argue that this is in China's interest, as well as in our interest. They are now a mature trading partner. They are now the greatest exporter in the world. They have an economy that is growing—

again, more sophisticated, more technology. They should want to protect their own intellectual property. They should want to be engaging with us and other countries around the world on a more fair basis.

While I urge the United States to hang tough, the administration should work quickly to try to bring these negotiations to a close because a combination of the retaliatory tariffs on U.S. exports and tariffs on Chinese consumer products here in America is causing pain for our farmers, for our workers, and for our service providers. So it would be good to bring these negotiations to a conclusion.

We were very close to doing that only a few weeks ago, and the reports back were that China had changed its view on some of the concessions they were willing to make. Let's get back to the table, and let's make a fair and enforceable agreement.

As part of increasing pressure on China, as the new tariff increases are designed to do, the United States must also better leverage our allies. The European Union, Japan, Korea, Canada, Australia, not to mention Vietnam and lots of other countries in Southeast Asia—all share our concerns that the administration has raised with regard to China. They are all experiencing the same thing. Leveraging our allies helps put pressure on China by demonstrating the broad consensus that exists among those who believe China often acts contrary to our rules-based, multilateral trading system.

When I was U.S. Trade Representative, I laid the groundwork for a number of successful World Trade Organization complaints against China by working with our allies. Key to our victory in those cases was our ability to rally and to kind of come up with a posse—the EU, Canada, Mexico, Japan, and other countries—to show China that the world was watching and cared. The administration's work with the EU and Japan on WTO reform and subsidies, right now, is a good step in the right direction. It shows how much is possible when we can rely on our friends and, therefore, gain more leverage. It is why it is important we don't adopt policies that actively undermine our ability to work with allies also.

That is another reason I was glad to see the administration delay any tariffs pursuant to this 232 we talked about on automobiles and auto parts. A lot of those 232 tariffs would have been imposed on our allies. Not only do autos and auto parts from our allies or anywhere else in the world not threaten our national security, but it also invites retaliation on U.S. exports and poisons the well of good will we need with our historic allies as we pursue a resolution of our differences with China.

Let me end where we started—about balanced trade. All America needs is a level playing field. We can compete. We have the ability to innovate. We have the ability to be flexible. We have a lot

of advantages in this country, but we do need a level playing field. All we ask for is fair and reciprocal treatment from our trading partners. The sweet spot for America is that balanced approach—again, opening up new markets for U.S. products while insisting on trade enforcement so that our workers can compete.

As we talked about today, right now, we have a lot of balls in the air in relation to trade. This has caused some uncertainty among our trading partners, with American businesses, workers, and farmers that rely on trade. I get that.

Let's prioritize passing USMCA with Canada and Mexico. That will provide some certainty. Let's support the administration in bringing home a strong agreement with China. That will provide a lot of certainty. And let's not impose new section 232 tariffs. That will also provide some certainty and predictability.

With that predictability and certainty further leveling the playing field, we can help American farmers, American workers, American businesses, and our economy.

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

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

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#### ORDERS FOR THURSDAY, MAY 23, 2019

Mr. CRAMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 9:30 a.m., Thursday, May 23; further, that following the prayer and pledge, the time for the two leaders be reserved for their use later in the day.

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

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#### IRAN

Mr. LEAHY. Mr. President, many of us are increasingly concerned that, since President Trump's reckless decision to abandon the multilateral nuclear agreement with Iran, which by all accounts Iran had been complying with, the administration has been on a collision course that could draw us into a war with Iran. Although the President insists that is not what he wants, he is known to change his mind on a whim, and the statements and actions of others in his administration, including some who were vocal proponents of the unnecessary and costly war in Iraq, leave little doubt that they favor a policy of regime change.

We all deplore Iran's support for terrorism, its ballistic missile program, its horrific violations of human rights, and its constant outpouring of hateful