

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the time until 2:30 p.m. will be equally divided in the usual form.

The Senator from Colorado.

Mr. GARDNER. Thank you, Mr. President.

In just a few minutes, we will be holding a vote on whether to invoke cloture to cut off debate and move to the trade promotion authority bill, granting trade promotion authority to the President—a very important conversation this country needs to have in terms of what we are going to do to expand our opportunities in a region of the world that represents 50 percent of the population of this world and that represents 40 percent of our trade opportunities. It is a great opportunity for this Congress, this Senate, to show how serious we are about truly rebalancing our efforts with Asian nations.

In Colorado alone, we exported nearly \$8.4 billion in goods in 2014. In Colorado, 48 percent of all goods were exported in 2014.

Over 260,000 jobs are derived from trade with nations represented by the Trans-Pacific Partnership negotiating group. The TPP represents an opportunity for Colorado to create nearly 4,000 new jobs, and that is just a start.

So today's conversation is not just a vote on whether we will have more delay on an important bill; this is about something that represents far greater opportunity than that. The fact is, over the past several years we have focused our time on the Middle East, and rightfully so, but as our day-to-day attention gets grabbed by the Middle East, our long-term interests lie in Asia and the Trans-Pacific Partnership region.

So I hope today that Members will put aside tendencies to decide they want to play politics with the trade promotion authority and instead, indeed, pursue policies that will give us a chance to grow our economy, to make more products representative with the symbol and the label "Made in America." That is the chance we have today—to give our workers a competitive advantage, to create an opportunity for increased trade in an area of the world where we face increasing competition and regional threats, to show that the United States will in-

deed be a part of a region in the world that represents so much opportunity.

As we have seen increases in Colorado and beyond in trade and trade opportunities, this bill represents a chance for us to continue improving our ability to grow Colorado's economy and Colorado trade.

So to our colleagues across the Senate, I indeed hope that we will invoke cloture today, that we will move forward on debate, and that we will have an opportunity to continue our work to support trade and to move toward passage of the final TPP.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Thank you, Mr. President.

The trade package we are considering today is missing important provisions that support American companies and American workers. We cannot have trade promotion without trade enforcement. Even supporters of fast-track and TPP—those cheerleaders, the most outspoken cheerleaders for free trade—even those supporters acknowledge there will be winners and losers from this agreement.

Past deals show how widespread the losses will be. Travel the State the Presiding Officer and I represent in the Senate and look at what NAFTA has done, look at what PNTR with China has done, look at what the Central America Free Trade Agreement has done, and look at what the South Korea trade agreement has done to us.

It would be a tragedy if the Senate acted and failed to help the American companies and the American workers and the communities that we acknowledge will be hurt by TPP. In other words, we take an action in this body, working with the administration, and there are losers and winners from this action. The losers are those who lose their jobs, the small businesses that go out of business, and the communities that get hurt by this. Those are the losers. How do you ignore them when it comes to these trade agreements?

By excluding two of the four bills from the initial trade package, we are excluding critical bipartisan provisions that protect workers and ensure strong trade enforcement.

We need to make sure that our steel manufacturers and other companies in our country are protected from unfair dumping. That is why I introduced—along with my colleagues, Senators PORTMAN, CASEY, BURR, BENNET, and COATS—the Leveling the Playing Field Act. We included it in the Customs and Border Protection reauthorization with bipartisan support. It would strengthen enforcement of trade laws. It would increase the ability of industries—such as the steel industry, which is so important in my State—to fight back against unfair trade practices. It passed the Senate Finance Committee, but in the majority leader's package and Senator HATCH's package, it is nowhere to be found on the floor today.

We need to make sure strong currency provisions are included. The Finance Committee overwhelmingly supported my amendment 18 to 8. We had the support of Republican colleagues: Senators PORTMAN, GRASSLEY, CRAPO, ROBERTS, BURR, ISAKSON—who is sitting in the Chamber—and SCOTT. Again, this provision, which passed the Finance Committee overwhelmingly, ensures a level playing field for American businesses. It is nowhere to be found in the majority leader's package on the floor today.

