

Senators BROWN and WARREN, Senators BURR and CASEY and SCHUMER, Senators GRAHAM, SHAHEEN, MANCHIN, KLOBUCHAR, COLLINS, BALDWIN, HIRONO, FRANKEN, MENENDEZ, and HEITKAMP for understanding and supporting this amendment. We have other support as well. I wish to thank Senator GRAHAM. He made a comment, because we care deeply—we were so pleased to get the Schumer-Graham-Brown-Stabenow and others' efforts in the Customs bill related to China and currency, which is so important and which we also need to get all the way to the President's desk. But we know that if we don't put language in the negotiating document we give to the White House, then we are not really serious. Senator GRAHAM said: This amendment is the real deal. That is firing with real bullets.

So if we are serious, if the 60 people who signed the letter are serious—and I hope and believe we are—then we need to make sure the negotiating position we take is to ask—and to direct—the administration to put this in the final negotiations on TPP.

We have, as I mentioned before, enforceable standards language on labor and environment and intellectual property rights. This is not complicated. We need to make sure we are clear on currency manipulation. The IMF has rules about what is and what is not direct currency manipulation. They are clear rules. There are 187 countries, in addition to Japan, that have already signed up saying they will abide by that definition. We just don't enforce it, and we have lost millions of jobs. Again, Japan, after signing, has intervened—the Bank of Japan has intervened 376 times in the last 25 years. We are being asked to rely on a handshake and good-faith assurances that there won't be 377 times. But we are being told if we even put language requiring a negotiating principle into this document, that somehow Japan will walk away. This makes absolutely no sense whatsoever. We have a responsibility, if we are giving up our rights to amend a document, to amend a trade agreement. If we are giving up our rights to require a supermajority vote in Congress, if we are doing that, we have a responsibility to the people we represent to make sure we have given the clearest possible negotiating objectives to the administration as to what we can expect to be in a trade agreement. That is what TPA is all about. If, in fact, currency manipulation is the mother of all trade barriers, why in the world would we not make it clear that currency manipulation should be a clear negotiating objective for the United States of America?

Let me just say again that we can compete with anybody and win. Our workers, our businesses, our innovation can compete with anybody and win. But it is up to us in Congress, working with the White House, to make sure the rules are fair. I hope colleagues will join us in passing the Portman-Stabenow amendment to

make it clear we understand in a global economy what is at stake and that we are going to vote on the side of American businesses and American workers.

Thank you, Mr. President.

#### RECESS

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

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

#### ENSURING TAX EXEMPT ORGANIZATIONS THE RIGHT TO APPEAL ACT—Continued

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Thank you, Mr. President. I appreciate the Presiding Officer being my colleague from my State of Ohio.

#### AMENDMENT NO. 1251

Mr. President, with the Trans-Pacific Partnership, we are considering the largest trade deal in our Nation's history. Forty percent of GDP is affected by the Trans-Pacific Partnership. We have a responsibility to ensure this deal does not get any bigger without congressional approval. That is why I am offering this amendment, the so-called docking amendment, along with many of my colleagues, to prevent the Trans-Pacific Partnership from being a backdoor trade agreement with China. What does that mean? Right now, there is nothing in this trade legislation—nothing—that we are considering to prevent the People's Republic of China from joining the TPP at a later date. Without a formal process requiring congressional input and approval for countries like China to join the TPP, we might as well be talking about the China free-trade agreement.

This amendment spells out in law a detailed, important process, step by step, for future TPP partners to join the agreement. It does not say they cannot join; it just says here is how they join—because TPP and TPA seem to be silent on that.

Here is how it works. The President would be required to notify Congress of his or her intent to enter into negotiations with a country that wants to join the TPP. The notice period would be 90 days. During that time, the Finance Committee and the Ways and Means Committee would have to vote to certify that the country considering joining the TPP is capable of meeting the standards of the agreement. It would stop sort of backdoor Presidential authority, whether it is President Obama or the next President making that decision. After that, both the Senate and the House would have to pass a resolution within the 90-day window approving that country joining the negotiations.

So if the President decides that he or she wants China to join these 12 Trans-

Pacific Partnership countries, the President cannot do that unilaterally. The President needs to go through this process and ultimately bring it to a vote by Congress. Then the American people can have their say. If it is just done unilaterally and quickly and maybe even kind of quietly by the President, the public would have no input. But if it goes through the congressional process, the Finance Committee and the Ways and Means Committee—I do not think we speak to the order of that—the notice period would be 90 days, so the country would then have 90 days to speak its mind about what we all think, we 300-some million people in this country think about this new country—not just China. That is obviously the most important, the most salient, the one we pay the most attention to—the second largest economy in the world. The implementing bill for that country to join the TPP would be subject to fast-track authority only if TPA were still in effect at that time. This process is vital to ensuring a public debate on what would be one of the most consequential economic decisions in a decade.

TPP, as we all know, already affects 40 percent of the world's GDP. If China piggybacks on this agreement, we will be looking at a sweeping agreement that will encompass the two largest economies on Earth. In fact, it would then perhaps be three; it would be the United States, then China, then Japan. A deal of that scale demands public scrutiny. A deal of that scale demands congressional input. A deal of that scale demands that the American public weigh in.

We know China already expressed interest in joining the agreement at the end of last year. News reports indicate they are monitoring these talks closely. Of course they are. We also know China manipulates its currency, even though Presidents Obama and Bush would not say that. We know they manipulate their currency. We know China floods our market with subsidized and dumped steel imports. We know China pursues an industrial policy designed to undercut American manufacturing.

Sitting in front of me is the junior Senator from the State of Washington, who has worked so hard and is on this floor to make sure it happens, that we reauthorize the Export-Import Bank. We know what China has done there to sort of end run the United States and what the failure of our doing that here would mean to even give greater advantages to China.

Mr. President, 2016 will mark China's 15-year anniversary in the World Trade Organization. We saw what happened after Congress, in 1999, 2000—that period—normalized trade relations with China. China became a member of the World Trade Organization. Fifteen years ago, our trade deficit with China was not much more than \$15 billion a year. Today, our trade deficit with China is \$25 billion a month. So it went

from \$15 billion to a factor of \$300 billion—all in the space of 15 years. Think about that.

We know what Presidents over time have said about trade deficits—that when we have a trade deficit of \$1 billion, what that means for lost jobs. It means we are buying \$1 billion worth of goods more than we are selling to that country. Every day with China, we buy \$1 billion more of goods—every day almost \$1 billion—\$900 million, roughly, more than we sell to China every day. We know what that means on job loss. We are not making it in the United States. They will make it in China. The workers in China are making it, not the workers in the United States. So that trade gap with China represents a huge percentage of our total U.S. trade deficit. Meanwhile, China continues to thwart the rules with impunity.

We have focused on integrating China into the international system—something we want to do—but we only hope it will comply with the rules we should follow. We give China chance after chance, pushing for increased engagement. China continues to play by its own rules. Currency manipulation is a good example.

I appreciate the Presiding Officer's work on that issue, on currency manipulation. That should be voted on in this body in the next, I assume, 48 years.

Year after year, the U.S. Treasury says China's currency is significantly undervalued. Year after year, we give China a chance—another chance, another chance—to change its monetary policy, but we will not call China a currency manipulator. President Bush would not do it. President Obama would not do it. Up to 5 million American workers have lost their jobs. Our trade deficit has grown by hundreds of billions of dollars due to currency manipulation.

We have clear evidence that China disregards international trade laws. Why would we think it would be any different if they get a backdoor entry into the Trans-Pacific Partnership? That is why we cannot allow TPP to become a backdoor way to pass a free-trade agreement with China without a vote in Congress.

I know Senator MENENDEZ has raised these concerns for a while. I appreciate that support and the support of our other cosponsors on this issue.

This amendment is not a poison pill. All this amendment does is clarify the process for new countries to join the TPP, should it pass. It does not say we cannot bring in new countries. It does say that Congress has to vote on it. Congressional approval is not required for additional non-Communist countries to join WTO agreements after the United States enters into them. We need this amendment to prevent that same so-called docking process from being used with the TPP. China and those countries like China that are not market economies are differently

structured economies, different kinds of countries. We are not saying: No, never. You cannot enter into the TPP. We are simply saying Congress should have a say in it and, most importantly, the public should be able to speak out on this and have a period of time to talk to their Members of Congress.

I urge my colleagues to join me in adopting this critical amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President—

Mr. INHOFE. Mr. President, I ask unanimous consent that following Senator WARREN's remarks, I be recognized.

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

The Senator from Massachusetts.

Ms. WARREN. Thank you, Mr. President.

I want to start by saying thank you to Senator BROWN for his extraordinary leadership on this issue and his determination that voices be heard around this country on this trade debate, that the people who are actually affected be heard from. I say thank you very much to Senator BROWN for all he has done here.

#### AMENDMENT NO. 1327

Mr. President, I join with Senator HEITKAMP, Senator MANCHIN, and a number of other Senators to propose a simple change to the fast-track bill, a change that would prevent Congress from using this expedited process on any trade deal that includes so-called investor-state dispute settlement provisions. I come to the floor to urge my colleagues to support this amendment.

ISDS is an obscure process that allows big companies to go to corporate-friendly arbitration panels that sit outside any court system in order to challenge laws they don't like. These panels can force taxpayers to write huge checks to those big corporations, with no need to file a suit in court, no appeals, and no judicial review.

Most Americans don't think the minimum wage or antismoking regulations are trade barriers, but a foreign corporation used ISDS to sue Egypt after Egypt raised its minimum wage. Tobacco giant Philip Morris went after Australia and Uruguay to stop their rules to cut smoking rates. Under the TPP, corporations can use these corporate-friendly panels to challenge rules right here in America.

It wasn't always this way. ISDS has been around for a while, and from 1959 to 2002 there were fewer than 100 claims in the whole world. But, boy, has that changed. In 2012 alone, there were 58 cases. Corporate lawyers have started figuring out just how powerful a tool these panels can be for corporate clients. The huge financial penalties that these cases can impose on taxpayers have already caused New Zealand to give up on some tough antismoking rules. It has already caused Germany to pull back from clean water protections, and it has caused Canada to

stand down on environmental protections.

If that worries you, you are not alone. Experts from all over the political spectrum—conservatives and liberals, economists and legal scholars on the left and the right, opponents of trade deals and supporters of trade deals—have all argued that these corporate-friendly panels should be dropped from our future trade deals.

Former Secretary of State Hillary Clinton said that we should not give “investors the power to sue foreign governments to weaken their environmental and public health rules.”

Nobel Prize-winning economist Joe Stiglitz, Harvard law professor Laurence Tribe, and other top American legal experts noted that “the threat and expense of ISDS proceedings have forced nations to abandon important public policies” and that “laws and regulations enacted by democratically elected officials are put at risk in a process insulated from democratic input.”

The head of the trade policy program at the conservative CATO Institute has said that ISDS “raises serious questions about democratic accountability, sovereignty, checks and balances, and the separation of powers”—concerns that “libertarians and other free market advocates should share.”

ISDS is a major part of the reason why, no matter what promises are made, huge trade deals often just tilt the playing field further in favor of big multinational corporations. If a country wants to adopt strong new protections for workers, such as an increase in the minimum wage, a corporation can use these corporate-friendly panels to seek millions—or billions—in taxpayer compensation because the new rules might eat into the company's profits.

But, boy, it doesn't work in the other direction. If a country wants to undermine worker rights by allowing child labor or slave labor or paying workers pennies an hour, there is no special worker-friendly process for challenging that. Instead, advocates for workers are stuck begging their governments to bring enforcement actions and protect their rights. That process can take years, if the government responds at all. In fact, just yesterday my office released a 15-page report detailing how for decades both Republican and Democratic Presidents made the same promises over and over and over again about how good these deals would be for workers, and both Republican and Democratic Presidents failed to enforce the labor standards promises in those trade agreements.

Giving corporations special rights to challenge our laws outside our legal system is a terrible idea. Experts from every place on the political spectrum have concluded that it is unfair, it undermines the rule of law, it threatens American sovereignty, and it creates an end-run around the democratic process. I urge my colleagues to support this amendment so we can keep

these corporate-friendly panels out of future trade agreements.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1312

Mr. INHOFE. Mr. President, last week the Senate voted 97 to 1 to reauthorize the African Growth and Opportunity Act—AGOA—for 10 years. It was first enacted in 2000, so the 10 years were up and we had to get it reinstated. It provides the African countries with duty-free access on most of their exports to the United States.

I have long been a supporter of AGOA. The program has done a lot to improve our trade relationship with the continent of Africa, primarily sub-Saharan Africa. Since 2002, annual trade between the United States and sub-Saharan Africa has increased by almost 50 percent. So it is very successful. It has also been estimated by the U.S. Chamber of Commerce that it has had the effect of increasing 300,000 jobs in sub-Saharan Africa and 100,000 jobs here in the United States.

Trade with Africa is important because many of the world's fastest growing economies are in Africa. According to an analysis that was done for *The Economist* magazine, six of the world's fastest growing economies were in sub-Saharan Africa in the 10 years it has been in effect.

This is going to continue. I have seen it firsthand. Every time I go to Ethiopia, Rwanda, Tanzania or many of the other countries in Africa, I see more and more cranes going up and bigger and better buildings. It is really a live spot in the world. The infrastructure in places like Rwanda and Tanzania is high quality. People who go to Rwanda come back with memories of something that is a modern city, not a Third World country, as it has been in the past.

So we have really good things going on there, and we need to continue to build on their trade, infrastructure, roads, highways, seaports, railways, and airports to help their economies grow.

For too long sub-Saharan Africa has been ignored as a trading partner by the United States. I have been to Africa probably more than any other Members have. In fact, there was something very critical of me just last weekend in the press—if I can find it here I will state what it was—anyway, they were critical of the attention I have been paying to Africa.

I can remember when the United States had the same problem. We ignored Africa. Back when we were going into Bosnia, I was kind of leading the effort to keep Americans from going into Bosnia. This was during the Clinton administration. The excuse they were using was that we had to get into Bosnia because of ethnic cleansing. I said on the Senate floor, for every person who has been ethnically cleansed in Bosnia, there are 100 in West Africa.

Just last weekend, “Vice,” a satirical show on HBO, tried to connect me to a law drafted by the Parliament in Uganda that was antigay. I have always opposed this law and had nothing to do with it. However, there are things that are going on in all these countries that need to be looked into.

My work in Uganda started many years ago to help bring an end to the Lord's Resistance Army. A lot of people are fully aware of the LRA now, but they weren't back then. There was one individual, Joseph Kony, who was going into the various areas of Northern Uganda and was kidnapping the little kids. They called them “the children's army.” The young people would be kidnapped out of their village and then be forced to learn to join their little army, to kidnap other people. If they refused, they were forced to go back to their villages and murder their parents. That is the LRA, and we finally are making progress there.

Other countries around the world are not ignoring Africa's potential as we have been. Brazil and China have secured preferential trade agreements with Africa. Every time you see something new and shiny in Africa, it comes from China. Economic Partnership Agreements of the European Union have also been signed. So we are kind of left out. This AGOA has been a worthwhile program.

We need to start looking ahead to the future. Nearly a billion people who live in sub-Saharan Africa and individual countries over the next decade or two will reach the point where they are competing head-to-head with many other countries around the world.

Our thinking about trade with Africa needs to be mature as their economies grow. That is why Senator COONS and I have offered the African Free Trade Initiative Act, amendment No. 1312 to the trade promotion authority act. We are doing it jointly. This amendment requires the President to establish a plan to negotiate and enter into free-trade agreements with our friends in sub-Saharan Africa. African nations want to enter into free-trade agreements with us. When I was in Tanzania earlier this year, I met with Richard Sezibera. Richard Sezibera is the Secretary General of the East African Community, which is made up of Rwanda, Uganda, Burundi, Tanzania, and Kenya. Richard Sezibera told me he wants their Eastern African Community to enter into a free-trade agreement with the United States—just those five countries. This makes sense because FTAs bind business communities together and can pay long-term national security and foreign policy dividends.

While some in our government may not deem sub-Saharan African countries “ready” for an FTA with us, our amendment requires the administration to articulate what each country needs to do to get ready. It is not enough for them just to say they are not ready to be associated with us in

this type of a treaty. The amendment also requires the administration to determine what kind of resources might be needed to help the countries get ready for an FTA with us. Between the Millennium Challenge Corporation and USAID, we have had a lot of resources going into sub-Saharan African countries to help their economies develop, and many outside aid organizations and other countries do as well. It makes sense to identify which of these resources could be channeled for the purpose of developing a free-trade agreement with us.

We had a great guy. Unfortunately, he is leaving USAID. His name is Raj Shah. He has taken a personal interest in Africa, in developing relations with Africa.

USAID has a large trade focus, but much of its work is geared toward helping small businesses in places like Tanzania grow their exports. Now, this is good. It is a good thing to do, but they should also be working at higher levels to improve the trade activities of these economies as a whole. They can do this by working with our African friends, helping them prepare for a broader trade relationship with the United States, either by helping them identify how they can improve their agriculture safety regulations or general private property rights. To that end, our amendment authorizes USAID to use its appropriations to help implement the strategy that will be developed under this amendment.

The Senate just reauthorized AGOA for another 10 years. In the next 10 years, we should be considering one or more free-trade agreements with our partners in sub-Saharan Africa. Our amendment will help this desire become a reality.

As I said, our government and the media have to get beyond their opposition to Africa, and hopefully we will be able to be doing that before long. If we don't make free-trade agreements with Africa a priority, then I think we will find ourselves here in 10 years and see a much stronger, highly competitive African economy. We will be reauthorizing AGOA again and asking ourselves: Why didn't we push to enact free-trade agreements with these countries? We would rather not find ourselves there. If we don't do it, China will, and we should be the ones writing the rules for trade in Africa, just as we are trying to do in Asia.

So I appreciate the support of Senator COONS and others on this amendment, and hopefully it can be adopted to the free-trade promotion authority bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, as we continue to debate and file amendments to the trade promotion authority, the fast-track legislation, I ask unanimous consent to make two amendments pending and ask that the pending amendment be set aside and

call up my amendment No. 1233 and amendment No. 1234.

The PRESIDING OFFICER. Is there objection?

Ms. CANTWELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Mr. President, I was under the impression that we would be able to have discussion and debate on the legislation before us. My two amendments would deal with two very serious issues. I am disappointed that we have an objection.

