

faces, and in the end, we will deal with this.

I took to the floor today to thank my colleagues who helped negotiate this from a bill that was a disaster to a better bill, and I also want to make sure that these 450 organizations, including NRDC—what they did by standing up and calling for Safer Chemicals Healthy Families—was so fantastic. They never allowed people to talk them down or bully them out of the room. I stand with them 100 percent. The Asbestos Disease Awareness Organization was incredible.

We have some hope here. All we have to do is keep on fixing this bill, and it could come to a good place.

I so appreciate the patience of my colleagues. I talked long about two bills which are very important. I hope we will not get on this trade bill. I hope we will move to an agenda for the middle class.

As I said, the original toxic chemicals bill, S. 697, that according to a prize-winning reporter was written on the computer of the American Chemistry Council, was deeply flawed. That bill is gone. Thanks to the public health organizations, environmental organizations such as the Environmental Working Group, Safer Chemicals, the Breast Cancer Fund, Asbestos Disease Awareness Organization, NRDC, nurses, physicians, the media, and individuals such as Deirdre Imus, Linda Reinstein, and Trevor Schaefer. Those individuals and organizations put S. 697, the original bill, front and center and, despite its beautiful name, saw it for what it was.

The amended version that was reported out of the EPW Committee last month included fixes to preemption of State air and water laws, co-enforcement of chemical restrictions by States, and removal of a harmful provision that would have undermined EPA's ability to restrict the import of dangerous chemicals from foreign countries.

However, there are still critical changes that must be made in order for this bill to do what has been advertised and protect public health.

Leading public health, labor, and environmental groups, including the Safer Chemicals, Healthy Families Coalition, which represents 450 environmental, labor, and public health groups; the Asbestos Disease Awareness Organization; AFL-CIO; Environmental Working Group, the Breast Cancer Fund, and the Center for Environmental Health, and others have made clear that they do not support the bill reported from the EPW Committee because key improvements are needed if we are to achieve real TSCA reform.

Our common goal is real TSCA reform. We should fix the dangerous loopholes that could undo the good intentions of so many who have worked on this effort.

As Lisa Heinzerling, a professor at Georgetown University Law Center and

former senior EPA official pointed out in a recent blog titled, "Toxic Ambiguity: the Dangerous Mixed Messages of the Udall-Vitter Bill to Reform TSCA," these are serious loopholes that must be addressed.

I believe the needed fixes are achievable. Some of these changes, which I offered in the EPW Committee, received bipartisan support. As we move forward, I ask my colleagues to join me to keep making this bill better.

We need to address clusters of cancer, birth defects and other diseases, especially when children are affected. Communities should have the tools they need to determine whether there is a connection between these clusters and contaminants in the surrounding environment. Senator CRAPO was a cosponsor of this common-sense provision and voted for it in the EPW Committee.

We must ensure the chemicals that could contaminate drinking water supplies, such as the spill that occurred in West Virginia last year, are prioritized. Senator CAPITO from West Virginia supported this amendment in the EPW Committee.

We must ensure States can continue to act. The bill reported from the EPW Committee could still shut the States out for years from the ability to protect their citizens from toxic hazards. The process for State action is complicated and confusing and likely to end up in the courthouse. If the intention is to allow the States to act if the Federal Government has not done so, the bill needs to be amended to make that clear.

Asbestos has been a poster child for this bill and it is one of the most dangerous substances known to humankind—it takes 10,000 lives a year. We need to ensure that EPA can expeditiously review and take action to ban asbestos within 3 or less years.

The legal standard of review in this bill is the same as the original TSCA. We must ensure that there are no opportunities for the fatal flaws of current TSCA to be retained in the new law.

These are the kind of fixes I believe we can accomplish.

I think my colleagues and I can agree that there are safeguards that still need to be put in place. Now it is time to ensure that these safeguards become a reality.

We need to get it right this time. The stakes are high.

I look forward to working with colleagues to make this chemical safety bill do the job that our families and children deserve.

I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Delaware.