Finally, any trade package needs to ensure we are not importing products made with child labor. That is why the Finance Committee passed an amendment with overwhelming bipartisan support to close a 75-year-old loophole that allowed products made with forced labor and child labor into this country. For 75 years, that loophole stood. We passed that amendment 21 to 5. We had the support of Republican colleagues: Senators GRASSLEY, CRAPO, ROBERTS, CORNYN, THUNE, TOOMEY, PORTMAN, COATS, and HELLER. But, again, this bipartisan provision is nowhere to be found in the majority leader's package.

That is why I call on my Republican colleagues—many of whom I have named; almost every one on them on the Finance Committee—who have voted for either the currency amendment or the level the playing field amendment or the prohibition on child labor amendment. Some Republican members of the Finance Committee voted for all three of those amendments, but they are not in the package.

I am hopeful my Republican colleagues will join Democratic colleagues to vote no on cloture so we can bring a package to the floor that does trade promotion authority, that takes cares of workers, and also takes care of enforcing trade rules.

The trade package which passed out of the Finance Committee is far from perfect. I still have grave concerns about fast-track. I know what bad trade rules have done to my State. There is a reason these provisions were included in the trade package. The Senate should consider all four of them. Majority Leader MCCONNELL says he wants to respect committee work on legislation. Well, here is his chance.

The only way to get these important provisions to the President's desk is to combine all four into one. We have done it in the past. Keep in mind, every time Congress does major trade laws—2002 fast-track included provisions on enforcement, and it included provisions to help workers through trade adjustment assistance; the same thing in 1988 in the trade package; the same thing in 1974 in the trade package. Why would we bifurcate this? Why would we take out enforcement when that is a very important part of trade?

We should not move forward with any trade package that does not include all four bills. I ask my colleagues in both parties, those who supported

our enforcement efforts in both parties in Finance, to join us and vote no on cloture when we take the vote in the next few minutes.

I yield the floor.

Mr. President, I ask unanimous consent that the time during the quorum call be charged evenly to both parties.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon.

Mr. MERKLEY. Mr. President, a few moments ago, we heard an argument that this envisioned trade agreement will increase the number of products that are stamped "Made in America," "Made in the United States of America." Certainly that is the argument that has been put forward for trade agreement after trade agreement after trade agreement.

The first step in the process is to say: Look at those markets. Wouldn't it be wonderful in that nation if we had direct access, improved access?

Particularly, we have done a series of agreements with very low-wage, low-environmental standards, low-enforcement nations. Well, that is the first stage.

Then the second stage becomes: Now that we have this broader connection, we are competing with products made in that country, so we better make sure we open a factory there as well. And then suddenly, instead of those products coming from the United States to a foreign nation, in fact, those products are being made in that foreign nation.

Then comes stage three: Oh, now that we are making those products overseas at a much lower price because of the lower wages and lower environmental standards and lower enforcement, it does not make sense to make those products in the United States anymore.

So that is how we lost 5 million manufacturing jobs in America. That is how we lost 50,000 factories in America. So for those who want to put forward the chimera, the illusion, the mirage that somehow this is going to increase American production, American citizens should know, in fact, that is a false promise—a false promise that has been put out time after time after time and shown to be wrong again and again and again.

Let's think about this: Why would you pave a path to put the workers in your State directly in competition with workers earning 60 cents an hour? Tell me that is advantageous to making things in your nation, and I will tell you, you are wrong.

So let's not go down a path in which we pave a highway to essentially destroy American manufacturing, to disrupt American manufacturing, to decrease the competitiveness of living wages here in the United States of America. Let's enhance and strengthen our position in the world, not undermine it.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, in the remaining 2½ minutes we have, I want to take a few seconds of it.

I urge my colleagues to support the motion to proceed. All this does is get us on the bill. We need to have a robust debate about the trade agenda, and I am willing to do that. Of course, the centerpiece is TPA—no question about it. I know our staffs have been working together to find a path forward on Enforce Customs.

This is an important bill, and we need to get it through the Senate, but to do that, we need to begin debate today.

Trade promotion authority is the key to our economic future. I hope my colleagues on both sides of the aisle will stand with me and President Obama and vote yes so we may update and modernize our trade laws, including TPA, and help lay the groundwork for a healthy economy for our children and our grandchildren.

Ninety-five percent of the world's trade is outside of our country. Trade produces better salaries—13 to 18 percent. We have worked through all the problems in the committee. We have had plenty of amendments, lots of debate, and we put this on the floor with the understanding that it would be voted on.