My first amendment, 1233, would ensure that any changes to U.S. law or policy are passed by Congress. Specifically, if implementing legislation allowed future changes to be made to a trade agreement that could affect or overrule existing U.S. law without Congressional approval, then that legislation could not be fast-tracked. The implementing legislation would have to guarantee that all future changes would have to be approved by Congress. I think that is perfectly appropriate, and it is an absolute responsibility of Congress to ensure its own authority in matters of these kind.

Indeed, the Constitution gives plenary authority to Congress over immigration law and trade. Under this amendment that I have offered, Congress cannot delegate the power to change U.S. law to the Executive—Congress cannot do that and must not do that—or to some international body that would be created if this trade agreement—the Trans-Pacific Partnership—enters into force. This is not made clear under the current bill.

Colleagues, we need to think about this commission—an international commission—that will be created with 11 trading partners in the TPP. This commission will be given power, and our trading partners will be given powers if Congress approves this, presumably. Under the TPP, that commission is given the authority to amend the trade agreement that is initially passed if they find that circumstances have changed and they desire to change it.

This is called the ‘living agreement’ provision. The ‘living agreement’ provision explicitly states these things in this trade agreement. The term ‘living agreement’ should make our hair stand up on the backs of our necks because this is a dangerous thing. What it means is that the commission can alter the agreement. We want to be sure that if this commission alters the agreement—assuming the TPP enters into force—that it is not given the power to change U.S. law, even if the President agrees.

There is another question. Senator BROWN, I think, has offered an amendment on this question, and my amendment would also fix it. It deals with the admission of new countries into the 11 party—12, counting the United States—TPP trade agreement. It is pretty clear. This commission has the power to admit new members. It says:

With regard to the amendment process of the commission, that the process will look similar to that of the World Trade Organization. We have shared this with Senator HATCH and his fine staff. I think they understand what we are talking about here.

This suggests that TPP procedures are likely to mirror WTO procedures. Well, the United States has had a long-term problem with the World Trade Organization because we approved the World Trade Organization and passed legislation implementing that agreement, and we did not realize it allowed new members to be admitted without a vote of Congress. So under TPP, if it mirrors the WTO rules for amendments and accessions, the new members—it appears quite plain to me—could be admitted by just 8 of the 12 TPP members—not a unanimous vote as NATO requires or the European Union requires.

At one point, the TPP says there must be “consensus,” but then it talks about WTO. WTO does not require consensus on everything. So I have to say, colleagues, that, first and foremost, I do not know why we have to create a new commission—a transnational commission that has the ability to discipline the United States, to impose penalties on the United States by what might be a two-thirds vote under a number of circumstances, and create additional constraints on the ability of this great Nation to function.

I do not know why we would not be better off dealing—as we have done with other countries—with bilateral trade agreements between the two of us, not creating some international body such as the United Nations, the WTO, or as Europe has done with the European Union.

So I am disappointed that we are not going to be able to have my amendment to address this called up now, because if they can block this amendment from being called up, this amendment can be shut out altogether. That is the fact. The train would be advancing without real debate and without a real opportunity for this concept to be addressed and voted on by Members of Congress. I am sure people would rather not have it come up—would rather not have questions about this agreement be raised. I think it is a legitimate question. I would urge my colleagues to continue to evaluate the amendment and to see if we cannot get it up pending. Let’s have a vote on it, and let’s adopt it.

Now, I also have offered amendment No. 1234. First, my previous amendment was No. 1233. This would be 1234. It would hold the Obama administration and the United States Trade Representative to their assurances that no trade agreement will be used to change U.S. immigration law or policy. This has been done in the past to a significant degree. It resulted in Chairman SENSENBRENNER and ranking member CONYERS writing a letter saying: Never again should any trade agreement amend immigration law.

That is the province of the Congress, according to the Constitution. In 2003, I offered a resolution after a past trade agreement did just that—bypassed Congress’ authority over immigration law. The resolution passed unanimously. Senator FEINSTEIN and other Democrats signed on. It said: Never again will immigration law be amended as part of a trade agreement. Trade agreements are not the way to change law of the United States, especially when you have a President who is rewriting immigration law, enforcing immigration law that Congress explicitly rejected through his Executive amnesty.

So my amendment is modeled after the Congressional Responsibility for Immigration Act of 2003, a bill sponsored by our Democratic colleagues, Senators LEAHY, FEINSTEIN, and Kennedy—former Senator Kennedy, our former colleague. It would prohibit the application of fast-track authority procedures to any implementing bill that affects U.S. immigration law or policy or the entry of aliens, if an implementing bill or trade agreement violates those terms.

Then, any Member could raise a point of order against the implementing bill, ensuring that the bill is considered under regular Senate procedures allowing amendment and debate. Look, now they tell us that we should not be concerned. Colleagues, we have heard it said that this will not happen—no future trade agreements will affect U.S. immigration law. All right, but I am a little nervous about that. I have been watching the language on this. Senator GRASSLEY, at the Finance Committee hearing a few weeks ago, asked the Trade Representative, Mr. Froman, this:

My question: Could you assure the committee that the TPP agreement or any side agreement does not and will not contain any provision relating to immigration, visa processing or temporary entries of persons?

That is a good question—simple question. They have been indicating not. His answer sounds good at first blush.

Thank you, Senator Grassley. And the answer is yes, I can assure you that we are not negotiating anything in TPP that would require any modifications of the U.S. immigration laws or system, any changes of our existing visa system, and in fact the TPP explicitly states that it will not require any changes in any party’s immigration law or procedures. Now the 11 other TPP countries are making offers to each other in the area of temporary entry, but we have decided not to do so. So I appreciate the opportunity to clarify that.

So we have decided not to do so—now, at this moment, before the trade agreement is up for approval by Congress, knowing it would be controversial if the implementing bill included immigration changes. But that does not mean we are not party to any immigration provisions in the TPP that could be used to make changes later. One of the chapters in the agreement deals with immigration and temporary entry. I do not see anything that would prohibit the current administration or

a new administration from trying to use this trade agreement to advance an immigration agenda.

So if the Trade Representative really means it when he assures us there will be no changes in the future, then I would suggest my amendment would be something that Ambassador Froman would be delighted to support to keep us from having this problem and to remove this potential controversy from the legislation. I think it would also—for those who want to see it passed—enhance the opportunity to pass the legislation.

I yield the floor.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from South Dakota.

Mr. THUNE. Madam President, this week we are considering legislation that could have real importance for our country over the next several years on the economic front and also on the national security front. That legislation is trade promotion authority.

Trade promotion authority helps the United States negotiate strong trade deals that benefit American farmers, ranchers, and manufacturers and expand opportunities for American workers. Under TPA, Congress sets guidelines for trade negotiations and outlines the priorities the administration must follow. In return, Congress promises a simple up-or-down vote on the resulting trade agreement, instead of a long amendment process that could leave the final deal looking nothing like what was originally negotiated.

The promise of that up-or-down vote sends a powerful message to our negotiating partners that Congress and U.S. trade negotiators are on the same page, which gives other countries the confidence they need to put their best offers on the table.

That, in turn, allows the United States to secure trade deals that are favorable to U.S. workers and to businesses and to open new markets to products that are marked “Made in the U.S.A.” Almost every one of the 14 trade agreements to which the United States is a party was negotiated using trade promotion authority. Currently, the administration is negotiating two major trade agreements that have the potential to vastly expand the market for American goods and services in the EU and in the Pacific.

The Trans-Pacific Partnership is being negotiated with a number of Asia-Pacific nations, including Australia, Japan, New Zealand, Singapore, and Vietnam. If this agreement is done right, it will benefit a number of industries, including an industry that is very important to my State; that is, agriculture.

Currently, American agricultural products face heavy tariffs in many Trans-Pacific Partnership countries. Poultry tariffs, for example, in TPP countries go up to a staggering 240 percent. That is a tremendous obstacle for American producers. Reducing the barriers that American agricultural prod-

ucts face in these countries would have enormous benefits for American farmers and ranchers in my home State of South Dakota and across the country.

In fact, one pork producer in my State contacted me to tell me that a successful TPP deal could increase U.S. pork exports to just one of the Trans-Pacific Partnership countries by hundreds of millions of dollars. I know that is important in my State, important in the Presiding Officer's State, and important in every agricultural State across this Nation.

That is why former Agriculture Secretaries from both parties, representing every administration going back to President Carter, issued a joint letter in February emphasizing the importance of trade to farmers and ranchers and urging passage of trade promotion authority. They wrote in that letter:

Access to export markets is vital for increasing sales and supporting farm income at home. Opening markets helps farm families and their communities prosper.

It is not every day that you see former members of both Democratic and Republican administrations coming together to advocate a particular policy.

I would say that this is the free and fair trade for a healthy economy that describes precisely what it is that we are talking about. We are talking about more exports for American agricultural products, manufactured goods, digital goods—you name it, across the board. What that means is more jobs and higher take-home pay for American workers.

The bipartisan agreement isn't limited to former Agriculture Secretaries who have come out in support of it. Ten former Treasury Secretaries—again, representing administrations of both political parties—came together to draft their own letter, stressing the importance of trade promotion authority and securing favorable agreements for our country. They said:

Our support for open trade agreements is based on a simple premise. Expanding the size of the market where American goods and services can compete on a level playing field is good for American workers and their families. Expanded international trade means more American jobs and higher American incomes. It means greater access for American businesses to markets and consumers around the world, and it means lower prices for American families here at home.

That is from former Treasury Secretaries of this country representing both political parties.

Still another bipartisan group of former administration officials came together this month to urge support for trade promotion authority. This time it was seven former Secretaries of Defense, as well as a number of retired military leaders.

Their letter emphasizes another important aspect of trade that often gets overlooked in these discussions, and that is its national security implications. Discussions of the benefits of trade tend to focus on the economic

benefits, of which there are many. So it is with good reason that we talk about the economy, jobs, and higher wages. But the new trade agreements have the potential to result not only in economic gains for American farmers, ranchers, and manufacturers but in national security gains for our country.

When we make trade deals with other countries, we are not just opening new markets for our goods. We are also developing and cementing alliances. Trade agreements build bonds. They build bonds of friendship with other nations that extend not only to cooperation on economic issues but to cooperation on security issues as well.

Two major trade agreements the United States is currently considering, the Trans-Pacific Partnership and the Transatlantic Trade and Investment Partnership, have the potential to provide significant strategic benefits for our country.

These agreements—these are the Defense Secretaries writing—“would reinforce important relationships with important allies and partners in critical regions of the world. By binding us closer together with Japan, Vietnam, Malaysia, and Australia, among others, TPP would strengthen existing and emerging security relationships in the Asia-Pacific. . . . In Europe, TTIP would reinvigorate the transatlantic partnership and send an equally strong signal about the commitment of the United States to our European allies.”

That is again from the letter coming from seven former Defense Secretaries representing administrations of both political parties.

The Secretaries go on to note:

The successful conclusion of TPP and TTIP would also draw in other nations and encourage them to undertake political and economic reforms. The result will be deeper regional economic integration, increased political cooperation, and ultimately greater stability in the two regions of the world that will have the greatest long-term impact on U.S. prosperity and security.

In other words, these agreements will not only provide our Nation with significant economic benefits, they will also make a crucial contribution to our national security. The Defense Secretaries and military leaders also highlight another key point. Just because the United States isn't negotiating trade agreements doesn't mean other countries won't be.

The fact that the United States hasn't signed a single trade agreement over the past 5 years hasn't prevented other countries from signing numerous trade agreements over the same period. In fact, there are more than 260 trade agreements in effect around the globe today, but the United States is only a party to 14 of those.

If America fails to lead on trade, other nations, such as China, are going to step in to fill the void. And these nations will not have the best interests of American workers and American families in mind.

Free and fair trade agreements are essential for growing our economy and

ensuring that products marked “Made in the U.S.A.” can compete on a level playing field around the globe. They are also an essential tool for strengthening our relationship with our allies, which is of particular concern now with so many areas of instability around the globe. Trade promotion authority provides the best way of securing these agreements.

The bipartisan legislation that we are considering this week reauthorizes trade promotion authority and includes a number of valuable updates, such as provisions to strengthen the transparency of the negotiating process and to ensure that the American people stay informed. It also contains provisions that I have pushed forward to require negotiators to ensure that trade agreements promote digital trade as well as trade in physical goods and services.

Given the increasing importance of digitally enabled commerce in the 21st century economy, it is essential that our trade agreements include new rules that keep digital trade free from unnecessary government interference. I have previously introduced legislation to help ensure that the free flow of digital goods and services is protected, and I am pleased that the bipartisan deal that was reached includes many of the very measures I have advocated.

Democrats and Republicans in the Senate have repeatedly come together this year to pass legislation to address challenges that are facing our country. I hope we will see the same type of bipartisanship on this bill. This legislation will benefit American farmers, ranchers, and manufacturers. It will help to open new markets for American workers, and it will benefit American families. And it will help make our country more secure.

The President supports this legislation. A number of Senate Democrats are working with Republicans to get this done.

I hope that the rest of the Democrats in the Senate will join us to pass this important bill for American workers and businesses and make trade promotion authority legislation our next bipartisan achievement for the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

HONORING OUR ARMED FORCES

STAFF SERGEANT MATTHEW RYAN AMMERMAN  
AND CORPORAL JORDAN SPEARS

Mr. DONNELLY. Madam President, Memorial Day is next week, so I wish to take a moment to remember and recognize the courageous men and women of the Armed Forces who lost their lives serving in the line of duty this past year.

Indiana lost two of its own, Army SSG Matthew Ryan Ammerman and Marine Cpl Jordan Spears, two young men who selflessly chose service to their country and gave the ultimate sacrifice.

SSG Matthew Ryan Ammerman of Noblesville served three tours of duty,

two in Afghanistan and one in Iraq. A decorated soldier who received multiple medals during his career, Staff Sergeant Ammerman joined the Army in July of 2004. He deployed to Iraq in 2006 and then to Afghanistan in 2009. He went on to graduate as a Special Forces communications sergeant in 2013 before deploying to Afghanistan the following year as part of Operation Enduring Freedom.

Staff Sergeant Ammerman was killed on December 3, 2014, when his unit came under fire while conducting operations in Zabul Province. He was 29 years old. He is survived by his wife and two brothers.

Cpl Jordan Spears' childhood dream was to become a marine. His dad said he was so proud to wear the Marine uniform. He was a native of Memphis, IN. Corporal Spears met with a recruiter when he was 17 and wanted to be deployed, his dad said.

He was deployed in July of 2014 to the USS *Makin Island* for U.S. military operations against ISIS. Corporal Spears was lost at sea on October 1, 2014, while conducting flight operations in the North Arabian Gulf. He was 21 years old. He is survived by his parents and five siblings who loved him very much.

Indiana grieves for the loss of these two, extraordinary Hoosiers, as our country aches at the loss of many more husbands, wives, dads, moms, sons, and daughters. The loss of these heroes will not just be felt this Memorial Day. They will be missed at the dinner table, at birthday celebrations, at holidays, and beyond. This is a reality many military families must cope with.

Let us take a moment to stand beside every military family for the tremendous weight they often carry for their service to this great Nation.

And to the families and friends of Staff Sergeant Ammerman and Corporal Spears, we all send our continued thoughts and prayers. Hoosiers will never forget your loved one's sacrifice to this country.

Memorial Day provides us an additional opportunity to reflect on the bravery of the few who ensure the freedom, the safety, and the way of life for all of us. We will always be grateful to America's heroes, the service men and women in the Armed Forces, and their loved ones.

As a Senator for Indiana and on behalf of all Hoosiers, let us thank all the men and women in uniform for standing the watch and honor the memory of all who are no longer with us for their bravery, their courage, and their patriotism.

God bless Indiana and God bless America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I rise to ask unanimous consent to speak as in morning business.

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

Mr. CASEY. Madam President, I rise to talk about the trade debate we are having in the Senate. I know we have heard a lot of debate on both sides.

I wish first to talk about some of the background before I get to what is in front of us in terms of the process in voting, amendments, and things like that.

I represent the State of Pennsylvania, which, like many States, suffered through the devastation of not just the 1980s—when it comes to job loss in, for example, the steel industry, we know that, for example, in a very short timeframe, about 5 years, for example, the steelworkers lost half of their jobs in southwestern Pennsylvania—in just those 5 years. They went from around 90,000 steelworkers down to below 45,000 in just 5 years. That is only one example of job loss that families in southwestern Pennsylvania have lived through, as well as other examples from around the State that we don't have time to recite today.

So that is kind of the backdrop. And, thank goodness, the steel industry and the steelworkers came together and were able to recover somewhat—obviously, not fully, but they were able to recover over time. And in that time period—we are getting into the 1990s and then into the 2000s—we have had a lot of assertions made that if a trade agreement is brought into effect, we would have job growth and it would help those who had been displaced.

But, unfortunately, what has happened over time is that folks in parts of Pennsylvania have seen some of the history. Just to give some examples—and this is a Department of Labor number—525,094 workers were certified as displaced from the period 1993 to 2002 in the aftermath of the so-called NAFTA, the North American Free Trade Agreement.

Over a period of time between 1993 and 2010, the trade deficit with Mexico was up by some \$66 billion, and that is as of 2010, over those 17 or so years.

That is the backdrop when we debate trade itself. Now, I know there have been assertions made that this agreement, the Trans-Pacific Partnership with 11 other countries, will be different and that there will be protections in there that weren't in earlier agreements.

I have real concerns about those assertions, and I have doubts that they will play out in that manner because, in the end, this debate is about wages and jobs. It is really, kind of, in one sense, one major issue.

Will this agreement and will the trade promotion authority that undergirds this agreement advance or hinder job growth and the growth of wages? I have real concerns about arguments that say it will, that it will advance job creation.

One of the assertions often made, as well, is that job loss over time, over several decades—it has been more than one generation now in affected States such as Pennsylvania—job loss or wage

diminution is attributable to a number of factors. And there is no question about it; that is right.

But even when you are able to—or I should say especially when you are able to isolate the issue of trade, there are some data that support that as well, that you can attribute job loss or wage diminution simply to trade and not to other overarching issues. For example, the Review of Economic Statistics in October 2014, in a significant and substantial report, analyzed a number of issues that relate to trade. Here is the seminal conclusion from that report: “Occupation switching due to trade led to real wage losses of 12 to 17 percent.” And occupation switching is, of course, job displacement.