TRADE

Mr. CARPER. Mr. President, I wish to harken back about 6 months, if I could, to the election of last November. For me there were at least three takeaways from that election. No. 1,

the voters of this country want us to work together and across party lines. No. 2, they want us to get things done. Among the things they want us to get done is to find a way to strengthen the economic recovery that has been underway now for several years.

Senator BOXER has referred to a couple of things that would be on that to-do list—a robust 6-year transportation bill that rebuilds our roads, highways, bridges, transit systems and will put a lot of people to work and helps to strengthen our economic recovery by making a more efficient and effective transportation network to move products and goods all over this country and outside of this country.

We need to strengthen our cyber security. We need to address data breach and all of the attacks that are going on throughout this country to businesses, colleges, and universities—you name it.

We need tax reform that actually provides some predictability in the tax system and makes our Tax Code on the business side more competitive with the rest of the world.

We also need to acknowledge, as the President has done, that 95 percent of the world's market lies outside of our borders—95 percent. The fastest growing part of that market around the world is Asia. The President has suggested and strongly supported a trade agreement that would involve 12 nations, including about a half dozen here in this hemisphere and the other half over in Asia. All together it encompasses about 40 percent of the world trade market.

The President is not suggesting that we just open up our markets so that other countries can sell more of their stuff here. They already do that for the most part. The goal of this trade agreement is to open up these other markets in other countries so we can sell our goods, our products, and our services there. This is a top priority for this administration and this should be a top priority for Democrats and Republicans. This is a priority that should be hammered out and worked on in a way that will be fair to workers and middle-class families.

The majority leader has come here today to suggest a path forward. I hope we will not reject it. What he suggested is we allow, through a vote on the cloture, to move to the floor and begin debate on four different pieces of legislation that are part of the transportation agreement. We have seen this movie before. In fact, we have seen it any number of times before because I believe we have given trade promotion authority to every President since World War II except Richard Nixon. The reason why is because it is almost impossible for 535 of us in the Congress to negotiate a trade deal. Whether it is 3 nations or 11 other nations, it is pretty much impossible, and that is why we have trade promotion authority.

The majority leader suggested that we move to these four goals and let's

begin the debate. We should realize, as Democrats, that we already realized a great victory here. In the past, the Republicans have rejected our efforts almost every time to include trade assistance adjustment, so that when folks are displaced from their jobs, they can actually get help on their health care, job training, and have an opportunity to put their lives back together.

This legislation today, the trade promotion authority, actually expresses what our views and our priorities are as a Congress through the trade negotiator and to our negotiating partners overseas, and I think that is in our interest. The other thing that we get out of moving TPA with TAA together is that we get the assurance upfront that we are going to look after workers who are displaced. It is the best trade adjustment assistance we have ever had, at least in terms of the way it treats workers and displaced workers. It even helps those who are maybe not even affected by this agreement but are affected by other calamities in our economy—not just in the manufacturing sector but also in the service sector as well.

I suggest this to my colleagues: Let's spend the time between now and 2:30 p.m. trying to figure out how we can establish some confidence, faith, and trust here, so that if we move to this bill, it will not be just to consider trade promotion authority and trade adjustment assistance, we will have an opportunity to consider the other two pieces of legislation as well.

There is a lot riding on this. The economic recovery of our country does not rise and fall simply on the passage of this legislation and the conclusion of these negotiations, but it sure would help. It would sure help bolster a stronger economic recovery, just as would the passage of a 6-year transportation bill, just as would cyber security legislation, data breach legislation, and on and on.

I will close with this thought about the debate we have had in recent months with respect to the negotiations between the five permanent members of the Security Council, the Germans, and the Iranians in our efforts to make sure the Iranians don't develop a nuclear weapon. We have said again and again—we reworked the old Reagan slogan “trust but verify,” except with the Iranians, we have not said “trust but verify, we have said “mistrust but verify.”

I would suggest to my colleagues, especially on this side of the aisle, let's take that approach here. Maybe we don't trust the Republicans that they are going to do what they say they are going to do, but we have an opportunity to verify. The verifying comes with a vote later on. We go to the bill; we actually move to the bill, debate the amendments, and so forth.