Mr. BROWN. Would the Finance chair yield for a question?

Mr. HATCH. My time is just about gone, but go ahead.

Mr. BROWN. I would just ask, the four bills that we passed in committee—African growth and opportunity, trade adjustment assistance, trade promotion authority, and the Customs bill—all passed out of committee by strong bipartisan majorities, right, and we hoped at the time they would come together in the motion to proceed to a vote.

Mr. HATCH. I understand the question. They passed out with an understanding between the vice chairman of the committee and me that we would vote on them separately but would move TPA and TAA—which most Republicans hate—we would move them together, and then we would move the third one, and then we would move the fourth one. It was supposed to be done that way because everybody knew that putting the Schumer amendment on the one bill would not be acceptable in the House and would not be acceptable to the President, and that is the problem here. We all are prepared to have a vote on that bill, but the agreement was that we would vote individually on all four bills. Finally, we agreed to do TPA and TAA because your side was concerned about whether this side would allow TAA to go through. There never had been a question that we were willing to do that even though most of us hate that bill.

Mr. BROWN. Mr. President, I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Is there objection?

Mr. ISAKSON. I object.

Mr. BURR. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. If we could get a minute, too, I would be happy to have that. OK.

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior 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, do hereby move to bring to a close debate on the motion to proceed to H.R. 1314, an act to amend the Internal Revenue Code of 1986 to provide for the right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

Mitch McConnell, Bob Corker, Joni Ernst, Bill Cassidy, John Cornyn, Thad Cochran, Shelley Moore Capito, Deb Fischer, John McCain, James Lankford, Patrick J. Toomey, Roy Blunt, Ron Johnson, Pat Roberts, David Perdue, David Vitter, Ben Sasse.

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 H.R. 1314, an act to amend the Internal Revenue Code of 1986 to provide for the right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) is necessarily absent.

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

The yeas and nays resulted—yeas 52, nays 45, as follows:

[Rollcall Vote No. 176 Leg.]

#### YEAS—52

Alexander	Enzi	Paul
Ayotte	Ernst	Perdue
Barrasso	Fischer	Portman
Blunt	Flake	Risch
Boozman	Gardner	Roberts
Burr	Grassley	Rounds
Capito	Hatch	Sasse
Carper	Heller	Scott
Cassidy	Hoeven	Sessions
Coats	Inhofe	Shelby
Cochran	Isakson	Sullivan
Collins	Johnson	Thune
Corker	Kirk	Tillis
Cornyn	Lankford	Toomey
Cotton	Lee	Vitter
Crapo	McCain	Wicker
Cruz	Moran	
Daines	Murkowski	

#### NAYS—45

Baldwin	Blumenthal	Brown
Bennet	Boxer	Cantwell

Cardin	Klobuchar	Reid
Casey	Leahy	Reid
Coons	Manchin	Sanders
Donnelly	Markey	Schatz
Durbin	McCaskill	Schumer
Feinstein	McConnell	Shaheen
Franken	Menendez	Stabenow
Gillibrand	Merkley	Tester
Heinrich	Mikulski	Udall
Heitkamp	Murphy	Warner
Hirono	Murray	Warren
Kaine	Nelson	Whitehouse
King	Peters	Wyden

## NOT VOTING—3

Booker	Graham	Rubio
--------	--------	-------

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 45.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. MCCONNELL. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

Mr. MCCONNELL. Mr. President, I move to proceed to H.R. 1314.

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

### ENSURING TAX EXEMPT ORGANIZATIONS THE RIGHT TO APPEAL ACT—MOTION TO PROCEED

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 58, H.R. 1314, a bill to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

Mr. MCCONNELL. I ask unanimous consent that Senators be permitted to speak for up to 10 minutes each.

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

Mr. MCCONNELL. Mr. President, well, what we just saw here is pretty shocking. There are always limits to what can be accomplished when the American people choose divided government, but of course it does not mean Washington should not work toward bipartisan solutions that make sense for our country. Trade offers a perfect opportunity to do just that. We on this side believe strongly in lifting up the middle class and knocking down unfair barriers that discriminate against American workers and American products in the 21st century.

On this issue, the President agrees. So we worked in good faith all year—all year long—to formulate a package that both parties could support. The top Republican on the Finance Committee, Senator HATCH, engaged in months of good-faith negotiations with the top Democrat on the committee, Senator WYDEN. They consulted closely with colleagues over in the House such as Chairman RYAN. They consulted

closely with President Obama, with Democrats, with Republicans.