That covers the period from 1984 to 2002, so it covers a period prior to the North American Free Trade Agreement and, of course, about 8 years or so after the agreement was in effect. So my concern over the long term is about wages and Pennsylvania jobs.

We have a more recent example, and it isn’t grounded in the arguments that relate for or against NAFTA, the North American Free Trade Agreement. Just since the South Korea trade agreement—a more recent trade agreement—has been in effect, the trade imbalance or deficit with South Korea has increased substantially. By one estimate, it is about 12 to 1—\$12 billion of imports on our side to just \$1 billion on their side. That is the kind of ratio we don’t want. We want the ratio to be something in our favor, not 12 to 1 against it.

So what do we do? We have an opportunity over the next couple of days to continue to debate trade promotion authority. In essence, this is the last chance for Congress to have a real impact—or any impact, really—on what happens in terms of the ultimate consideration of the Trans-Pacific Partnership, the trade agreement itself.

Many of us have amendments, and I would make two arguments before I relinquish the floor. One is that we should have a reasonable number of amendments and have a debate about these issues. We have had some debate already but very few votes and very few amendments. I believe we should make sure that folks for trade promotion authority or against and folks for the Trans-Pacific Partnership or against should have a chance to vote.

I will have a couple of amendments. I have filed them. I will just talk about two, and then I will conclude.

No. 1 is a “Buy American” amendment. It would deny trade promotion authority privileges to free-trade agreements that weaken or undermine “Buy American” provisions—very simple but I think very substantial in terms of the potential adverse impacts or positive protections it can provide.

We should make sure that “Buy American” is maintained, that trade promotion authority doesn’t undermine it, and we should not allow the trade agreement itself to undermine

the “Buy American” provision. That is one of the least things we can do in the context of this debate.

The second amendment I will highlight, among several, is congressional certification. This amendment would require certification by the two relevant committees—the Committee on Finance in the Senate and the House Ways and Means Committee—that negotiating objectives have been met, so that prior to a trade agreement going into effect and once there is a final review that those objectives the administration and every administration asserts are part of the trade agreement—that has a review and then a subsequent certification by the two relevant committees.

I know there is a lot more to debate, but I would hope that on something as substantial and seismic in its impact on our economy and the economy of the world—40 percent of the world’s GDP is contained in this agreement, TPP, and we know trade promotion authority is kind of the rule book in a sense for the Trans-Pacific Partnership—that debate we are having on trade promotion authority should allow States such as Pennsylvania or Ohio or any other State to have its voice heard, to allow the people of our States, especially folks who have concerns about these agreements, to have their voices heard. The only way their voices can be heard ultimately, in addition to their own advocacy and their own efforts to make statements to us, is here on the floor of the Senate, to have debates and then have votes on amendments, and we will see where we stand at the end of the week.

To shut off debate and to stop at this moment in time, as some seem to want to do, is contrary to what the Senate should do on something as substantial as the trade promotion authority, which will affect the trade agreement impacting 40 percent of the world’s GDP, and I don’t think it is asking too much to have a few more hours or even a day or two more of votes on the floor of the Senate.

Madam President, 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. LEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT REQUEST—H.R. 2048

Mr. LEE. Madam President, free trade is of absolute importance in this country. We need free trade. I like free trade. I want trade to be as free as it possibly can be. It is not, however, as pressing as another matter that we should be considering now.

Certain provisions of the USA PATRIOT Act will expire a week from Sunday at midnight. This is an important issue, and it is one that deserves debate and full consideration within the Senate.

I want to point out that we have had months and months to plan for this deadline—years, in fact. During these last several months, we have worked with House Members, members of the law enforcement community, and members of the intelligence community to create a compromise bill that now enjoys the support of the Attorney General of the United States, of the Director of National Intelligence, the telecom industry, the NRA, the tech community privacy groups, and 338 Members of the House of Representatives. This is a supermajority—a super-duper majority.

We have had a week since the House passed this bill, and it is time that we take it up in earnest and give it the full attention and consideration of the Senate that it deserves. Then we can return to TPA and finish it without facing expiration of a key national security tool without anything to put in its place.

This is a bill—the USA FREEDOM Act, as enacted by the House of Representatives—that represents an important compromise, represents a very careful and effective balancing between privacy and security interests, recognizing the fact that our privacy and our security are not in conflict. They are part of the same thing. We are secure in part because our privacy is respected. This bill respects both of those.

We know that it is not easy to get to 218 votes for a lot of things on this issue in the House of Representative. In fact, we know it is impossible to get to 218 votes in the House of Representatives for a clean reauthorization of the PATRIOT Act provisions in question.

We know that a lot of other things would be difficult to impossible to pass in the House. We know that one bill does enjoy a supermajority in the House of Representatives, and that is the USA FREEDOM Act. We should be taking that up now.

Madam President, I ask unanimous consent that the Senate set aside consideration of H.R. 1314, the TPA legislation, and move to the immediate consideration of H.R. 2048, the USA FREEDOM Act, that the motion to proceed be agreed to, and that the bill be open for amendments; further, that upon disposition of H.R. 2048, the Senate resume consideration of H.R. 1314.

The PRESIDING OFFICER. Is there objection?

The Senator from Arkansas.

Mr. COTTON. Madam President, reserving the right to object.

The PATRIOT Act is a critical tool for our national security. The junior Senator from Utah is correct that three provisions do expire at the end of this month: the so-called roving wiretap provision that will allow intelligence professionals and law enforcement officials to track terrorists no matter what device they might use, the so-called “lone wolf” provision that would allow our intelligence authorities to identify and stop terrorists who

are not necessarily clearly linked to an overseas terrorist organization, and, finally, section 215 of the PATRIOT Act, which has enabled our intelligence professionals at the National Security Agency to help keep our country safe in the so-called telephony metadata program, which was unlawfully disclosed by Edward Snowden 2 years ago, which is why we are able to discuss such a highly classified program.

The junior Senator from Utah and I disagree about the program and the legislation. There will be a time for that debate because it is the most important issue we could be debating in the United States, our national security and the tools we need to keep our country safe.

For the time being, we are on the trade promotion authority bill. That was a decision made last week. This is maybe not the decision that the junior Senator from Utah would have made, and it is not the decision I would have made, but that is where we are. Perhaps we could have been done with the TPA bill if the other side of the aisle had allowed amendments to be processed last week and if there had not been a needless filibuster of the motion to proceed to the bill, but that is water under the bridge. We should move forward in an orderly fashion and process the amendments that are pending on the trade promotion authority bill. We should have a final vote on that bill and then we should move on to the PATRIOT Act reauthorization bill. There will be time for robust debate in public, which is exactly what so many of our Members have been doing in private, given the classified nature of these programs. If we have to work beyond Thursday, I am more than happy to do that. I will even work on Friday, Saturday, Sunday, and into next week, if that is what is necessary to first process the trade bill and then finally to reauthorize the important provisions of the PATRIOT Act.

Madam President, I object to the unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. LEAHY. Madam President, I also—no matter how we vote on trade—understand the importance of it.

I wish to compliment the Senator from Utah for his statements. The fact is, a great deal of work has gone into the USA FREEDOM Act of 2015. The Senator from Utah's bill and my bill is the same version as the one passed by the House. I hope people will not lose sight of the fact that the House of Representatives really did what the American public wants, by an overwhelming bipartisan majority they passed the USA FREEDOM Act. Some had been saying that the other body could not have gotten that kind of a vote, until say, the Sun rises in the East. But the House came together from across the political spectrum in both parties to pass the bill. I think we ought to respect that.

We also—as the Senator from Utah and others have said—have a unanimous decision from a three-judge panel of the Second Circuit, which declared the current program illegal. We can pass the bill, the USA FREEDOM Act, which passed in the House. It means that both sides have given a lot to get there. We ought to pass it in this body at some point—maybe when the trade legislation and the highway bill are completed, we should just take the USA FREEDOM Act up and pass it. If there are questions once it has gone into effect, we can always come back and make other changes to the law, but we ought to pass this legislation and at least give some stability to our intelligence community. The Director of National Intelligence and the Attorney General have said they support it, and we ought to accept it and go forward. The USA FREEDOM Act takes care of the questions of the courts and we should pass it.

I concur with the Senator from Utah, and I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Madam President, I ask the Chair what business is pending before the Senate.

AMENDMENT NO. 1327

The PRESIDING OFFICER. H.R. 1314 is currently the pending bill, and amendment No. 1327 is pending.

Mr. DURBIN. Relating to the trade promotion authority bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. I wish to speak on that issue.

Madam President, we cannot ignore that more than 95 percent of the potential customers for goods and services and agricultural produce live outside the United States of America. This means that to grow our economy and to maintain our influence in the world, we clearly have to embrace trade; however, this doesn't mean we would embrace every proposed trade agreement.

I have voted for about half of the trade agreements that have come before me in the House and Senate during my congressional service. I think some of those were good, on reflection, and some of them were not. There have been proposals made for free trade which I thought speak to the basic issue: Is America competitive in the 21st century? Can we outproduce other countries in the world? I never had any doubt about that, except for some given circumstances where another country has a specialty or some particular skill. I trust the United States. I trust our economy, our workers, and our business leaders.

When it comes to a trade agreement, I think we have to answer some hard questions about the specific trade agreement, not the principle of trade. Here is something most people do not know. They have proposed this trade promotion authority so we can vote on the Trans-Pacific Partnership. This is a document that has been negotiated

over many months and is available for Members of Congress to see in a secluded setting. We cannot bring in as many staff as we would like, we cannot take the document out of the room, but it is accessible to us. Here is the point that is not often made: We have been told by the administration that this is not the final draft of the trade agreement. We have been told that after we pass the trade promotion authority bill, if we do, then there will be some more amendments and changes. So what we would view today is not necessarily what will be voted on at some later date. It is incomplete. It is a work in progress.

There are some things we should know and should reflect on. First, I will look at it from a very personal perspective. I am honored to represent the State of Illinois. It is one of the largest exporting States in the Midwest, and it is the fifth largest exporting State in our Nation. Illinois exports totaled over \$65 billion in 2013 and about 10 percent of my State's gross State product.

Since 2009, Illinois exports increased by 58 percent, more than the national average of 50 percent. Fifty-six percent of exported Illinois goods in 2014—about \$38 billion worth of exports—went to countries currently negotiating this Trans-Pacific Partnership Agreement with the United States. Is this important to my State? Is this part of the world important to my State? Of course it is. However, Illinois' success in exporting its products depends on good trade agreements that level the playing field, not just for Illinois companies but for American companies. This means we need to have strong antidumping rules that prevent companies overseas from dumping cheap, for example, steel products and other goods to undercut domestic prices and put our companies out of business. Did that happen? It sure did.

A little over 10 years ago, three countries that we trade with—Brazil, Japan, and Russia—had an idea. They figured out a way to drive American steel companies out of business. How did they do it? Were they better or more competitive? No. They dumped their steel. What does it mean to dump a product? It means to sell it in another country at lower than the cost of production in your own country. They took a loss on every ton of steel until they ran that American steel company out of business.

We saw it coming. We saw this dumping taking place. We had trade agreements, and we took them to the enforcement authorities. We said: They are killing us. They are killing these steel companies in America and that is not fair and it violates the trade agreement. The organizations responsible for policing these trade agreements said: We are going to put that on the docket and we will get to that in just a few months.

Well, a few months turned into a few years. We won the case. They had

dumped steel in the United States, but the net result of it was not what we were looking for. The American steel companies went out of business. They could not compete against this dumped steel coming in from foreign countries.

When it comes to these agreements, we need to ask some basic questions. Is it enforceable on a timely basis? Can we stop unfair trade practices before they kill American jobs? That is pretty basic.

This steel issue continues to haunt us. Steel dumping is one of the reasons that the U.S. Steel plant in Granite City, IL, an area I grew up in, will stop production at the end of the month and put 2,080 Illinois jobs in jeopardy.

Fair trade agreements should include enforcement and they should also include enforceable currency manipulation provisions. When a country devalues its currency, the U.S.-made products, in comparison, become more expensive, and that adds to our trade deficit. It makes it difficult for U.S. companies to compete. There are a lot of ways to work on these trade agreements to the advantage of the exporting country if you break the rules.

Trade agreements should allow the United States to enact and implement consumer protection laws meant to protect the public. We don't want to go to the lowest common denominator when it comes to the basics, such as protecting consumers, protecting the environment, and protecting the workers. So whether it is food safety, environmental, public health, consumer financial protection, an investor's future products should not take priority over a country's right to protect its own people.

There is something known as the investor-state dispute settlement. It is a procedure which I want to describe to you because I think it gets to the heart of this trade agreement we are being asked to vote on. Investor-state dispute settlement procedures—often included in trade agreements and is included in several trade agreements that the United States is party to—prioritize corporate investors above almost everything.

What is it? This is how it works: It allows a corporation to challenge a law in an international court if the law, in the eyes of that corporation, violates a trade agreement and infringes on the investment made by a business. That sounds kind of theoretical. I will be specific.

We want U.S. businesses to have protections when they operate in other countries, so it appears to make sense, but corporations have gone too far. Corporations are using this dispute settlement to challenge legitimate laws in countries that protect the public, such as public health laws, environmental rules, land use, and food safety policies. More than 500 of these cases have been brought by corporations challenging the laws in various countries, including U.S. laws.

A U.S. chemical company launched a case against Canada, as a nation, when

Canada banned a toxic gasoline additive used to improve engine performance—an additive already banned in the United States. An oil company sued Ecuador after a domestic court there ruled that the company owed \$9.5 billion to clean up and provide health care to the workers in Ecuador after the oil company had dumped billions of gallons of toxic water in open-air oil sludge pits in Ecuador's Amazon.

Do you get the picture? Your country passes a law to protect the people living in your country, and then a corporation that has trade business with your company sues the country where the law was passed and says that new law is going to cost them money.

Those are two examples. A toxic additive to gasoline—a corporation sues Canada and says you cannot ban that; that will cost us profits. Efforts by Ecuador to avoid toxic dumping in their own country are being sued by an oil company that says, if you do that, it will cost us money. They did not go through the court system. They went through this investor settlement dispute.

There are so many examples of corporations using investor settlement dispute to undermine, rollback or delay laws meant to protect the public. One of the most egregious examples is Philip Morris. I kind of take this personally. As long as I have been around Congress, in the House and Senate, I have had a battle with tobacco companies. It happens to be the only product which when used according to manufacturers' directions will kill you and can still be sold legally. So I don't happen to think tobacco companies are in the best interest of public health for America or any other country.

About 26 years ago, I passed a law banning smoking on airplanes. It was the first time tobacco companies ever lost. I passed it in the House, and my good friend the late Frank Lautenberg of New Jersey passed it over here. It is the law of the land. For over 25 years, nobody smokes on an airplane. Tobacco companies fought us every single step of the way.

Philip Morris, one of the largest tobacco producers in the world, is aggressively challenging domestic tobacco laws around the world using the same investor-state dispute settlement that is going to be included in this agreement.

In Australia, as an example, after the highest court ruled against Philip Morris and upheld an Australian law requiring warning labels to cover a large majority of cigarette packaging, Philip Morris did not give up. Instead, Philip Morris sued Australia in an international tribunal under investor-state dispute settlement provisions in the Australia-Hong Kong Bilateral Investment Treaty. If Philip Morris wins, Australia could be forced to pay Philip Morris for expected future losses because of a warning label on tobacco products. It could be billions of dollars.

Proponents of this settlement dispute that is baked into this agreement

we are going to be asked to vote on rightly claim these procedures can't require countries to change their laws. In other words, Philip Morris can sue Australia and say: Your new law is going to cost us money. Keep it if you wish, but we lost profits because of this new law, and you have to pay us for our lost profits.

They can force countries like Australia to choose between changing the law or using their own taxpayer dollars to pay billions of dollars to a company like Philip Morris for their expected future losses. Think about that for a second. Philip Morris is selling a product that kills if it is used as intended. Some 6.3 million people each year across the world die because of tobacco-related disease. Australia's health care system loses millions of dollars in tobacco-related illnesses for people in their own country, as well as lost productivity at their workplaces. Yet, when Australia enacts a public health law requiring labels on tobacco products, Philip Morris can sue Australia? Yes, that is right. Tobacco products produced by Philip Morris are literally killing Australian citizens, and Philip Morris is suing Australia because the warning labels may cost them future profits.

The same thing is happening in Uruguay. Philip Morris again lost its case against Uruguay challenging its tobacco control laws which helped reduce tobacco use in that country by 4.3 percent. Now Philip Morris says: If we can't win in the courts, we are going to win through the trade agreement. We are going to win through the trade treaty, the dispute settlement in the trade treaty.

Sometimes even just the threat of a trade dispute challenging a law is enough to block, delay, or prevent enactment of a public health law because a country doesn't have the resources to engage in an expensive and lengthy lawsuit. This was the case in New Zealand and Namibia.

Corporations are using investor-state dispute settlements to undermine legitimate public laws, from financial protection, to public health, to environment and food safety. What are we thinking? If we would allow corporations under a new trade agreement to come in and attack public health laws in America, to come in and attack environmental protection in America—because they can argue: If I can't pollute in that river, it is going to cost my company a lot of money; therefore, you have to pay us if you want to keep that pollution law on the books.

That is why I am supporting Senator ELIZABETH WARREN's amendment that removes fast-track authority for any trade agreement that includes these investor-state dispute settlements. State-to-state dispute settlements would still be available if the corporation's rights have been violated or if a country passes a law that violates a trade agreement. But there is no need to go the extra step and give priority

to the rights of corporations over the rights of people when it comes to laws that protect health, food, clean water, and clean air.

As the Senate continues to debate on giving fast-track authority to these trade agreements currently being negotiated, we still don't know what is in the agreements—not entirely. Providing fast-track authority for these agreements would prevent this Senate from offering amendments that would provide only one up-or-down vote after the agreement is finalized.

I support fair trade. I support trade. I hope the final agreements will meet the standards we have spoken of. But I cannot support granting fast-track authority to agreements where we don't know their contents and we could give away the most basic responsibility we have as Senators in the United States—to protect the people of America.

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

The PRESIDING OFFICER (Mr. LANKFORD). Without objection, it is so ordered.

#### EXPORT-IMPORT BANK

Mr. REID. Mr. President, the vitally important Export-Import Bank expires at the end of June. It will be gone. If this program expires—it is not like anything else—we will have to start all over again. We will have to have hearings. We will have to have markups in both Houses. If we can extend the authorization of this, it will solve so many problems for us.

