That is precisely the vote before us now. We will be watching to see if the senior Senator from Utah follows his own counsel or if he, in his own judgment, undermines the authority of the President of the United States.

These pledges were made publicly and plainly. In a court of law, they would be considered pretty clear evidence. It does not take the great legal mind of a Goodwin Liu to recognize that simple principle.

We have heard the promises. Now we will hear the votes.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative 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 nomination of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit.

Harry Reid, Patrick J. Leahy, Charles E. Schumer, Richard Blumenthal, Daniel K. Akaka, Al Franken, Richard J. Durbin, Sheldon Whitehouse, Dianne Feinstein, Jeff Merkley, Christopher A. Coons, Mark Begich, Amy Klobuchar, Barbara Boxer, Jack Reed, Debbie Stabenow, Sherrod Brown.

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

The question is, Is it the sense of the Senate that the debate on the nomination of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON), the Senator from Kansas (Mr. MORAN), and the Senator from Louisiana (Mr. VITTER).

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

The yeas and nays resulted—yeas 52, nays 43, as follows:

[Rollcall Vote No. 74 Ex.]

YEAS—52

Akaka	Franken	McCaskill
Begich	Gillibrand	Menendez
Bennet	Hagan	Merkley
Bingaman	Harkin	Mikulski
Blumenthal	Inouye	Murkowski
Boxer	Johnson (SD)	Murray
Brown (OH)	Kerry	Nelson (FL)
Cantwell	Klobuchar	Pryor
Cardin	Kohl	Reed
Carper	Landrieu	Reid
Casey	Lautenberg	Rockefeller
Conrad	Leahy	Sanders
Coons	Levin	Schumer
Durbin	Lieberman	Shaheen
Feinstein	Manchin	Stabenow
Tester	Warner	Wyden
Udall (CO)	Webb	
Udall (NM)	Whitehouse	

NAYS—43

Alexander	DeMint	McConnell
Ayotte	Enzi	Nelson (NE)
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Heller	Risch
Brown (MA)	Hoeven	Roberts
Burr	Inhofe	Rubio
Chambliss	Isakson	Sessions
Coats	Johanns	Shelby
Coburn	Johnson (WI)	Snowe
Cochran	Kirk	Thune
Collins	Kyl	Toomey
Corker	Lee	Wicker
Cornyn	Lugar	
Crapo	McCain	

ANSWERED ''PRESENT''—1

Hatch

NOT VOTING—4

Baucus	Moran
Hutchison	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 43, and 1 Senator responded ''Present.'' Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

● Mr. MORAN. Mr. President, today, I was unavoidably absent for vote No. 74 on cloture for the nomination of Goodwin Liu, of California, to be a U.S. circuit judge for the Ninth Circuit. I was in my home State of Kansas at the time of the vote. Had I been present, I would have voted to oppose the invoking of cloture on the nomination.●

The PRESIDING OFFICER. The Senator from Illinois.

LEGISLATIVE SESSION

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate resume legislative session.

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

MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent the Senate proceed to a period of morning business until 6 p.m., with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Nebraska.

PENDING TRADE AGREEMENTS

Mr. JOHANNS. Mr. President, I come to the floor this afternoon during World Trade Week to urge President Obama to submit pending free-trade agreements: Korea, Panama, and Colombia. I hope this is the last time I come to the floor on this issue until we are actually debating these job-creating agreements, but I must admit I feel as though I am holding my breath.

Mr. President, 1,420 days have passed since the U.S.-Korea Free Trade Agreement was signed; 1,422 days have passed since we signed an agreement with Panama, and it has been 1,640 days since we completed negotiations with our close ally, Colombia.

We have heard the administration tout the job-creating benefits of the agreements, so why more roadblocks? Our unemployment rate is nearly 10 percent. Our workers deserve a consistent message on job creation from this administration. It has been over a month since President Obama and the President of Colombia made an announcement. The announcement was that negotiations had been completed, I might add, yet again. I was relieved that President Obama finally announced there was an agreement and that there was a need to complete the long overdue agreement.