If at the end of the day we are not happy with what has happened, if we feel as though we have been given a

raw deal, that workers in this country have been given a raw deal, middle-class families have been given a raw deal, we have a chance to verify and we vote not to move the bill off the floor. We would not provide cloture to end debate. That is where we have our final vote. I hope we keep that in mind.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I ask unanimous consent to engage in a colloquy for up to 30 minutes.

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

USA FREEDOM ACT

Mr. LEE. Mr. President, I am here to speak in support of the USA FREEDOM Act, a bill that would restrain the power of government to collect data on phone calls made by average, everyday, ordinary, law-abiding American citizens—300 million-plus Americans—without any suspicion that any one of them is engaged in any kind of criminal activity, any kind of activity involving the collection of foreign intelligence.

I appreciate the support I have received for this bill, and I appreciate the opportunity to work with my distinguished colleague, the senior Senator from Vermont. Senator LEAHY and I feel passionate about this issue. Although Senator LEAHY and I come from different ends of what some would perceive as the political spectrum and although we don't agree on every issue, there are many issues on which we do agree. There are many issues, such as this one, on which we can say that these issues are neither Republican nor Democratic, they are neither liberal nor conservative, they are simply American issues, constitutional issues. They are issues that relate to the proper order of government. They are issues that relate to the rule of law itself.

The Constitution of the United States protects the American people against unreasonable searches. It does so against a long historical backdrop of government abuse. Over time, our Founding Fathers came to an understanding that the immense power of government needs to be constrained because those in power will tend to accumulate more power and, in time, they will tend to abuse that power unless that power is carefully constrained.

America's Founding Fathers were informed in many respects by what they learned from our previous national government, our London-based national government. They were informed, in part, by the story of John Wilkes.

John Wilkes—not to be confused with John Wilkes Booth, the assassin of Abraham Lincoln—John Wilkes was a member of the English Parliament. He was a member of Parliament who in 1763 found himself at the receiving end of King George III's justice.

In 1763, John Wilkes had published a document known as the North Briton No. 45. The North Briton was a weekly circular, a type of news magazine in England—one that, unlike most of the other weeklies in England at the time, was not dedicated to fawning praise of King George III and his ministers. No. This weekly would from time to time criticize the actions of King George III and his ministers.

At the time John Wilkes published the North Briton No. 45, he became the enemy of the King because he had criticized certain remarks delivered by the King in his address to Parliament. While not openly directly critical of the King himself, he criticized the King's minister who had prepared the remarks.

For King George III, this was simply too much; this simply could not stand. So, before long, on Easter Sunday 1763, John Wilkes found himself arrested, and he found himself subject to an invasive search—a search performed pursuant to a general warrant and one that didn't specify the names of the individuals to be searched, the particular places to be searched, or the particular items subject to that invasive search. It said, basically, in essence: Go and find the people responsible for this horrendous publication, the North Briton No. 45, and go after them. Search through their papers and get everything you want, everything you need.

John Wilkes decided that his rights as an Englishman prevented this type of action—or should have, under the law, prevented this type of action—so he chose to fight this action in court. It took time. John Wilkes spent some time in jail, but he eventually won his freedom. He was subsequently re-elected to multiple terms in Parliament. Because he fought this battle against the administration of King George III, he became something of a folk hero across England.

In fact, the number 45, with its association with the North Briton No. 45—the publication that had gotten him in trouble in the first place—the number 45 became synonymous not only with John Wilkes but also with the cause of freedom itself. The number 45 was a symbol of liberty not only in England but also in America. People would celebrate by ordering 45 drinks for their 45 closest friends. People would recognize this symbol by writing the number 45 on the walls of taverns and saloons. The number 45 came to represent the triumph of the common citizen against the all-powerful force of an overbearing national government.

With the example of John Wilkes in mind, the Founding Fathers were rightly wary of allowing government access to private activities and the communications of citizens. They feared not only that the government could seize their property but that it could gain access to details about their private lives. It was exactly for this reason that when James Madison began writing what would become the Fourth