The Export-Import Bank creates jobs in our country—in the United States—by providing loans and loan guarantees so customers in foreign countries can buy our exports. An example is airplanes. I have spoken to Mr. McNerney, the head of Boeing, and one of the vital parts of their business is being able to have other countries have businesses within those countries come and want to buy their airplanes or countries that want to buy their airplanes. They have difficulty doing that without the ability of the Export-Import Bank to help raise the financing.

I greatly appreciate Senator CANTWELL now bringing the attention of this body to this important program that is going to expire soon. I appreciate Senator HEITKAMP for working on legislation dealing with this important issue.

The Export-Import Bank just this year sustained 165,000 jobs. It will be a lot more if there is a long-term extension of this bill. So one might think, of course, that a program such as this which supports 165,000 jobs in just 1 year would cost taxpayers an arm and a leg, a fortune, but in this case, they would be wrong. It is just the opposite.

We make money on the Export-Import Bank. Over the last 10 years, the Bank has returned more than \$7 billion to the U.S. Treasury. That is \$7 billion the U.S. taxpayer does not have to pay because the program is so important and so successful.

A program as effective as the Export-Import Bank should have no problem getting reauthorized, but it has had a lot of trouble. As recently as 2006, the Bank's charter was extended by unanimous consent. It didn't even have a vote. But today the Export-Import Bank is in serious danger of being terminated, ended. The Senate banking committee has made no effort to bring up the Bank's reauthorization, and the majority leader doesn't have a path forward. The best, he said, is we will give you a vote on it. Giving a vote on it is meaningless.

So what has changed since just a few years ago when we extended this by unanimous consent? Why has this immensely successful program over the last few years been on the chopping block? I will tell my colleagues why. It is because the Koch brothers have decided that it needs to go. They want to get rid of it. It is part of their attack on government programs, and this is a government program. They don't care if a bank creates jobs or makes money; they simply want to get rid of it.

That is not the worst of it. Every other developed country supports their exports. China and Europe support their exports, and so do Brazil and India. They all do. But the Koch brothers don't care. They want the United States to be unilaterally disarmed. They are telling their Republican friends in Congress that the United States should just get rid of this program. They don't care that this will put U.S. companies at a competitive disadvantage, and that is an understatement. They don't care that this will cost U.S. jobs, and that is an understatement. They don't even care that this will put a larger burden on taxpayers to have to make up the lost revenue. All the Koch brothers care about is maintaining their warped, illogical view of taking down a government program and making more money for their massive business interests.

I encourage my colleagues to reject this misguided view. Let's stop shooting ourselves in the foot. Let's pass a long-term extension of the Export-Import Bank. On this bill, the trade bill—if it became part of the trade bill, it would be signed into law. The President loves the Export-Import Bank. He said so publicly. We have been trying to get this done, but now the Republicans have said no thanks because their guiding light, the Koch brothers, don't like it because it is a government program.

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

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

#### AMENDMENT NO. 1327

Mr. HATCH. Mr. President, as we continue to debate the future of America's trade policy, we have seen an onslaught of misleading claims and shocking tales of horror that have little or no connection to reality. Many of these ghost stories we have heard evolve around relatively obscure legal provisions relating to investor-state dispute settlement, or ISDS. Senator WARREN has called up an amendment that would give voice to those stories by stripping TPA protections from any trade agreement that includes ISDS provisions.

I call ISDS provisions obscure not because no one knows about them or they are unimportant but because in the real world where people actually live, they are not part of our day-to-day lives. It is only in the overly hyperbolic and borderline fictional world of political debate that ISDS provisions impact the lives of everyday people.

Simply defined, ISDS permits companies to challenge unfair or discriminatory treatment by foreign governments in binding arbitration rather than in ordinary courts. The purpose is to encourage the free flow of capital by protecting investors from uncompensated expropriation and other abuses that may not be adequately rectified in regular domestic courts that in many cases tend to disfavor foreign companies. That is it. That is all it is. This has nothing to do with secret tribunals that undermine U.S. sovereignty or provisions giving corporations the power to rewrite U.S. laws and regulations.

We are hearing a lot of these stories about ISDS these days because the Trans-Pacific Partnership, or TPP, which is currently under negotiation, includes such a provision. Of course, it would be a shock if it didn't. ISDS is a standard element of all U.S. trade agreements and international agreements in general. All told, there are 3,000 trade and investment agreements that include ISDS around the world. The United States has these types of agreements with 50 countries. They have been around for more than three decades.

Contrary to some of the claims made by opponents of free-trade agreements, ISDS is not a weapon foreign entities use against the United States. In fact, the United States demands the inclusion of these types of provisions in our trade agreements in order to protect American businesses from discrimination from foreign governments. You see, here in the United States, foreign companies and investors are assured fair and equal treatment under our laws and in our court system. While the same is true with regard to many of our trading partners, it is by no means guaranteed. ISDS is one mechanism we have to ensure a fair process

for our job creators who do business overseas. It is not widely used, but it provides an important backstop.

Of course, those who use ISDS as a bludgeon against free-trade agreements tend to use arguments that are short on actual, verifiable facts. For example, we hear claims that ISDS allows corporations to overturn laws and regulations both here in the United States and abroad. The truth is that ISDS arbitrators have no power to overturn laws and regulations. The only recourse for a party that wins an ISDS arbitration happens to be financial compensation.

Others have claimed that ISDS can be used to undermine our health care or welfare system or to undo our environmental protections. Once again, the facts tell a far different story. Most ISDS cases involve very narrow issues affecting individual investors, such as contract disputes, licensing, and permitting. There has never been a successful claim in ISDS that a non-discriminatory public health, welfare, or environmental rule or legislation violated fairness or antidiscrimination requirements.

We have also heard people say that ISDS provisions put U.S. taxpayers on the line for losses. In truth, the U.S. Government has never lost an ISDS case. In fact, only 17 cases have been brought against the United States in the entire history of ISDS. By contrast, 15,000 cases get filed against the U.S. Government in claims court every year. In short, ISDS poses no threats to the American taxpayer.

In the end, virtually all of the tall tales we hear about ISDS come in the form of ridiculous hypotheticals that have very little basis in reality. But the facts are what they are. While it is only used sparingly, ISDS remains an important tool to protect U.S. investors and businesses. It is a fixture in international agreements, and if our negotiators did not demand its inclusion in our trade agreements, they would be doing our country a disservice.

In March, the Washington Post editorial board—not really known for having an unabashedly probusiness bias—published an editorial outlining the shortcomings of the anti-ISDS crusade.

Mr. President, I ask unanimous consent to have the editorial printed in the RECORD at the conclusion of my remarks.

Once again, I am all for a fair and open debate on trade policy. I am glad we are on the floor having this discussion. I hope we can stick to the facts and not spend our time debating unsubstantiated scare tactics.

I urge my colleagues to let common sense prevail and to vote against the Warren ISDS amendment.

With that, I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, March 11, 2015]  
DON'T BUY THE TRADE DEAL ALARMISM  
(By Editorial Board)

President Obama's proposed Trans-Pacific Partnership trade agreement is in trouble on Capitol Hill. Senate Finance Committee Chairman Orrin Hatch (R-Utah) says a bill to enable expedited consideration of the pact will be delayed until April because of opposition from liberal Democrats and a few tea party Republicans. The latest rallying cry for TPP foes is that it would allegedly threaten environmental and labor regulations, as well as U.S. sovereignty, for the benefit, as Sen. Elizabeth Warren (D-Mass.) noted recently, of "the biggest multinational corporations in the world."

The supposed menace is the TPP's Investor-State Dispute Settlement mechanism, similar to language in more than 3,000 agreements among 180 countries, including 50 agreements to which the United States is a party. It would permit companies to challenge unfair or discriminatory treatment by TPP governments in binding arbitration rather than an ordinary court. The useful purpose of the settlement provision is to encourage the free flow of capital by protecting foreign investors from uncompensated expropriation and other abuses in countries where they are, as outsiders, disfavored in court—or in countries that may lack well-developed court systems at all.

Contrary to predictions that these processes are stacked in favor of multinationals, the United Nations reports that governments won 37 percent of cases and business only 25 percent; 28 percent were settled before the arbitrators ruled. In the history of ISDS, 356 cases have been litigated all the way to conclusion. Only 17 complaints were lodged against the United States. The number of such cases has increased in recent years but mainly because foreign investment itself has increased.

Critics trumpet ISDS horror stories, but upon closer inspection they generally turn out not to be so horrible. Take the oft-made accusation, repeated by Ms. Warren and others, that a French firm used the provision to sue Egypt "because Egypt raised its minimum wage." Actually, Veolia of France, a waste management company, invoked ISDS to enforce a contract with the government of Alexandria, Egypt, that it says required compensation if costs increased; the company maintains that the wage increases triggered this provision. Incidentally, Veolia was working with Alexandria on a World Bank-supported project to reduce greenhouse gases, not some corporate plot to exploit the people. The case—which would result, at most, in a monetary award to Veolia, not the overthrow of the minimum wage—remains in litigation.

Obama administration negotiators have sought to minimize the misuse of this settlement provision under the TPP by recognizing each country's "inherent right" to regulate for health, safety and quality-of-life objectives. The vast majority of TPP countries are legally well-developed (Canada, Australia, New Zealand) or already free-trade partners with the United States (Mexico, Peru, Chile). So the TPP changes the status quo hardly at all.

It seems that the opponents' real beef is with the administration's view that the United States and its trading partners should encourage private investment in one another's economies. On balance, though, free-flowing capital creates more jobs and wealth than it destroys. The TPP would not only increase economic activity but also enhance geopolitical ties between the United States and its East Asian allies, especially Japan. No amount of alarmism should distract Congress from these benefits.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise today on behalf of the thousands of men, women, and children around the world who are the victims of human trafficking. I rise in their defense, on their behalf, and in the interests of responsible trade policy that recognizes that there can be no reward to nations that ignore the problem and do nothing to end the scourge of what amounts to modern-day slavery—one of the greatest moral challenges of our time.

After negotiations with the White House, the USTR, and my colleagues on the Finance Committee, Senator WYDEN and I at the appropriate time will be offering an amendment to the trade bill to make sure that any tier 3-rated nation—those are the nations that have the worst record in our "Trafficking in Persons Report"—that any tier 3-rated nation hoping to benefit from the Trans-Pacific Partnership will have to address the problem of human trafficking in their country. They will have to make concrete efforts to meet the standards stipulated in the Trafficking Victims Protection Act or they will not have the benefit of privileged fast-track access to our markets, period.

This modification to my original amendment allows for a narrow exception, not just a waiver, as we do with most of the restrictions on the executive branch. This exception may apply only to a country that has been certified by the State Department as having taken "concrete actions . . . to implement the principal recommendations" of the "Trafficking in Persons Report." It will have to be made public so that all will be able to judge that the implementation of those concrete actions toward those recommendations has taken place. That has real meaning. Those recommendations are the roadmap we lay out for countries to move from tier 3.

This is a historic change in the nature of trade agreements now and in the future. For the first time, we will have on the Senate floor trade promotion authority that says we cannot provide fast-track for a trade deal with countries that have done nothing to stem the tide of human trafficking. For the first time, we have an amendment in a major bill that would impose real consequences and real repercussions for turning a blind eye to recruiting, harboring, transporting, providing, or obtaining a person for compelled labor or commercial sexual acts with the use of force, fraud, or coercion. For the first time, we have given teeth to the State Department's TIP report and will hold nations accountable for their inaction. While the report has provided us with important information, it has relied on moral authority but has had no real-world impact on real-world suffering.

Should this bill pass and be signed into law, at least we will not reward

nations with the worst record on rein-ing in human traffickers with the benefits of a fast-track to American markets.

My mother was a seamstress in northern New Jersey. No one worked harder. She came home tired, but she came home to her family and was proud of her work. She wasn't held hostage by her employers, forced to hand over her salary, her passport, or worse.

Thanks to the hard work of the community of advocates against trafficking and the commitment of my colleagues on the committee, the "no fast-track for human traffickers" amendment is in the legislation we are debating presently on the floor. I understand there are those who would prefer to see this amendment just disappear, but, just like those it protects who are suffering around the world, it will be alive in every trade agreement now and into the future. This amendment says that we will not be silenced. We will not be bowed because some want free trade at any cost—at any human cost—even if it means letting in those nations that our own State Department has determined to be negligent at best in dealing with the scourge of human trafficking in their countries.

This amendment speaks volumes about how we approach trade, how we approach the concept of fast-track policy. We, Congress, set the terms that shape fast-track negotiations, not the other way around. Before any country gains access to U.S. markets, they must show they have taken concrete steps to eliminate human trafficking or there will be no fast-track—not for tier 3 nations at the bottom of the State Department's list.

Benjamin Franklin said, "Justice will not be served until those who are unaffected are as outraged as those who are." Well, let's be outraged and make sure this amendment remains a key element of American trade policy.

I thank Senator WYDEN, the ranking member, for helping to develop compromise language that has preserved the full intent of the amendment, and I thank all the human rights and trafficking groups that have come forward, worked hard, and helped draw attention to this problem and provided a new public mechanism to hold this administration or any other administration accountable for their efforts to end human trafficking around the world and not reward the very worst human traffickers with access to our markets.

This is a victory for those fighting the scourge of human trafficking. Fast-track is no longer a given, no matter how bad a nation's record is on how it deals with those who would traffic in human beings for profit. This amendment is for all those who have been subjected to sexual exploitation, forced labor, forced marriage, debt bondage, and the sale and exploitation of children around the world.

It is for the world's 50 million refugees and displaced people, the largest

number since World War II, many of whom are targets of traffickers. It is for the 36 million women and 5 million children around the world subjected to involuntary labor and sexual exploitation. For the victims of these crimes, the term "modern slavery" more starkly describes what is happening around the world and, sadly, what is happening in our own backyard—too often in the nail salons in our Nation.

I will continue to fight against human trafficking in all of its forms. All of us remain vigilant, constantly aware that the cost of human trafficking is not just far away across the ocean in a distant country. It is a moral crisis of international proportions that has reached our own shores, right here in our own backyard.

So again let me thank Senator WYDEN for his efforts and the 16 colleagues of the Senate Finance Committee—Democrats and Republicans alike—who voted for my amendment in the committee. Most importantly, let me thank all of the human rights groups who have worked closely with me to ensure that we do not reward nations with the worst record on addressing human trafficking with fast-track access to our markets.

Let all of those who are suffering around the world at the hands of human traffickers be the face of any future trade agreements. I have a list of groups that have worked every day to eradicate human slavery and that have supported my work on this important effort.

Mr. President, I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Coalition to Abolish Slavery and Trafficking (CAST), Coalition of Immokalee Workers (CIW), ECPAT-USA, Free the Slaves, Futures Without Violence (FUTURES), International Justice Mission, National Domestic Workers Alliance (NDWA), National Network for Youth (NN4Y), Polaris, Safe Horizon, Solidarity Center, Verité, Vital Voices Global Partnership, World Vision.

American Jewish World Service, Bakhita Initiative, Bernardine Franciscan Sisters, Catholics in Alliance for the Common Good, Church of the Brethren, Office of Public Witness, Columban Center for Advocacy and Outreach, Daughters of Charity, USA, Franciscan Action Network, Friends Committee on National Legislation, Maryknoll Office for Global Concerns, Missionary Oblates of Mary Immaculate, Leadership Conference of Women Religious, NETWORK, A National Catholic Social Justice Lobby, Presbyterian Church (U.S.A.), Religious Sisters of Charity, Scalabrini International Migration Network, School Sisters of Notre Dame, U.S. Shalom Offices, Sisters of Charity of Nazareth Western Province Leadership, Sisters of Mercy of the Americas—Institute Leadership Team, Sisters of the Holy Cross, Trinity Health, Tri-State Coalition for Responsible Investment, United Church of Christ, Justice and Witness Ministries.

Mr. MENENDEZ. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I appreciate greatly the kind remarks of my

colleague from New Jersey about my role in all of this. I do not want to make this a bouquet-tossing contest, but I do want the Senate to know and I want the country to know how important it has been that Senator MENENDEZ has led this charge.

As my colleague noted, human rights advocates, those who have been in the trenches in the fight against trafficking, have come together to work with us. Senator MENENDEZ, since our debate in the committee, has led this fight. At that time, colleagues, the committee approved an important amendment to ensure that trade agreements with countries that drop the ball on trafficking get no special privileges here in the Congress.

The reason that my colleague has put all of this time and energy and passion into it is that he understands—everyone here, Democrats and Republicans—that human trafficking is a plague that must be fought at every opportunity. So what Senator MENENDEZ and I have done over the last few weeks is to work together to try to find a practical way to further improve the language in this original amendment.

What these alterations—really improvements—are going to do is to create a new process by which the President will report to the Congress on the concrete, specific steps other countries are taking to crack down on trafficking. I think—and we just got their statement—the Alliance to End Slavery and Trafficking, one of the leading groups that has been fighting this scourge the hardest, has just summed up—I just got this a few minutes ago—what the Menendez effort is all about. A test, the organization has called it, and I quote here, and describes it as a "positive step forward" in the fight to combat human trafficking.

When we take their statement with the fact that Senator MENENDEZ has brought the State Department on board, I think with what we are showing—and this has been a major theme, frankly, of what I have sought to do over these many months, negotiating with Chairman HATCH and colleagues, is to try to make sure that we come up with policies that demonstrate that there is a new era of trade policy afoot, a new era when trade is done right.

Because of the good work of my colleague from New Jersey, the amendment that we will be offering here, under my colleague's leadership, is a demonstration that we can do trade right, that we can do everything possible to eradicate this plague that so many around the world have mobilized to address. I congratulate my colleague for his efforts. Colleagues should note that this would not have happened had it not been for Senator MENENDEZ.

This was a matter that certainly colleagues felt very strongly about. People said: Oh, the whole debate is over. It cannot be resolved. Senator MENENDEZ said: There is a way to bring people together. I congratulate my colleague

for putting this together. I look forward to voting on it later tonight, I hope.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. AYOTTE). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. PORTMAN. Madam President, I appreciate the opportunity to speak a little bit today about the trade legislation that is before this body this afternoon. As we have talked about over the last week, as I have come to the floor, I do think we ought to be expanding exports in this country because it is good for jobs.

I think trade-opening agreements can be very good for the workers and farmers, people that provide services who I represent in the State of Ohio. We need those jobs. 60 percent of our soybean crop is exported in Ohio, our biggest agricultural product. One of every three acres is planted for export now. For our farmers, those overseas markets are really important. Of course we want to expand them.