I am confident the agreement brought to the Senate and the House would finally win bipartisan support, and I still am today. In fact, over a month ago, in the Wall Street Journal, my colleagues, Senators BAUCUS and KERRY, called for Congress to ''restore a broadly-shared bipartisan consensus on trade.'' Now the administration seems to be moving the goalposts, suggesting continued delay. They are trying to hold up these agreements to force us to make spending increases that were contained in the ill-fated economic stimulus bill.

During the challenging economic times that our Nation has endured, we should all be doing all we can to exert every single ounce of energy to get our economy moving again and create jobs. This is not done by heavyhanded government, massive new spending, and new entitlements when our current programs are unsustainable. It is accomplished by lowering and removing barriers to our job creators so they can flourish. Korea, Panama, and Colombia all have much higher barriers to our exports than we have to their imports. These three bipartisan votes should have been near the top of the agenda 2 years ago. By now we should be voting on new agreements that this administration has negotiated, not the leftovers from the previous administration.

We will need an even greater focus on leveling the playing field through trade agreements if we are going to double our exports in the next 5 years, which is the goal the President has set. Yet the administration, claiming that reopening negotiations with Korea, Colombia, and Panama was necessary, continues to talk through these agreements. I am not saying every single agreement before us, or hopefully before us, is perfect. No agreement ever is. However, let's not forget that these agreements were originally negotiated in good faith between allies. What does this delay do to our reputation as a reliable negotiating partner?

Back where I come from in Nebraska, a lot of business is still done with a handshake. We trust our neighbors because they are good people with good values. But if one makes a deal with someone and shakes on the deal and they keep changing the terms or delaying the followthrough, one tends to stop dealing with those people. I sure hope that does not happen to us.

The fastest growing opportunities for American businesses, farms, and ranches are outside of our borders. Our greatest opportunities are overseas in rapidly developing countries. I fear that these long delays have hurt our ability, the ability of our government to negotiate high-quality trade agreements. But, most importantly, it has hurt the ability of Americans to compete in these growing marketplaces.

Let's not pretend this delay has not cost American workers. Since the Colombia agreement was initially signed all those days ago, our businesses and our agricultural producers have paid nearly $3.5 billion in tariffs for goods exported. That is enormous, especially when we consider that the U.S. International Trade Commission estimates that an American job is supported for every $166,000 in exports.

Instead of wasting money on tariff payments, the U.S. manufacturing and agricultural sectors could have spent billions of dollars creating jobs at home.

I hope we can soon get past the continued delays and the administration can signal to us that they are serious about doubling exports in 5 years.

On July 1, less than 2 months away from now, the trade agreement between the European Union and South Korea goes into effect. It is also the date that the FTA between Canada and Colombia goes into effect. The negotiators for other countries are watching the United States, and they have seen a lack of trade policy. They have seen a change here, and they are doing everything they can to fill that vacuum with negotiated and approved agreements. Now our exporters will face even greater competition when our trade agreements are approved, and hopefully they will be.

The President said it very well in his State of the Union Address:

> If America sits on the sidelines while other nations sign trade agreements, we will lose the chance to create jobs on our shores.

That is exactly what is happening. I will give one example. In 2007 American wheat farmers supplied Colombia with almost 70 percent of the wheat market, even though they faced tariffs of 10 to 35 percent. By 2010 our wheat farmers' share of the market had dropped to 46 percent. Where did that business go?

Meanwhile, Canada's share grew from 24 to 33 percent. That percentage will skyrocket when Canadian farmers can export their products duty free on July 1. Our wheat farmers may effectively be shut out of a market that they dominated at one point in time.

Americans who are out of work know firsthand that an opportunity is being missed. Nebraska farmers, businesses, workers, those across the country know we can compete with anyone given a level playing field. After the absence of leadership on trade in Washington during the last 2 years, though, the job of competing is harder and harder.