The issues they had to work through were tough. Difficult concessions had to be made. Many believed an agreement would never emerge, but in the end a strong bipartisan trade package came together that was able to pass through the committee by an overwhelming margin of 20 to 6—20 to 6. It was a significant win for the people we represent. It was a win for the Americans who look to us to secure economic growth and good jobs for them, not give in to the special interests who, apparently, would rather see those jobs end up in countries like China.

It was a win for the security of our country and for our leadership around the world. The Secretary of Defense, for example, was at lunch with Republicans today talking about the importance to our repositioning to the Pacific, from a defense and foreign policy point of view, to get TPP. He was accompanied by seven—not at our lunch, but seven former Defense Secretaries of both parties said this just last week, “The stakes are clear and America’s prestige, influence and leadership are on the line.”

So the rationale for voting yes today, a vote that would have simply allowed the Senate to debate the issue, was overwhelming. It was supported by the facts, and yet voices in the President’s party who rail against the future won out today. I do not routinely quote President Obama, but today is no ordinary day. So when the President said, “The hard left is just making stuff up,” when the President said their increasingly bizarre arguments didn’t “stand the test of fact and scrutiny,” it was hard to argue with him.

“You don’t make change through slogans,” the President reminded his adversaries on this issue. “You don’t make change through ignoring realities.”

I think that is something worth reflecting on.

Now this doesn’t have to be the end of the story. Trade has traditionally been a bipartisan issue that cuts across the partisan divide. I suspect we have colleagues on the other side who aren’t that comfortable filibustering economic benefits for their constituents or a President who leads their party.

What we have just witnessed is that the Democratic Senate shut down the opportunity to debate the top economic priority of the Democratic President of the United States.

I suspect some may be parking their vote, rather than buying the outlandish rhetoric we have heard from the left. Certainly, that is my hope.

But to get the best outcome for the country, we have to be realistic. For instance, the idea that any Senator can make a guarantee that a particular bill will be enacted into law is simply impossible.

I assure you that we would have had a different outcome on today’s cloture motion if Senators actually wielded

the power to force things through by sheer will alone. Obviously, we don’t. What we can guarantee is that Senators receive a fair shake once we proceed to the debate our country deserves on a 21st century American trade agenda.

We will have an open and fair amendment process. How many times have I said that this year? That is what we intend to do when we get on TPA. For my part, I can restate my commitment to processing TPA, TAA, and other policies that Chairman HATCH and Senator WYDEN can agree to.

The Senate has historically been a place where our country debates and considers big issues. This is an issue worthy of our consideration. Yet today we have voted to not even consider it. It doesn’t mean we can predetermine outcomes. It doesn’t mean we can even guarantee the successful passage of legislation once we proceed to debate it. We can’t make those kinds of guarantees that the other side was saying are preconditions to even considering the President’s No. 1 domestic priority.

But blocking the Senate from even having a debate of such an important issue is not the answer. Senators who do so are choosing to stand with special interests and against the American jobs that knocking down more unfair trade barriers could support.

So I sure hope that some of our colleagues across the aisle will heed the words of President Obama and rethink their choice. I hope they will vote with us to open debate on this issue.

Let me reiterate. We will continue to engage with both sides. We will continue to engage with both sides. We will have an open amendment process. We will continue to cooperate in the same spirit that got us through so many impossible hurdles already in getting this bill to the floor.

This was no small accomplishment to get it as far as it has come, given the various points of view on the Finance Committee. Chairman HATCH and Senator WYDEN deserve a lot of credit for that. But they didn’t go through all of that to stall out on the floor before we have the chance to do something important for the American people.

So I hope that folks on the other side who are preventing this debate will seriously consider the implications. Other countries are taking a look at us. They are wondering whether we can deliver. We hear TPP is close to being finalized, and here is the headline they see—that every single one—with one exception, I believe—of the President’s own party in the Senate prevented the mechanism for having trade considered, prevented it from even coming to the Senate floor. That is not the kind of headline that we want to send around the world—that America cannot be depended upon, that America cannot deliver trade agreements. To our allies in the Pacific that are apprehensive about the Chinese—and who thought this was not only good for