For our industrial workers, about 25 percent of our factory jobs in Ohio are now trade jobs, export jobs. We want to expand them. For 7 years we have not had the ability to open up new markets, by knocking down barriers overseas. So that is a good thing. We should all be for that. Everyone should be for that. But the question is, as we knock down barriers overseas, are the other countries playing by the rules? If not, then it is not fair to our workers, our farmers, our service providers.

In Ohio, a lot of companies have become more productive. They have worked on productivity, and they have worked on efficiency. Workers have given concessions, including some of our major labor unions: the UAW, steel workers, and others, in an effort to join the global economy in a competitive way. What they are saying to me is this: You know, ROB, I would like to be able to be in this global marketplace and compete. But I want to be sure it is fair. If it is, I can do fine. I am confident. I am confident of them. So part of the discussion on the floor today is not just about expanding exports, as important as that is. But it is this: How do you have a more level playing field so that our workers are getting a fair shake, so that our farmers know, when they are competing in global markets around the world, that there is this more level playing field, so we have the ability to tell them—to look them straight in the eye and say: You know what; this is going to be good for you.

I will mention a couple of issues. Today, I saw Senator BROWN on the floor. This has to do with an amendment that we would like to offer in the

trade promotion authority bill, which actually was part of the Customs bill which was voted on in committee and voted on here on the floor.

The idea is that instead of having it in the Customs bill, where it may or may not be successful, to have it in the trade promotion authority bill, where it is much more likely to go to the President, to his desk for signature. I will say that this amendment is language that Senator ORRIN HATCH, who is here on the floor with us today, the administration and others, supported putting into the Customs bill because they thought it was good policy.

Senator HATCH is very discriminating. He knows what is good trade policy in terms of being sure that we have this more level playing field for our workers in this area of subsidized imports and dumped imports into this country. So what we did was that we got this language into the Customs bill, and now we want to be sure it is part of the trade promotion authority bill.

Why is this so important?

Well, part of this level playing field is to ensure that when products are being sold into the United States of America, they aren't being sold at below their cost. If they are sold at below their cost, it is called dumping. It is an international standard. We have laws against it, but so do the other countries.

The World Trade Organization has enforcement measures against that. You are not supposed to dump product into another country in order to gain market share. It is kind of like a loss leader. What happens is, of course, our domestic companies can't compete with that because other countries are allowing their companies to sell at below cost. So when there is dumping, we want to be able to have a remedy for our workers and our companies.

The second one is called countervailing duties for subsidized product. That is when another country actually subsidizes their exports in order to get market share. That is not fair either.

Let's take the example of somebody who works in the steel industry in Ohio. They are trying to compete to sell steel to, say, the auto plant. Another country comes into the United States and sells their product that is subsidized that is well below the cost of our manufacturer. That is unfair. So you are able to put in place countervailing duties against that product.

All we are saying is that we would like to clarify the law so it is easier for a company, easier for those U.S. workers, to be able to show they are injured when you have dumping, when you have subsidized products coming into this country. Again, this is broadly supported. It is bipartisan. It is one that, again, was part of another bill called the Customs bill. It should be part of our legislation, in our view, and we hope it will be offered as an amendment. If it is able to be offered, I think it will pass because, again, I think this

is an issue where there is a lot of consensus.

One of the problems right now is sometimes companies have such a hard time proving material injury that by the time they prove it, it is too late. In other words, they have lost market share, they have lost the ability to be competitive in the United States, and they end up having to lay people off—and sometimes, in some cases, in some companies in Ohio, including the steel business, they have gone out of business.

So this is, I think, a commonsense, logical approach that again has a lot of support. I hope that amendment will be able to be offered and that we will include that on the trade promotion authority.

The second amendment has to do with a third area of unfair trade. We talked about dumping. We talked about subsidizing. Another one is when a country says: You know what. I am actually going to intervene in currency markets globally in order to drive down the value of my currency explicitly to get an export advantage over other countries.

It is called currency manipulation. It is a standard that has been developed over the years by the International Monetary Fund. It is very specific, and it says that when you do that—because it does distort markets, it does affect trade—it is considered to be an unfair trade practice. The problem is there hasn't been enforcement of that.

What happens is, when countries do it, the value of their currency goes down. Therefore, their exports they sell, say, to the United States of America are relatively less expensive, and our exports to them are relatively more expensive.

Paul Volcker, who is the former Chairman of the Federal Reserve, made an interesting comment. He said, "In five minutes, exchange rates can wipe out what it took trade negotiators ten years to accomplish." I think there is some truth to that. It can happen relatively quickly.

I have walked on a shop floor in my home State of Ohio, the company that makes steel pins—and these are very important steel pins because they hold up speakers at big concert halls. They have to be strong, and they have to be precisely drilled and made. They brought some that work back from China. God bless them.

I am walking the shop floor, and I am talking about how they have these new machines, they have taken their workers through new training, they have done everything to be more efficient and more productive, but they tell me: ROB, you know, unfortunately, we are going to lose some of this business now because of currency manipulation. We just can't compete.

So despite everything they were doing right and the concessions some of their workers were making in order to be more competitive, they couldn't if there was currency manipulation.

Everybody believes currency manipulation is a bad thing—the WTO does, the World Trade Organization. They have standards, and they deferred to the International Monetary Fund because it is a currency issue. The International Monetary Fund has standards. Those standards are such that if you look at our legislation, we pick up the standards from the International Monetary Fund.

So we say, “With respect to unfair currency exchange practices [which] target protracted large-scale intervention in one direction in the exchange markets by a party to a trade agreement to gain an unfair competitive advantage in trade over other parties.”

So it is very specific. It is consistent with the IMF and WTO standards, but the amendment goes even further to ensure that is what we are talking about by saying that whatever we do has to be “consistent with existing principles and agreements of the International Monetary Fund and the World Trade Organization.” So it is a targeted approach to currency manipulation.

By the way, someone said: Well, what about QE 1, 2, 3? What about monetary policy?

That is not governed, because the way we define this is, again, the IMF definition of “protracted large-scale intervention in one direction in the exchange markets by a party to a trade agreement to gain an unfair competitive advantage in trade.”

That is not why we did QE 2. We did it to stimulate our economy. We can argue about the merits or demerits of that monetary policy, but it does not fit into that definition because concerns were raised about, well, maybe it could be.

As we filed this amendment this week, we added something else to the amendment. It is a very short amendment. I encourage you to read it, Senate amendment No. 1299. It says: “Nothing in the previous sentence shall be construed to restrict the exercise of domestic monetary policy.”

So you may hear this debate on the floor: Well, gosh. I am worried this is going to come back against us.

It can't.

All this says is our negotiators, in doing a trade agreement, have to make currency manipulation one of the negotiating objectives. We already have labor issues, environmental issues, and other issues that are negotiating objectives. We have passed one here earlier this week with regard to human rights. Certainly, currency manipulation ought to be one of them. It does affect trade.

Now, I know the Secretary of the Treasury issued a veto threat today and said he would recommend the President veto. This has been in discussion for a number of weeks now, and up until now there has not been a veto threat. So that is new today. I find that surprising; first, because we have had a lot of discussion about this, and

this is the first time there has been a recommended veto threat. It is not a recommendation that Presidents always agree with when a Cabinet member says that, but it has to be taken seriously.

I would be very surprised if the President of the United States were to say: You know what. I like this trade promotion authority. This is good. It expands exports—which is a good thing in my view, as I have said earlier—but somehow I am going to veto it because, boy, we just can't take on currency manipulation.

This is at a time when everybody—everybody—the administration, Members of the House and Senate, Democratic and Republican, all agree currency manipulation ought to be prohibited.

In fact, the side-by-side amendment that is being offered by my good friend and colleague Senator HATCH and my good friend Senator WYDEN also said we should not have currency manipulation. In fact, they pick up our exact language on how to define currency manipulation, but they don't have any enforcement. There are no teeth to it. It says you could do this or that, you could have reporting, you could have rules or you could have monitoring or you could do nothing.

What ours says is very simple: Let's just make currency manipulation the same as everything else that is a negotiating objective that is enforceable. Let's subject it to dispute resolution.

So you have opportunity; one, first, you have to start with consultation with the other party; and, second, if there are consultations that break down, if you can't resolve it, then it goes to a dispute resolution process.

Someone said: Well, the United States would be the judge and the jury.

Not at all. As a former U.S. Trade Representative, who has been involved in these negotiations, who has taken into account negotiating objectives, I can tell you these three-judge panels are objective. That is the whole idea, and they determine whether there has been manipulation under the agreement that the parties have reached. So what this says is: Let's raise this issue. Let's have a discussion about it. It is a negotiating objective, and let's see what we can agree with, with the parties, and let's make it subject to the same dispute resolution you would have with other issues, such as the environment, such as labor, so this is actually enforceable.

So the question on the floor is going to be: Do you support getting rid of currency manipulation because you know it affects people you present negatively? And the answer is going to be a resounding yes.

By the way, 60 Senators wrote a letter in the last Congress—60 of them—saying that in trade agreements there ought to be an enforceable currency manipulation provision. This amendment would require 51 because it is germane. So it is just interesting. If it

doesn't succeed—because I know my leadership is against this, I know the White House has now said they are against it. We will see how people vote on this because everybody agrees we ought to deal with this. The question is whether we ought to have teeth in it, whether it ought to be enforceable or not.

By the way, what is trade promotion authority? Why are we doing all of this? We are doing it because this is the way Congress can express to an administration what our prerogatives are. Again, 60 Senators have signed that letter. It seems like everybody agrees currency manipulation is a bad thing.

The side-by-side—meaning the alternative—in an effort to defeat our amendment, the alternative acknowledges currency manipulation is a bad thing and sets up the exact definition that we use. Ours is a little better because it also exempts monetary policy explicitly, and theirs does not, by the way. But then at the end it says: And what are you going to do about it?

Well, you decide. You can do this or this or this or nothing.

Ours says: No, you have to subject it to the same enforcement you have with other provisions in a trade agreement.

So I am hopeful we can get this passed. People have said: Well, this is about the auto companies. You know, I am not ashamed to represent the auto companies. I am co-chair of the Auto Caucus. The automobile industry in this country is incredibly important. We are proud in Ohio to be the No. 2 auto State in the Nation. By the way, the UAW and the management have made a lot of concessions. They have made a lot of changes to the way they produce automobiles to be more efficient, to have the safest, best automobiles in the world produced in the United States of America. I think they do deserve a fair shot. Again, the agreement can reduce all sorts of tariff barriers and so on to give them a shot at going into some of these markets. But if at the end of the day there is currency manipulation, as Chairman Volcker said—former Fed Chair Paul Volcker—“In five minutes, exchange rates can wipe out what it took trade negotiators ten years to accomplish.” So I am very proud to be on the floor saying: Yes, it is important to the autoworkers.

But it is much broader than that. The fact that the steel companies around the country have also supported this, the fact that other industries have supported this, it affects everybody. It affects farmers. If we are selling 60 percent of our soybean crops overseas, and they have currency manipulation making our product more expensive, that is bad for our farmers.

If you are selling these steel pins I talked about earlier overseas—I had the fastener industry come see me this week. They are from Ohio. These are the people who make screws, nuts, and bolts. They are concerned about it. So

it is not one narrow group. It is anybody who is involved in international trade and understands the need for us not to allow this to happen. Others have said. Well, this is a poison pill.

I view it more as a vitamin than a poison pill because I think it strengthens the underlying law. I think it makes it more likely we can get a consensus for trade going forward, including in the House of Representatives, where people want to vote for trade promotion authority, they want to expand exports, but they want to be sure it is fair. They want to be sure their workers and their farmers get a fair shake.

So I know the President has said he doesn't like it much, but the President, in the past, has spoken articulately and vociferously against currency manipulation. His statements have been very clear. He not only thinks it is wrong, he thinks it must be enforced. So I would find it surprising that he would be willing to move forward.

Is it poison pill because of the House? Again, I think it actually adds votes. Why wouldn't it? Is it a poison pill in terms of the administration? I hope not, and I can't believe it would be. This is a priority for the President to get trade promotion authority done, and I agree with him.

I think it is important for us to give our workers and our farmers the chance to export more of their products to the 95 percent of consumers who live outside of our borders, who are not Americans but who want to buy the best products in the world that are stamped "Made in America." We want to do more than that.

Then, finally, is it a poison pill for the countries that are negotiating what is called the Trans-Pacific Partnership—called the TPP. Well, I have heard Japan doesn't like this amendment much. It concerns me if our friends in Japan—and they are allies and friends, and I have worked closely with them.

When I was the Trade Ambassador, we worked more closely with Japan than anybody had previously. I would say. I brought them into the close circle of countries that were trying to move forward, in this case, on international standards through the Doha agreement. I have great respect for them.

By the way, they are not manipulating their currency now and haven't been, in my view, since probably 2012, maybe the end of 2011, by the very definition in here. So why would they be worried? I don't know.

But it worries me that they wouldn't be willing to sign off on a provision like this, very sensible, saying: Let's all agree not to manipulate our currency so we can have a more level playing field between all of our countries.

They have manipulated their currency in the past. The IMF would say, I think, about 300 times before 2012. So I don't know if they really wouldn't negotiate with us. In fact, this is a very

important agreement to them. It is a very important agreement to them because they, like us, want to expand our trade ties together in the fastest growing part of the world—in the Pacific region. And that is good.

So look, I appreciate the fact we are going to have a difference of opinion on this. I just hope people will actually look at the facts. Look at the language. Look at the fact that this is an issue we all agree on in terms of currency manipulation. The alternative amendments will have that. The only question is, Should it be enforceable? Should it have teeth? Should we be able to go home and look our workers in the eye and say: You know what? We have taken care of you on this one. You are not going to find yourself playing by the rules, making concessions, going through retraining, making these big investments in these companies with the most up-to-date equipment to be competitive and then find, oh my gosh, the rug is pulled out from under us by manipulation.

So here we have President Barack Obama. I mentioned his statement earlier. This is in June of 2007: "I will work with my colleagues in the Senate to ensure that any trade agreement brought before the Congress is measured not against administration commitments but instead against the rights of Americans to protection from unfair trade practices, including currency manipulation."

I know where the President stands on this. He, like me, like other Senators in this Chamber, wants to be sure we do deal with currency manipulation. In this case he is saying with regard specifically to trade agreements brought before this Congress. That is what TPA is all about—establishing our congressional prerogatives as to trade.

So I hope we will be able to move forward with expanding opportunities for everybody we represent, because that is what trade is about. It is about creating more and better jobs. If you are against exports, you are against creating better jobs. Trade jobs pay, they say, on average 13 to 18 percent more. Why? Because they tend to be jobs in the manufacturing sector, in the technology sector. They tend to be good jobs.

We want more of them in my State of Ohio. Our farmers want more exports. It is good for their prices. And they all deserve to have these markets overseas because they are working hard to create the best products in the world. All they want is a level playing field to ensure they have the opportunity to send those products overseas to the 95 percent of consumers outside our borders.

If we do that—if we do that and at the same time ensure it is fair—we will be able to look them in the eye and say that this is going to be good for you and your families.

Here is what Secretary Lew said earlier today: "Holding our trading partners accountable for their currency practices has always been important to this administration."

Let us hold them accountable. We can't hold them accountable if there is no enforcement. We can't hold them accountable if there are no teeth. That is all we are asking for today.

I would ask my colleagues on both sides of the aisle to look at this language and look at this issue. Earlier, one of my colleagues came to speak and he had a sign like this, and it talked about free trade and fair trade. That is what we are talking about. Let us be sure we have free trade and fair trade. If we do that, we can begin to rebuild a consensus around trade that used to be a bipartisan consensus, and we can begin to create a better future for our kids and grandkids—more engaged in global markets, getting better-paying jobs and more jobs, and ensuring America's promise is met.

At a time when we have a historically weak recovery, what better thing to do than to give this economy a shot in the arm by expanding exports and by doing so in the context of creating a more level playing field for the people we represent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Madam President, this is an exceptional thing we are debating right now. We are talking about limiting our own constitutional power. We are talking about a trade promotion authority act that would restrict our ability to offer and debate amendments on free-trade agreements.

We have been told this is the only way we can move forward on things such as the Trans-Pacific Partnership and the soon-to-be-completed European free-trade agreement. There are great disagreements about whether that is necessary.

It is hard to understand why we hold trade to a fundamentally different standard than so many other things that are vitally necessary for our economy to move forward. Why not have a different process to pass immigration reform or energy reform or tax reform? Those are just as, if not more, necessary to economic growth than trade.

But in that we are talking about limiting our ability to offer amendments to a trade agreement, it would be the height of irony if we were to conduct that debate in a way that limited our ability to also offer amendments on the very act that takes away our power to amend the trade agreements.

So here is just a point on process. I am fairly new to this body. This is the first time I have been in the Senate debating a trade agreement. Certainly, it is the first time I have been in the Congress to debate a fast-track bill, a trade promotion authority. I think we can take our time to allow this body to work its will, to make sure we vote on more than a handful of amendments to a piece of legislation that takes away our power to offer amendments on the final trade bills.

We took 3 weeks to debate the last fast-track bill. Now, I don't think anybody is asking for 3 weeks, but we are

asking for more than a few days, given that many of us think we have amendments, such as the one Senator PORTMAN is offering, that can make this bill a lot better. So I am coming to the floor today to ask for that time to get to a better place on this bill and, specifically, to ask for this body to take up a series of amendments surrounding one vital issue, and that is the issue of protecting the American supply chain on products bought by the U.S. Government. It is commonly referred to as the “Buy American” law. It has been on the books for decades.

It is a pretty simple premise. When we are buying things for the U.S. Government, we should buy them from American companies, by and large. It is a pretty meager requirement. At the start, it just says that when you buy stuff for the American Government, primarily for the Defense Department, you should buy 50 percent of it from U.S. companies.

That makes a lot of sense to people in the United States. In my State of Connecticut, we believe that is just good economics, but it is also good national security policy, because if you are not making things for the Department of Defense here, you are making them abroad, and you become reliant on a supply chain that is increasingly internationalized and puts you at risk when one of those companies that is supplying parts for a jet engine, for a tank, for a weapon all of a sudden isn't your ally any longer.