In proclaiming this week as World Trade Week, the President noted the connection between the global economy and prosperity in our own country. ''To ensure our success,'' he called for ''a robust, forward-looking trade agenda that emphasizes exports and domestic job growth.'' It is disappointing that the positive steps forward we have seen over the past few months have slowed in recent days, and we just cannot afford more setbacks.

I look forward to working with the administration over the next 2 years on forward-looking trade efforts. Real progress forward would produce great opportunity in our country, but we have to get this work done first. Therefore, it is my hope that the President will bring to us, without delay, the Korea, Panama, and Colombia Trade Agreements for us to vote yes.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FREE-TRADE AGREEMENTS

Mr. BROWN of Ohio. Mr. President, I appreciate the words of the Senator from Nebraska about these trade agreements. I take them at face value. I know he means well. I know he believes these trade agreements help the American people.

I also know every time there is a major trade agreement in front of this Congress—the Presiding Officer's first one, I believe, and mine, was something called the North American Free Trade Agreement. They promised and promised, saying there would be all kinds of jobs and our trade surplus would grow; that it would be not just more jobs but better paying jobs. It did not quite work out that way with NAFTA.

Then they did the same kind of promise and overpromise with PNTR, normal trade relations with China. In Mexico with NAFTA we had a trade surplus not too many years before NAFTA was signed, and it turned into a multibillion-dollar trade deficit.

With China we had a small trade deficit. A deficit in trade means we buy more from that country than we sell to that country. President Bush said a $1 billion trade surplus or deficit turns into—he had different estimates, but between 13,000 and 19,000 jobs is what he used to say. Whether or not that is precise is a bit beside the point. The point is, if we are selling a lot more than we are buying, it is going to create jobs in our country. If we are buying a lot more than we are selling, we are going to lose manufacturing jobs.

We went to literally hundreds of billions of dollars in trade deficit with China after PNTR. If we go into any store in the country we see the number of products made in China that used to be made in Vermont or Ohio or Michigan or Pennsylvania or Mississippi or wherever. So we know with these trade agreements, every time they come to the floor the promise is they are going to create jobs for Americans. They did it with NAFTA. They did it with PNTR with China. They did it with the Central American Free Trade Agreement. Now they are saying the same thing with South Korea, Panama, and Colombia, that it is going to create American jobs. Well, it doesn't ever. Maybe the theory is good. I don't think the theory is very good, but maybe it is, but it doesn't seem to work out that way.

I urge my colleagues to listen to what these supporters of trade agreements say, to be sure; trust but verify. Ask the tough questions: Why is this going to create more jobs? We know the cost of the South Korea trade agreement is literally $7 billion. It is going to cost us a lot of money. They are not paying for it. These fiscal conservatives here don't want to take away the subsidies from the oil industry. They also don't want to pay for the trade agreement that is going to cost us $7 billion, plus the lost jobs that come about as a result.

We know what these lost jobs mean to Mansfield, OH. We know what they mean to Sandusky and Chillicothe and Cleveland and Dayton, proud cities with a proud middle class that have seen these manufacturing jobs so often go straight to Mexico, go straight to China, go straight to countries all over the world after we sign these trade agreements or after we change these rules about trade.

At a minimum, I have asked the President of the United States by letter, with 35 or so Senators who also signed this letter—and we will release it and send it to the President tomorrow—underscoring the President's commitment and the commitment of the U.S. Trade Representative, Ambassador Kirk, and the President's economic adviser, Gene Sperling, who said they will not send these free trade agreements to the Congress until the President has had an opportunity to sign trade adjustment assistance.

Trade adjustment assistance simply says when you lose your job because of a trade agreement, you at least are eligible for assistance for job retraining. To me, the problem is the trade agreements and they are costing us jobs. But at a minimum, the great majority of Democratic Senators here understands, along with the President, that we don't pass these trade agreements without helping these workers who are going to lose their jobs.

To me, it is a little bit counterintuitive: Why pass these trade agreements at all if we expect job loss to come from them. But the other side of the argument is that jobs will increase overall, although it doesn't seem to work that way. But everybody knows some people are going to lose jobs as a