The “Buy American” law has been riddled with loophole after loophole, exception after exception, such that the exception is now the rule. I won't go through the litany of ways you can get around the “Buy American” law, so that sometimes today items being bought by the Department of Defense are majority made outside the United States and frankly, often by countries that we may not be in total alignment with when it comes to our security policy.

I want to talk about one waiver, one way around the “Buy American” law, and that is a really big one. There is a waiver to the “Buy American” law for any country that we have entered into a free-trade agreement with. So if you have signed a free-trade agreement with the United States, you can supply content to goods made for the U.S. military and have it count as made in America.

Now, that is a pretty limited exception when you have only a small number of countries you have signed free-trade agreements with. But the two regions we are talking about adding to the ranks of those that have trade agreements with the United States would represent the bulk of the global economy. We are talking about a swath of countries in Asia with very low wages and then, ultimately, with the European trade agreement, the whole of Europe.

All of a sudden, we don't have a small exception to the “Buy American” rule,

we have a truck-sized exception to the “Buy American” rule, rendering it almost obsolete and unenforceable at that point, because then almost any country that is producing a good can apply for the trade-agreement waiver.

So we have a series of amendments that would try to tighten up this particular waiver, this particular option built into trade agreements. The amendment I hope to offer simply says that if you want this waiver around the “Buy American” law, then you have to show that, No. 1, the result of moving the work overseas won't cause a U.S. company to go under—and I can give examples of when that has happened—and, No. 2, you have to prove it you can't find it in the United States—that your only option is to go overseas because you can't find it in the United States. If there is an American company making it for a reasonable price, then that company should be able to get that waiver.

Now, it doesn't take away all the other waivers. There is a waiver, for instance, that says if you can get it much cheaper overseas, then you can go overseas. We don't eliminate that waiver. We just say you have to prove you can't get it in the United States and you can't get it for a reasonable price in the United States, and then this waiver would apply.

I think all of our constituents would support trade agreements that make sure our taxpayer dollars being used to buy goods for the United States get used, preferentially, on American companies. And simply by tightening up this loophole in the “Buy American” law, we will protect a lot of jobs.

How do we know that? Because in 2013, the last year for which we have records, there were 1,200 of these waivers approved—1,200 waivers for existing countries with free-trade agreements—worth \$500 million worth of goods. That is \$500 million worth of work that would have gone to U.S. companies that went to foreign companies because of this waiver that said that any country that has a free-trade agreement just doesn't have to worry about the “Buy American” clause. That is 1,200 today. Imagine how many that will be in a year if we were to add all of the countries in TPP and all of the countries in TTIP. We are talking about factors of two and three and four added to that number.

So all I am asking for at this point is a debate. Let us just make sure on this seminal issue, the preference that we give American companies for work paid for by Federal taxpayers, that we have a discussion about that on the floor of the Senate at some point over the course of this week. Members can choose to vote up or down. They can choose to support American companies. They can choose to support the outsourcing of American taxpayer work. But let us have a discussion on it. We don't need 3 weeks, like we did last time, but be probably need a couple more days.

This is as big as you get for the Senate. We are debating giving away our power to amend a major trade obligation of the U.S. Government. Let us have a debate about the consequences of that with respect to American companies.

It would make a difference to one set of people in my district, and I will end on this—the former workers of Ansonia Copper & Brass. This is a company that made copper-nickel tubing for our submarines. They were the only American company that made this copper-nickel tubing, and they had a competitor in Europe that was trying to take their business away. Because of a waiver to the “Buy American” law, the contract was awarded by the Department of Defense to the European firm and taken away from Ansonia Copper & Brass. Because of that waiver to the “Buy American” law, Ansonia Copper & Brass went out of business. We now have no ability in the United States to produce copper-nickel tubing. Some of the most important components to the American sub fleet in the United States—gone. Our capacity has ended. And you can't just rebuild this, because this is a really specialized kind of material, a really specialized kind of product. Once that equipment, once that expertise is gone, you can't just start it back overnight. That has real security consequences for the United States.

I would argue that, even more importantly, it has serious economic consequences for the men and women who were laid off about a year ago from Ansonia Copper & Brass, because of an ill-thought-out waiver to the “Buy American” clause that compromises our economic security and our national security. Let us just pledge to have a debate about that on the floor of the Senate before we come to a final vote on trade promotion authority.

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.

Ms. STABENOW. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. STABENOW. Madam President, I want to take a moment to add to what my partner on the Portman-Stabenow amendment has said on the floor. I appreciate working with Senator PORTMAN on this important issue. I find it very interesting, as we are debating—as other colleagues have said—a policy that allows the administration to go ahead and negotiate a trade agreement where we voluntarily give up our right to change, to amend, and that we voluntarily, as a Congress, say we are not going to allow anyone to object to make it a 60-vote threshold. So we are giving them the fast-track authority. The tradeoff, the way we are supposed to be doing that is by setting up a set of negotiating objectives and

expectations for what will be negotiated in the agreements. That is the deal here—fast-track authority, setting up the expectations. What we believe on behalf of our constituents, the people we represent, are the most important things that we want to make sure are covered: enforcement, strong labor and environmental standards, and the No. 1 trade distorting policy in the world today, which is currency manipulation.

We want to be able to say, if you are going to get this special ability to take away our right to change something, then we expect certain things. We expect that we are going to be negotiating from a position of strength so that we are racing up in the world economy, bringing other countries up in terms of wages, what is happening in terms of protecting our environment, protecting our intellectual property rights, stopping other countries from cheating on currency or other trade violations. We want to create a race up, not a race to the bottom, not a race to the bottom where the comments are this: Well, if you would only work for less, we can be competitive. If we only take away your pension, if we only take away your health care, if we only make sure that we do not enforce our trade laws, we can be competitive. Obviously, that makes no sense.

In the area of currency, what Senator PORTMAN and I are doing is putting forth the very straightforward case that there should be a negotiating objective that is enforceable, that is tied to IMF definitions. It makes it clear that we are not talking about our domestic policies. We are not talking about Fed policies. We are not talking about quantitative easing. We are talking about the foreign currency policies that under the International Monetary Fund, 188 countries, including the Asian countries we are negotiating with, have all signed up to agree to. All signed on the dotted line—the United States, Japan, all the countries that we are talking about—that they will not manipulate their currency.

The problem is they still do. The problem is that Japan, after signing on the dotted line under the International Monetary Fund, has over the last 25 years manipulated the currency 376 times. We are saying that if we are going to let you go into a negotiation and come out with a trade agreement of 40 percent of the global economy in Asia and where we are seeing the bulk of the currency manipulation, then we believe there ought to be an enforceable standard, that we ought to have an expectation of a currency manipulation provision that would be enforceable at least as a negotiating objective. That is what we are talking about.

You would think—it is unbelievable the reaction. I understand after working with many, many Secretaries of the Treasury—and I have incredible respect and admiration for our current Secretary—but every Secretary under every President I have had the oppor-

tunity to work with—Democrat or Republican—all believe the same: Do not get into this area of policy. I understand that. I do. I respect it. I disagree in this case, but I understand that reaction. But when we are talking about a 21st-century framework on trade and what we need to do in enforcement—and we passed a customs bill that has incredibly important enforcement provisions in it. I am pleased that a number of those are ones that I have been working on—that Senator LINDSEY GRAHAM and I have been working on for years—provisions that are in that bill.

I am very pleased to see that the broader currency issue is addressed in there that Senator SCHUMER, Senator GRAHAM, Senator BROWN, and I and others have been working on for years, trying to not be in the Trans-Pacific Partnership negotiations, as we know. All of these things are good to be able to do. But if we are going to do that, we need to address—as has been quoted by one of our auto manufacturers—the mother of all trade barriers, which is currency manipulation. We know it is going on.

On the one hand, we hear from those on the other side that it is a poison pill to put this in the fast-track authority. The question is, Why? Why is it a poison pill? Why is it a poison pill?

Well, because Japan will not like it. Japan will walk away from TPP. Well, on the other side we hear that the Bank of Japan does not do currency manipulation anymore. They do not do it anymore. Why do we have to worry about it if they do not do it anymore?

If they do not do it anymore, then why in the world would they walk away from a negotiation if we have a negotiating objective on currency? It makes you wonder. Do they want to go from 376 times to 377 times? That is what I would assume, if that is that important that it would kill an entire agreement with 12 different countries to have a negotiating principle in there on currency. It is not just Japan, although, that is the major concern. We have seen this happen in Singapore, Malaysia, and other countries. If they do not intend to use that as a way to get an edge, to beat us on an unlevel playing field, then why in the world would they care? That is the question.

They cannot have it both ways. They cannot say they are not doing it anymore. But if we put this in there, somehow we are not going to be able to get this agreement. Our job in a global economy is to make sure the rules are fair for our businesses and our workers.

So far, it is estimated that we have lost some 5 million jobs and counting because of just one thing—currency manipulation. What is that? That means that Japan builds an automobile, and they sell it someplace else. When they are using the Bank of Japan to manipulate their currency, they are able to get a discount on the price artificially. We are told, on average anywhere from \$6,000 to \$11,000 on the price of an automobile. That is a lot when you are competing.

It is not a differential because they are more efficient at manufacturing or even paying their people less. It is because they cheat. It is because they cheat. It is not about selling into Japan, which is very difficult right now. But we also know that even if we took away the nontariff trade barriers, they have a culture of wanting to buy their own automobiles, which I wish we shared. It would be less of an issue if we in America were buying American. But the concern is that in a global economy, American companies are competing with Japanese companies to go into India—over a billion people—or Brazil or the Middle East or everywhere between America and Japan.

If we are creating this huge trade agreement and we do not address the fact that they can compete with us for those customers in other countries in an unfair way and we do not deal with that, we are forcing our manufacturers to try to compete with their hands tied behind their back. Why would we do that?

It is our job to make sure they have every opportunity to succeed—every opportunity—and that their playing field is level. How many times do we all say those words: “level playing field,” “level playing field.”

We are hearing from manufacturers who want to trade. These are global companies that always support trade agreements. They are saying to us: Pay attention here. This is an issue that has gotten out of hand, that we need in the framework when we are negotiating a trade agreement with 40 percent of the global economy. For the places that manipulate the currency, we need to make sure they are not doing that.

That is what the Portman-Stabenow amendment takes a step to do. I would like to go even further and say that you do not get fast-track authority unless you have strong currency enforcement in the agreement. This is not that far. This is, in fact, the reasonable middle. It says we are going to have a strong negotiating objective that is tied to enforceable standards under the International Monetary Fund, the WTO, that it is a negotiating principle and we expect that to be in there. We expect it to be in there. But it does not have the hammer of saying you would not get fast-track authority because we want this to be something that has strong bipartisan support, that comes to the middle here in terms of what is viewed as reasonable and supporting the ability to have flexibility in negotiations and so on.

For the life of me, I do not understand the reaction on the other side in terms of the statements that this is a poison pill or that this is some outrageous thing to say that along with protecting intellectual property rights and focusing on labor standards and environmental protection, that we would have a negotiating objective on currency.

We do not dictate the outcome of it, which I would love to do. We do not do

that. We say, you have to put forward your best efforts here, and you have to put folks on notice that we are serious because this is one of our negotiating objectives. When it is time for the vote, I hope that it will be in this next group of amendments.

We appreciate very much that the amendment is pending, and we look forward to a vote. We would like very much to see that happen this evening. There is no reason not to have it. We are ready to have that vote. I think we have about 25 percent of the whole Senate now as cosponsors, and we would love to have more. This is a bipartisan amendment. It is reasonable, and it tackles the No. 1 trade distorting barrier right now in the global economy, which is currency manipulation. It does it in a responsible way.

I will close by saying this. Again, we hear that this is a poison pill because the main folks who have been currency manipulating, who would be part of the TPP, do not want this, do not want anything saying the word “currency” that would be possibly enforceable.

We are hearing that the Bank of Japan is not doing it anymore, so you do not need the language. But, by the way, they will walk away from the agreement if you have it in the language in there. You cannot have it both ways. Either they intend to do it again, and that is why they are objecting to an agreement with any kind of currency manipulation enforcement, or they are not going to do it again and it should not matter. They can't have it both ways on this debate. The fact that folks are trying to have it both ways makes me very concerned about what is really going on in the Trans-Pacific Partnership.

I urge my colleagues to join me and Senator PORTMAN in passing this very reasonable amendment to make currency manipulation a priority in our negotiations.

I thank the Presiding Officer.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Ohio.

Mr. BROWN. Mr. President, I second the words of the senior Senator from Michigan. She is exactly right about the importance of currency. As she said, it is a negotiating objective. Frankly, I wish we could write even stronger language because we know that the U.S. Trade Representative—whether it is a Trade Representative serving a Democrat or a Republican—doesn't pay quite as much attention to the negotiating objectives as we want. But there is no reason we shouldn't write strong negotiating objectives. Senator STABENOW's amendment with my colleague from Ohio is exactly the right major step forward.

I wish to make one other comment. I believe Senator FRANKEN, Senator BOXER, and Senator WHITEHOUSE are coming to the floor, along with Senator MURPHY, Senator CASEY, Senator WARREN, and Senator STABENOW, to speak about amendments that really matter to TPA. There are literally all

most two dozen Democratic Senators and I believe at least 8 or 10 Republican Senators—I am not sure of that number—who have good, solid, substantive amendments. That is why I want to see us do what Senator MCCONNELL has talked about, and that is have a full hearing and airing of amendments that are substantive. There are dozens of substantive amendments offered by at least a couple dozen Senators.

I wish to refer to one thing my colleague from Ohio said earlier, before Senator STABENOW's speech, and that is about the amendment that refers to leveling the playing field, which we have been working on and which is all about trade enforcement. I jotted down one thing he said, which I want to emphasize. He said that by the time our government is able to prove injury and prove an unfair trade practice, the injury is already so great to our workers and our companies. He expanded on that, and I wish to expand on that for a moment.

I have spent hours and hours over the years visiting plants in Ohio and seeing what happened to a number of our companies and the workers who work at those companies when countries such as South Korea engage in unfair trade practices, whether it is steel, coated paper, tires, or dumping oil country tubular steel—dumping means they may subsidize capital. In addition to lower wages, it may be water, energy, or land. Having lower wages is not an unfair trade practice, but the other examples are. We know what that means. It means that our workers can't compete when they don't play fair.

Whether it is Colorado, Ohio, or Michigan, we follow the rule of law, so it takes a period of time to prove these companies are engaging in unfair trade practices. We see a number of these countries and companies—it may be Korea, China, or somewhere else—not just gaming the currency system, but we see them so often not being forthcoming even though international laws require that they be forthcoming with information so we can process whether they, in fact, are subsidizing their production and dumping their product. They may give us inadequate or faulty information or they may give us purposely erroneous information. By the time we put together the trade case, small businesses, particularly in the supply chain, have gone out of business or have been damaged beyond their ability to survive long term, and so often, workers have been laid off.

I saw what happened in Lorain, OH, and I saw what has happened in Cleveland and Gallipolis and Chillicothe. I saw what happened in Trumbull County, OH, and Youngstown, OH, when China and Korea cheated on the oil country tubular steel issue.

Leveling the playing field will help us fight back. That is why so many corporations and labor unions support this legislation.

It matters to our communities because when a plant closes and workers

are laid off, it is not just those workers and those families who are affected, it devastates the community. Firefighters, teachers, and police end up getting laid off, and the community is less safe. All of those things happen because we don't stand up and enforce trade law, we don't stand up for our international interests, and we don't stand up for our economic security and our community interests. That is why the Stabenow amendment on currency is so important, and that is why the Brown-Portman amendment is important—so we can level the playing field.

We have at least half a dozen Republican sponsors, and we have a number of Democratic sponsors as well. That language was so uncontroversial that it was adopted in the Finance Committee in the managers' package in the underlying bill that Senator HATCH and Senator WYDEN negotiated at the beginning, about a month or so ago.

I applaud Senator STABENOW for her work on currency.

I urge my colleagues, first of all, to make the amendment on leveling the playing field pending, and second, to move on this legislation.

I also appreciate the leadership Senator WHITEHOUSE, who just joined us on the floor, has shown on these trade agreements.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I know Senator WHITEHOUSE is here and I have already spoken, but I wish to echo Senator BROWN's strong appeal that we vote on the leveling the playing field amendment. It is critical.

We have seen communities across Michigan as well as throughout the country that have been devastated. We not only lose good-paying jobs when a plant closes, but we lose small businesses from across the street, and it affects the whole community.

This is an incredibly important amendment. I hope we will get a vote on it. I believe the votes are here to support that amendment on a bipartisan basis, and I think it is critical that we vote and adopt it.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I have an amendment which I wish to discuss.

About a year ago, we as a Senate, unanimously by a voice vote, ratified four treaties that helped protect American fisheries from illegal, unreported, and unregulated fishing around the world. It is called pirate fishing. This was an effort by the Oceans Caucus. It was led by me and then-Senator Begich on our side and Senator MURKOWSKI and Senator WICKER on the other side of the aisle. It was hotlined on both sides and cleared.

It is a useful treaty to be in. It is important for our American fishing industry to make sure that they are not being punished or harmed by foreign competitors who are not fishing

sustainably, fishing illegally, or violating the laws of the jurisdiction in which they are fishing. Because of their misbehavior, they are able to bring catch to market less expensively than fishermen who play by the rules.

I ask unanimous consent that the pending amendment be set aside so I may call up my amendment No. 1387.

The PRESIDING OFFICER. Is there objection?

Ms. CANTWELL. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. WHITEHOUSE. Mr. President, I understand there are issues on the floor that need to be resolved and there are objections pending, but I did wish to speak to this amendment. It is an amendment I hope can either get a vote or, because of its noncontroversial, bipartisan status, perhaps can be added at a time when there is a managers' amendment or some means of dealing with noncontroversial additions to this legislation.

So the objection having been made to my request, I will yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise to speak briefly on the trade legislation before us and on the importance of considering and voting on amendments that would improve it. I have submitted amendments of my own. I am co-leading a pair of amendments with Senator BALDWIN, and there are a number of very important amendments that I support.

We are talking about how we will consider trade agreements that would cover a major portion of the entire global economy. That is a very important subject, and I believe we need to fully debate this bill. I also believe we need to have votes on a number of amendments to make this bill better than it currently is.

I believe that when trade is done right, it can benefit our workers, our communities, and our businesses. But I am concerned that the fast-track procedures set up by the trade promotion authority bill we are considering will not do enough to make sure we do trade right. So, at a minimum, I believe we should debate and have votes on a number of amendments that would considerably strengthen this bill.

I have submitted two amendments of my own. One of my amendments would strengthen the negotiating objective on labor and environmental standards in the trade promotion authority bill. Right now, the bill effectively says that partner countries violate those standards only when they fail to enforce labor or environmental laws on a sustained and recurring basis. The notion that violations of standards need to be sustained and recurring to really count as violations is not found elsewhere in the bill and doesn't hold with respect to, for example, intellectual property, digital trade, or regulatory practices. My very simple amendment

would take out "sustained and recurring" so that a labor violation is a labor violation.

My other amendment is my Community College to Career Fund Act, which is designed to address the skills gap where there are jobs open in our country because there are not workers with the right skills to fill them. Just like Senator STABENOW's amendment on re-energizing the community college portion of trade adjustment assistance, or TAA, of which I am a cosponsor, my amendment will bolster workforce development and training.

The community college portion of TAA has been successful in helping to retrain workers and communities that have been harmed by trade, and that is a good thing. My amendment builds on this by helping community colleges partner with business sectors in order to improve our ability to get people into jobs in manufacturing that are high-skilled jobs or in IT or in health care by providing them the skills they need. This will make all of our communities more resilient and economically successful.

I am also proud to co-lead two amendments with Senator BALDWIN of Wisconsin on our trade remedy laws. One would prevent trade negotiations from weakening those laws, and the other would strengthen the language in the TPA bill on trade remedy laws—the laws that enforce our trade policies and protect our domestic industries from dumped and subsidized imports from other countries.

In Minnesota, I have seen firsthand the damage that happens when we don't have and, just as importantly, can't enforce strong trade protections. In the last few months alone, we have seen what happens when other countries unfairly dump their goods here. In this case, it was steel products. Nearly 1,000 Minnesotans are losing their jobs after a flood of dumped steel imports. Our provisions stand up for American manufacturers by putting in place and enforcing fair trade practices.

In addition to these amendments, there are many other important amendments my colleagues have offered on currency manipulation, investor-state dispute settlement, "Buy American," and a number of other issues.

I believe that these issues are worth debating and that we should be voting on amendments on the important subjects which I have mentioned as well as on other important subjects.

In my view, this bill is in need of substantial improvement, and we should not cut off the process of trying to make those improvements. We need to be voting on amendments, and we need to be working to improve this bill.

I thank the Presiding Officer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, I have been listening to colleagues speak about the importance of having a very open process here where we can offer our amendments and make this fast-track a better deal for the middle class and for jobs in our Nation. It is rather shocking to recognize that this huge agreement, which is going to cover 40 percent of trade in this world, is being jammed down our throats in a couple of days. It is ridiculous. When we look at other agreements, they have had far more time. We have well over 100 amendments filed and we have been offered 6 amendments.

I know the Senator from Washington has laid down the gauntlet on the Ex-Im Bank. I support her. We have differing views on the underlying bill, but I think she is right because it is really hard to imagine passing this huge bill and then ignoring the fact that Ex-Im Bank is going to go away.

To me, as chairman of the Environment and Public Works Committee, recognizing that the entire highway bill is ending—the entire highway program is ending on May 31—to take up this bill without taking care of that is absurd. To take up this bill before raising the minimum wage is ridiculous. To take up this bill before we make sure we have comprehensive immigration reform so workers can come out of the shadows is just the height of insanity. To take up this bill before we have taken up the Ex-Im Bank, as I know my friend from Washington has explained, is absurd. We have deals that are pending with our small businesses through the Ex-Im Bank. They are going to be entirely upended.

So I took the majority leader at his word. I thought we were going to have votes to put the enforcement inside this bill, and now that doesn't appear to be happening.

Let me just tell my colleagues about the amendment I wish to offer. I think it would pass here overwhelmingly. I have no illusions that we will be allowed to vote on it, but it simply says: If a country doesn't have a minimum wage of at least 2 bucks an hour, we can't fast-track a trade agreement with that country. Let me reiterate. The amendment simply says: You can't be fast-tracked if you don't pay at least \$2 an hour.

Let's talk about it. Why is this important? I voted for fast-track for NAFTA. What a mistake that was. President Clinton promised us the world. Republicans and Democrats who were protrade promised us the world. Do we know what happened? We lost 700,000 jobs, mostly in manufacturing. What makes my colleagues think we are not going to see these 12 million manufacturing jobs leave when Chile pays \$1.91 an hour—\$1.91 an hour. Malaysia pays \$1.21 an hour. Peru pays \$1.15 an hour. Mexico pays 80 cents an hour. Vietnam pays 58 cents an hour. Brunei and Singapore, well, they have no minimum wage at all.

So we have a very simple amendment here which I don't believe I will ever get a chance to offer, but it is simple.

I know if I went outside and asked the average American how they felt and said: Do you think it is right for us to do a trade deal with countries that pay poverty wages, slave wages to their people—how are we going to compete with that? And people say: Oh, well, our workers are smarter.

That is right. But those workers, let me tell my colleagues, are very smart in Chile and Malaysia and Peru and Mexico and Vietnam and Brunei and Singapore. They are very good. It is tragic that they are in countries that pay them slave wages. That is this great deal we are going to make.

It is true that Australia has a very high minimum wage of \$13.47; New Zealand, \$10.87; Canada, \$8.69. And I am embarrassed to say ours is still \$7.25. Our States and cities are making up for it by raising their minimum wages. It is a tragedy. This is a race to the bottom. Japan has \$6.51; and then we get to Chile at \$1.91; Malaysia, \$1.21; Peru at \$1.15; Mexico at 80 cents; Vietnam at 58 cents; and Brunei and Singapore have no minimum wages whatsoever.

So I have this very good amendment, and I hope it makes it onto the list, I say to the majority leader. Then I have a series of amendments that deal with the environment.

If we are worried about an extrajudicial system to overturn our laws, all we have to do is look at what the World Trade Organization did yesterday when they said we cannot have country-of-origin labeling without getting tariffs put on our products. It had to do with beef. I am sure the Presiding Officer cares a lot about that. The fact is that country-of-origin labeling is critical. I want to know where the beef comes from because there have been all kinds of tragedies with diseases with beef, and I want to buy American. But the World Trade Organization said no. They said that is a trade barrier. Guess what it means? It means that if we don't cancel out that law, they are going to put tariffs not just on beef, they are going to put tariffs on wine, on our strawberries, our fruits, our vegetables, everything. They are going to put tariffs on it.

So here we are about to go into this massive trade deal with countries that pay slave wages, that have terrible environmental laws, with an extrajudicial process where companies can sue our States, sue our Nation if they say that the laws we have are barriers, and we are going to do all this on a Thursday so people can go on their trips. Uh-uh. No. I say no. That is wrong. We need to have votes on all of these things.

I will tell my colleagues, we could see polluters bringing cases in front of this new extrajudicial body and saying: Sorry, but the Clean Power Plan is making us spend too much money. Toxic laws here in America are making us spend too much money. Your laws

against lead poisoning are making us spend too much money. Your laws controlling formaldehyde, California, are costing us too much money.

Then we are going to see lawsuits—and we have seen them in the past—and all we have to do is look at what happened with the WTO, the World Trade Organization, and we are in big trouble.

So on the one hand we are making a deal with seven nations that have slave wages or no minimum wage, so bye-bye, manufacturing; and secondly, we have this extrajudicial body that Senator ELIZABETH WARREN has been so eloquent about that can actually overrule America's laws and California's laws and Colorado's laws and Washington State's laws. And I have a number of amendments here that state that if we have laws that deal with toxic substances in toys—that is Boxer 1356—you can't mess with that. I have another one that says if we have laws that reduce exposure to known cancer-causing substances, you can't overrule those laws, but I can't get that on the list. My amendment is not on the list.

I have one that says that if we have laws that make sure pesticides are safe, sorry, we are not going to stand by and allow this extrajudicial process to work. That should be exempted, and toxic gas pollutants should be exempted, such as mercury and asbestos exposure. So all of my amendments make sure we do not enter into new trade agreements that have the effect of changing our longstanding environmental principle of "polluters pay" into "polluters get paid." That is what this is about. A polluter can sue in this trade agreement.

I went downstairs. I had to give up all my electronics. I couldn't take notes with me, but I know enough to see what this is about. A polluter can go and make the case that Colorado or California has protective laws, and, by God, it made them pay more money to produce their products, and they ask for millions of dollars.

This is not a fiction. This has happened in past trade agreements. Believe me. Countries have paid through the nose and have had to repeal their laws. So we are rushing into a fast-track vote on something that is very dangerous. It is dangerous to the middle class. It is dangerous for jobs. And we are pushing it ahead of things that we ought to be doing, such as raising the minimum wage, passing the Ex-Im Bank, passing immigration laws, putting together the funding for a highway bill. We haven't raised the gas tax in 20 years. If we raise it a penny every quarter till we raise about 6 cents or 8 cents, it would cost the average driver 30 bucks. We can fix the 69 bridges that are collapsing. We can fix the 50 percent of roads that are out of compliance and not safe. And we can create 3 million jobs. But, oh, no, we are not doing that agenda for the middle class. We are doing things that threaten the middle class and that further threaten the health and safety of our people.

So I hope working with Senator MCCONNELL and Senator BROWN and Senator WYDEN, we can get a path forward here to hear our amendments.

We have a promise from the majority leader: This is a new day.

The press asked me: Is this a new day in the Senate with Senator MCCONNELL? I said no—not.

I can't get my amendments in. I have 10 amendments up. I can't get them on any list. Maybe it is because they don't want to vote on this—the protrade people. They don't want to vote to say that any deal with a country that doesn't pay at least two bucks an hour can't be fast-tracked. It is a hard vote. It is a hard vote, and I want that vote. So I am going to do everything in my power to solve this. I am going to use every tool at my disposal. I know the Senator from Washington is already doing it for me, in a way, but I stand as a backup here, because I don't like this being jammed down the throats of the people. This is wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, these trade agreements are big deals. Trade promotion authority used to mean setting tariffs. Now they can affect everything from the safety of our food to the working conditions of people around the world and environmental standards. Very frankly and simply, that means that Americans should know what the agreements say and what our government is saying about them, and they should be given that information while there is a meaningful chance to influence them.

I hope to influence them through this deliberative process. It is supposed to be open and transparent. I have two amendments—one that would promote greater transparency in trade agreements and the second to help ensure that foreign countries cannot use trade agreements to undermine the safety and security of America's food supply.

First, on the subject of transparency, nothing is more fundamental than for the American people to know what is in these trade agreements. Despite their significance, despite the far-reaching ramifications and implications they have for our American economy and, indeed, our way of life, they are being negotiated in secret. In fact, Members of Congress can view them only if they go to secure locations, and staff of Members of Congress can see them only if they are accompanied by the Members themselves. The real problem is not Members of Congress or their staff but the American public who are kept in the dark. They are the supposed beneficiaries of these deals, and yet they are kept from knowing what is in them. The TPA would allow the text of an agreement to be made public only after it is already finalized—a point that is way too late for the people most directly and urgently affected by the deals to do anything but try to get Congress to vote down

the whole thing in its entirety at once. That is not productive. That is not fair.

More transparency would allow issues over a particular provision to be resolved individually on their own. This kind of practice is not in accordance with our democratic condition, an open and transparent process to set policy—whether it is trade policy or any other issue of economic and political consequence.

So making the TPA more transparent is a relatively easy fix. My amendment would do it. This amendment would require the publication of “formal proposals advanced by the United States in negotiations for a trade agreement.”

“Formal proposals advanced by the United States in negotiations for a trade agreement”—that means that the United States, when it takes an official position and offers it to another country, ought to tell the American people, its own people—not just the people who are rulers of another country but our own people. They have a right to know when this administration or any other offers something to people of another country, and my amendment would require that basic protection and transparency.

Very importantly, this amendment would not prohibit confidential negotiations or closed-door deliberations. Some off-the-record discussion, no question, is necessary for effective consideration of any multilateral agreement. And this amendment would not affect negotiations specifically relating to tariffs and similar market-access provisions that are the traditional subjects of trade negotiations.

Some negotiations have to be done in confidence—in private—but basic positions, official proposals, are outside of this realm—proposals that look more like traditional legislative policymaking, because they can involve give or take, sacrifices from the American people, and give and take by other countries. They can align standards for regulations across a number of areas, from drug development to finance.

Other countries can be encouraged. They can be empowered to adopt stronger protections for workers, for clean air and water and more. But harm can be done if trade agreements undermine American laws and American protections for health, safety, and security of our citizens.

There are a number of amendments that I have supported that will directly address labor issues, environmental issues, and security issues. This amendment would simply ensure that all of these issues are considered in an open, fair, and transparent way, so the American people—not just we in this Chamber, not just our negotiators, not just the President and his advisers—know what is happening.

Publication of formal proposals, which is a term of art in trade agreements, would bring American transparency practice in line with the gen-

eral practices of our European allies. The European Union countries engaged in the TTIP negotiations announcing that they will post on the Internet all textual proposals that will be offered to the United States, as well as position papers, establishing their approach and analysis. And America should simply do the same. We are a nation that prides itself on leading the world in transparency, openness, and democracy. We should not be behind our European allies on that score.

I am very grateful for the support of Senator BROWN, a tremendous leader in this effort to ensure that American trade agreements work for the American people, as well as Senator BALDWIN and Senator UDALL. And I urge other colleagues to support this amendment and the other amendments that I am offering on food safety.

And I am grateful, again, to have the support of Senator BROWN on this one. It would establish as a principal negotiating objective of the United States the protection and promotion of strong food safety laws as well as regulations and inspections. Enforcement is key. Standards are vital. Ensuring that trade agreements do not weaken or diminish our food safety standards ought to be a given.

We take for granted all too often that our food is safe until we discover that it isn't, until we find there are food poisonings and tragedies that result from unsafe food. We saw it at the beginning of the last century. Unscrupulous corporations can cut corners by skimping on food safety or worse, by introducing dangerous additives or adulterations to foods, making them or processing them under unsafe or unacceptable conditions. They may save money, but they sacrifice lives and safety. The consequences in real lives and real time can be disastrous—not only in lives but in dollars.

The majority of food manufacturers and producers take their safety responsibilities seriously. The majority in this country certainly do. But what about abroad? What about in another country? What about in countries where the standards are nonexistent or not enforced? A campaign of dedicated advocacy and scientific research led to a system of food inspection in this country, which is far from perfect but way ahead of other countries, and it gives Americans the confidence they need and deserve to walk into any supermarket or restaurant in this country and feel trust—deserved because it is earned and because the laws are enforced.

Not all countries, unfortunately, follow these practices. Few countries have the standards that ours does. Food production is still underinspected, spoiled or adulterated in those countries, and that is the product that we want excluded from this country if they fail to meet those standards. I am concerned that this trade agreement will affect our own food safety regulations by introducing those deficient

products—unsafe food—into this country.

My amendment directs negotiators to ensure that imports of that food do not undermine the trust and confidence of our people in our own food supply as well as products from abroad. Countries with less stringent standards in protecting their citizens should not be permitted to use trade agreements to force this country to imitate them.

Trade is a crucial part of the American economy. It is an essential part of our Connecticut economy. Trade, when it is done right, is a great boon to many people and our entire economy. Defense and aerospace, small manufacturers, furniture and food companies in Connecticut all thrive because of trade. I want the world to see what Connecticut businesses have to offer, what our exports can do for them.

I know we can compete with anyone. I know how important exports are to my State, but I also know trade deals can have negative, unintended consequences, which is what we want to prevent; consequences in abuses by foreign governments seeking to subvert or circumvent American regulations or by giant multinational companies looking to move jobs and capital to where labor is cheapest and can be exploited easiest or where health or environmental protections are weakest.

My amendments would help ensure that the American people know what are in these trade agreements before they are approved, while they are negotiated, and when our food can be protected and transparency assured.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, during this trade debate, we have often heard a lot about the words “enforcement” or “enforceable,” particularly the phrase “enforceable labor and environmental standards.” But the fact is there are no enforceable labor and environmental standards. There is no new generation of treaty in the TPP that is going to create something we have not had before.

What we have had before has simply failed us. Why is that? Well, we had side agreements on labor and the environment in NAFTA. Much is made of the fact that, well, we are not going to have side agreements anymore; we are actually going to put these standards right in the treaty itself. So somehow folks are arguing in support of this treaty that moving the print from over here to here somehow makes it more effective.

That is not the case. We had the same labor and environmental standards in the agreements we passed a few years ago, agreements I voted against—the agreement with Colombia, the agreement with Korea.

But what have we seen over time? Have we ever seen any of these labor objectives and these environmental standards enforced? Let me give you a sense of what we are talking about.

Under the International Labor Organization, ILO, they have a set of standards. They have lots of details. But there are things like freedom of association and the right to collective bargaining and elimination of forced labor or compulsory labor, as it is referred to, the abolition of child labor, the elimination of discrimination in the workplace.

Certainly, at the heart of this—back to the right of collective bargaining—is the right of unions to organize, the right of workers to talk to each other and to bargain for a fair return for their efforts. But have we ever enforced a single ILO provision? No, we have not. In fact, we have only challenged the terrible labor practices in another nation once; that is, Guatemala. That went through years before we officially challenged it, and now it is still not resolved some 8 years after it was first challenged.

Is there anything new that changes the process in the anticipated Trans-Pacific Partnership? No, it is the same process: put in the ILO standards and hope people will aspire to honor them—hope, the same hope that has failed us time and time again in treaty after treaty. So the next time someone comes to this floor and says there is an enforceable labor standard, no one should believe it because it is not there.

We have not enforced one labor standard, not one. Guatemala is the only one we have challenged, and that one, after 8 years, we still have not resolved it. How about environmental standards? Have we filed challenges on environmental standards? What are these environmental standards? Well, basically it is a requirement to honor international treaties.

No, these things are violated all over the place, but we have not challenged them a single time. Now, why is it that the United States does not challenge these violations? Well, first, it has to be a government-to-government action, when an issue is raised and folks are told: Hey, government, U.S. Government, you really should do something about trade unionists being murdered in Colombia.

Well, no, if we object, it will create ripples in the relationship. So the U.S. Government does not want to take action. It does not want to create ripples in the relationship. But if pressed, folks come and say: You know, it really matters that you said you would enforce this, U.S. Government, but you are not. You should really do something.

Well, you know, if we object to the way they are conducting themselves in regard to labor and environmental standards, there will be retaliatory actions against the United States. Then it will just be: We will challenge them, they will challenge us, and it will go on for years and years. It will disrupt the whole relationship. Why would we do that?

If that is not enough, then if the government, our government, is really se-

rious about enforcing something, then the companies that have invested in that nation, then they come forward and say: Wait. The whole goal of this trade agreement was to create a stable environment for investing. If you challenge and try to have them honor the labor and environmental provisions, ultimately, not only will it produce retaliatory actions that will be potentially harmful, but if you should win somewhere down the line, that means there may be tariffs on the products that we produce in that country and they will not be able to enter the United States. Please do not mess up our investment in that nation.

So for these reasons, there has been no enforcement—none. Again, there was one effort in Guatemala never resolved. There is nothing new in this anticipated Trans-Pacific Partnership that would operate any differently.

How about if we had snapback provisions? We have been talking quite a lot on the situation with Iran, that if we reach an agreement with them in June, Congress is going to want to make sure that if there are violations of the agreement, that the controls on Iranian trade that have been effective in bringing them to the negotiating table will snap back into place to make sure folks really respond in Iran to honoring the agreement.

Is there any snapback provision anticipated, new strategy, this new tool to make sure the agreements are actually honored? No, there are not. So the old system has not worked. There is no new system. There has been no enforcement. Anyone who tells you there are enforceable labor and environmental standards is not telling you the truth because there are not. That is why we need to change the negotiations.

Now, the goal of fast-track was to lay out a series of objectives for the U.S. Government to pursue in writing an agreement on trade with other nations.

This is a little bit complicated now, because when you raise up an idea and say this should be addressed, the administration says, well, yes, but we have already negotiated this treaty. We cannot go back to the negotiating table and change it. We are 95 to 98 percent complete.

So, for example, we have been raising the issue of currency manipulation. This is a fundamental—fundamental—provision of what should be in a trade agreement, because when you get rid of a tariff, you can create an effective tariff on your trading partner's products and a subsidy on your own through intervention in the currency markets. It is known as currency manipulation. It should be covered, but it is not.

When you talk to the administration, the administration says we just cannot go back and talk about things that we have not already put on the table. So that would be unacceptable for us to take on this important provision now because we have already negotiated the agreement.

Well, then, what is really the point of fast-track, if it is not to lay out the

standards that are expected for an agreement? In that case, it is nothing but a rubberstamp for an already negotiated treaty that does not meet the things that folks in this room are saying are important to have. In that case, it just simply becomes a greased track for approving the treaty or the agreement, as it is referred to. It is not referred to as a treaty. Why not? When it creates an international body that can assess fines on the United States, does that not qualify as a treaty? No. Because the folks who are negotiating this do not want it to be subject to the supermajority that the Constitution requires for a treaty. So they say we will call it an agreement. That will fix that. Now it is only a simple majority vote, and we will get this fast-track under the argument that Congress is getting a chance to say what needs to be in the treaty—but not really because we refuse to take any item we haven't already put in the agreement.

So that is really the state of affairs. That is why, instead of simply having negotiating objectives, we need to have negotiating standards that have to be met before an agreement is brought back to this body under the fast-track rule. Objectives are just wishful thinking, wishful thinking that you have some type of "enforceable labor provisions," wishful thinking that there are some forms of enforceable environmental standards.

Is that really enough? Is that all we are asking for is a little bit of wishful thinking, when we already know it is not going to be honored? So let's put in mandatory negotiating objectives in these two categories. That is why I have submitted amendment No. 1369. I ask unanimous consent that the pending amendment be set aside and that my amendment be brought up.

The PRESIDING OFFICER. Is there objection?

Ms. CANTWELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MERKLEY. Thank you, Mr. President.

I am saddened to hear that there is an objection in a context in which the majority leader has argued that he is going to have a robust and open amendment process. So why is there an objection to bringing an amendment forward to debate a core issue, which speech after speech after speech in support of this agreement—this fast-track to accelerate consideration of TPP—has referred to enforceable labor standards? Why not debate an amendment that would actually require enforceable labor standards? Why not?

Well, because apparently that is not a serious goal. Let's turn to another piece of this. There is a part of this system referred to as "dispute settlement," an international system of dispute settlement, ISDS. What this does is it sets up a tribunal not subject to American law. It is an international tribunal, has one person chosen by America and one chosen by a foreign

investor and one chosen by the combination.

This group, this ISDS, is empowered to apply a series of standards and say that an action by our country has damaged the interest of a foreign investor, and the foreign investor must be compensated or, if they are not compensated, that the law has to be changed. Well, really this whole concept was generated to protect American investments in countries that had weak judicial systems because that way, if you had an investment and the foreign country tried to expropriate it, change the law so you could not sell what you were making or something of that nature, there was a way to address that.

One can understand why American businesses would want that sort of stability. You can also understand why countries with poor judicial systems would want to sign on to such a system in order to encourage investment in their country. They want the jobs. They want that foreign investment.

But in the United States, we have a good judicial system. Why would we allow it to be displaced by an international tribunal—a tribunal that has not even been approved through the treaty process, mandated in the Constitution? Why would we give the power to three corporate lawyers who have conflicts of interest—there is no prohibition on conflicts of interest for the members who serve as judges—and allow them to rule on our consumer laws, allow them to rule on our public health laws, allow them to rule on our environmental laws? Quite frankly, that is giving away a significant piece of our sovereignty, carving a big hole out of our judicial system and handing it over to an international tribunal. If that doesn't constitute something that should qualify for treaty status—giving away a chunk of sovereignty out of our judicial system—I don't know what would qualify for a treaty. But this little slick game is underway of calling it an agreement in order to bypass our constitutional standard. And what does that mean? That means if a State says "We no longer want to allow chemicals to be put into our carpets because those flame retardants are causing cancer in our children," a foreign investor who has set up a factory to make flame retardants can file suit against the United States and say they have been damaged as a foreign investor. The foreign investor gets rights that do not belong to in-country investors. Why should we give special rights to foreign investors that American investors do not have?

Why should we proceed and have a labeling law on e-cigarettes—a new challenge, if you will? Let's say, for example, that we require mandatory caps, childproof caps on the bottles. Let's say we banned the flavorings on e-cigarettes. Those flavorings are things such as double chocolate delight or any other number of candy flavors, bubble gum—you name it. If it sounds like

candy, there is a container of liquid nicotine with that name on it. So you take away the flavorings, you greatly diminish the sales targeted at our youth.

Why would we control the flavorings? Well, we passed a law in 2009 that gave that power to the FDA, the Food and Drug Administration. The Food and Drug Administration has done an initial draft deeming regulation. Under this draft deeming regulation, they attempt to control or perhaps may control the flavorings. They would do so because cigarette companies—that is, tobacco companies—are targeting our children because they know that addiction occurs before the age of 21. You want to get our middle school and high school children puffing on e-cigarettes so that they will be addicted before they reach 21 because by then the brain has developed to the degree that people rarely get addicted.

So we, in protection of the health of our children, have seriously considered—created a framework for regulating this candy-flavored attack on the health of our youth. That is why we do it, for the protection of our youth. But along comes a foreign investor who set up a factory to create liquid nicotine and says: I can't sell my product now because I invested in all this equipment to do all these candy flavors and you are banning it. You either have to change your law or I get to be compensated.

So we should carve out of this ISDS settlement, if we have it at all—and I think it should be opt-in. A country that wants foreign investment because they know they have a shaky judicial system should opt into it. We would not opt in because we have a fair judicial system. But if it is going to exist, it should definitely carve out our public health, our consumer laws, and our environmental laws. And that is exactly why I have amendment No. 1401.

Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 1401 be called up.

Ms. CANTWELL. Objection.

The PRESIDING OFFICER (Mr. DAINES). Objection is heard.

Mr. MERKLEY. I will keep pushing for consideration of my amendments, which are being banned from consideration on this floor, because if we are going to have a "robust and open amendment process," we should, in fact, have a robust and open amendment process and consider these serious issues before us.

So let's turn to a third area, which is the fact that the Trans-Pacific Partnership—you hear robust labor protections that level the playing field. Well, a level playing field would involve roughly similar standards between countries. So is there anything that levels in any way the vast difference between the minimum wage in some of the prospective TPP countries and other countries? The answer is no, not a thing. The single most important

labor differential between the nations is not addressed in any shape or form.

So if we were to look at the minimum wages, we would find, as the Senator from California noted earlier, that Brunei and Singapore have no minimum wage at all. Mexico and Vietnam are under \$1 in minimum wage. Malaysia, Peru, and Chile are under \$2.50. So basically we have 7 countries out of this group of 12 that have a minimum wage that either doesn't exist or is under roughly \$2.50. That is very different from the other five countries in this agreement. These are countries such as the United States, with a minimum wage at \$7.25—it should be higher, but it is \$7.25; Japan's is \$8.17; Canada has a minimum wage of \$9.75; New Zealand, \$11.18; and Australia's is \$16.87—more than double the United States, which was surprising to me.

Well, if you have this vast difference and you have manufacturers in the United States, Japan, Canada, New Zealand, and Australia, these manufacturers would like to play off China against Malaysia and Malaysia against Vietnam and Vietnam against Mexico because that way they can drive the lowest possible wages between these countries.

Let me be quick to say that there are American companies—highly responsible American companies—that depend on overseas manufacturing that are very careful in monitoring their subcontractors and the conditions in which their subcontractors operate. These are often the brands that we know well, that are pillars in our community. But for every one of those, there are dozens of contractors and subcontractors that are seeking the lowest possible cost to make something, and that is why they want to play off these countries against each other. Oh, Malaysia, you are raising your minimum wage. Oh, you are enforcing your environmental standard. We are going to increase production in our Vietnamese factory. Oh, Vietnam, you now are saying you want to honor the ILO labor standard? Well, that is a problem. We are going to produce more in our Mexico factory. So this is opening a race to the bottom.

If we are going to come to the floor—as many have—to say that there are fundamentally even labor standards between the countries in this agreement, shouldn't we have even standards? Shouldn't we have an even minimum wage standard or at a minimum at least require there to be a base minimum wage and then have that raised over time for participants so as to reduce the differential between the highest paid and the lowest paid? Because not only does this system set up an ability and an effort to play off Malaysia against Mexico, against Vietnam, but it also sets up a situation where the conversation is like this: Oh, so here in America we are going to raise our minimum wage. Well, that means we are going to have to shift another 1,000 jobs somewhere else—maybe to

Malaysia, maybe to Vietnam. Maybe we will use the WTO and go to China.

It has a big impact on suppressing living wages in our country, and we have seen this impact. Since 1974, we have seen productivity soar in our country, but the actual return to workers, inflation adjusted, has been flat and then declining for the last 10 years. Families are having a terribly difficult time getting by.

So not only do we have a stake in fairness not to create a race to the bottom between Malaysia, Vietnam, Mexico, and Peru, but we also have an incentive not to create a situation where U.S. living wages are constantly eviscerated under the threat of shipping those jobs overseas. Well, maybe we will assemble it here, but we will do more of our subcomponents in those countries. And once you set up an effective, efficient factory overseas, it makes it easier and easier to ship those.

That is why I have an amendment that says: At a minimum, let's fill this gaping gap. Let's proceed to require there to be, as part of the negotiations, the negotiation of a minimum wage for entry and for that minimum wage to be gradually increased in order to diminish the disparities between the high-wage countries, of which there are five in this agreement, and the low-wage countries, of which there are seven. This would be good to end the play off of one low-wage country against another, and it would be good to diminish the comparative advantage of low-wage countries in terms of taking manufacturing out of the United States. That is why I drafted amendment No. 1409.

Mr. President, I ask unanimous consent that the pending amendment be set aside and for my amendment No. 1409 to be called up.

The PRESIDING OFFICER. Is there objection.

Ms. CANTWELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MERKLEY. I am zero for three now in terms of being able to get substantive amendments, serious amendments on this floor for debate, but I will try to on one more, and this one is anchored in recent news that we have seen the country-of-origin labeling—or COOL, as it is called—country-of-origin labeling standard knocked down just yesterday. What does this mean? This means it is going to be considered a trade violation for us to inform Americans on where their meat comes from. Isn't it a fundamental right in our country to know where our food comes from? Shouldn't we always have the right to know that? But we have engaged in a trade agreement—a previous trade agreement—and now the adjudicating body of that agreement says: No, no, no. That is unfair, to tell people where the meat comes from. Well, I think that is wrong, absolutely 100 percent wrong. Every American consumer should have the right to know where their meat comes from, and if I want to

buy American-grown beef, I should have the right to do that, and I can't exercise that right unless I know—on the package—where it was grown.

If there are human rights violations or labor violations in Colombia and I don't want to buy Colombia meat until they fix their labor negotiations, I should have the right to use my dollar to buy my meat from the United States of America and not meat grown in Colombia. But that has been struck down because we gave away previously a chunk of our sovereignty. That is the danger of giving away the sovereignty of the United States of America to an international group that strikes down fundamental rights that every one of us should have. So let's fix that.

That is why I drafted amendment No. 1404 which would declare that the right to establish information for consumers about where their food comes from will not be violated by the agreement that is brought back to the Senate.

I hope everyone will join me in unanimous consent in saying that absolutely we are going to defend the rights of Americans to know where their food comes from.

Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 1404 be brought up in order that we should all be able to exercise our rights to not buy products from countries that we find in violation of fundamental human rights or other labor abuses or environmental errors.

The PRESIDING OFFICER. Is there objection?

Ms. CANTWELL. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. MERKLEY. I see my colleagues on the floor who have their own amendments to address. I will conclude by saying that if I can't get up one of my four amendments to be debated—all substantive and all addressing key components of this agreement—then this is not a robust process, this is not an open process, and I ask the majority leader to keep his vision that he laid out on this floor that this would be an open process and a robust process.

Thank you.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise to speak about the pending business, which is the trade promotion authority, also known as TPA, adding to the many initials we are throwing around these days.

I thought the Senate came to an agreement to move forward on this legislation, and as promised by the majority leader allowing amendments, but we are not getting to vote. I hope we can note that the objections are not coming from the Republican side of the aisle.

I believe the United States must engage in a global marketplace if they are going to survive economically. I

also understand there are concerns about TPA. In particular, there is confusion about what exactly happens when Congress passes a TPA bill. History provides us an insight into why Congress created this particular authority.

Article I of the U.S. Constitution states, "Congress shall have the Power To . . . regulate Commerce with foreign nations." For over 150 years, Congress established tariff rates directly. However, under the Reciprocal Trade Agreement of 1934, RTAA—more initials—Congress delegated this authority to the President, who could reduce tariffs within preapproved levels in reciprocal trade agreements.

In response to Presidential overreach under the act, Congress enacted the first trade promotion authority bill in 1974. Since that time, Congress has regularly enacted TPA legislation which defines U.S. negotiating objectives and priorities for trade agreements.

As an added measure, Congress includes time limits on the use of TPA and retains the option to disapprove of an extension when the President requests one. Finally, each Chamber has the right to exercise its constitutional authority to change TPA in an implementing bill.

The underlying TPA bill builds on the tradition of Congress setting the terms for trade by expanding the transparency and consultation requirements for the administration. The procedure allows any Member of the House or Senate to unilaterally push to remove TPA authority if he or she believes the White House has not consulted fully with Congress. This is an important check to ensure that Congress is not turning over the fast-track keys to an administration that will disrespect the negotiating objectives Congress sets in its TPA bill.

I am confident in supporting TPA because it advances the ball on the Trans-Pacific Partnership—TPP. The TPP agreement is not just a trade agreement, it is an economic and strategic agreement. The TPA parties already include a number of nations the United States already has bilateral free-trade agreements with, including Australia, Chile, Singapore, and Peru. This starting point ensures that TPP includes the highest standards of trade favorable to an economically free and fair market.

Additionally, we know the United States needs to continue setting the tone in the Pacific region both economically and politically. The TPP achieves the goal by taking the first step in creating the leading trade agreement of the 21st century.

Let me give some examples of how TPP will benefit Wyoming. Despite having no direct access to the Pacific Ocean, in 2014, businesses from Wyoming exported \$1 billion in goods to TPP partners, which would grow under the new agreement. For Wyoming, most of its trade is in the natural chemical industry. A key industrial

and chemical product I have spoken about on the Senate floor is soda ash. Wyoming also exports machinery and energy products to these Pacific markets.

I must also add that over two-thirds of the firms exporting goods from Wyoming are small- or medium-sized businesses. Exports are increasingly playing a role in job growth in my State. In 1992, just 12 percent of the jobs in the State of Wyoming were tied to international trade. As of 2013, one in six jobs in Wyoming is dependent on international trade. The TPP agreement is an opportunity for Wyoming's businesses, especially in mining, manufacturing, and agriculture, to expand their markets and grow. This is why on April 22 I voted to support TPA in the Senate Committee on Finance.

Trade promotion authority also plays a key role in advancing the interests of our Nation's most competitive businesses, including technology and medical innovation. I have long spoken about the importance of protecting American innovations overseas. The United States remains a leader in innovation and technology because of our strong protections for intellectual property. The TPP would include the highest standard to date for new innovations.

I look forward to advancing TPA and want to give credit to Chairman HATCH and Leader MCCONNELL for the open amendment process they are trying to get on this bill.

I will also mention, briefly, that I oppose expanding TAA—another good acronym—without a closer look at how it mimics and duplicates Federal workforce training programs. As the former chairman and ranking member of the Senate Health, Education, Labor and Pensions Committee, I am extremely familiar with the existing Federal programs that Congress funds to improve workforce training. TAA is redundant, and now is not the time to increase spending. As chairman of the Senate Committee on the Budget, I cannot ignore programs that add new spending. That is why I intend to vote against expanding it and adding it to the underlying bill.

I hope we will take a look at the TPA within the amendment process, and I hope people will pay attention to an article that appeared in the Casper Star Tribune, which is our State newspaper. I assume it appeared in many other newspapers. The title of this article is "The left is so wrong on the Trans-Pacific Partnership." The article goes into some of the reasons Democrats might be trying to deny this from happening. If you look at the strategy, I think that probably is where a lot of the amendments are headed—to actually defeating it, not to help it along, not to improve it, and that is wrong.

I ask unanimous consent to have printed in the RECORD the article I just mentioned.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Casper Star Tribune, May 17, 2015]  
THE LEFT IS SO WRONG ON THE TRANS-PACIFIC PARTNERSHIP

(By Froma Harrop)

The left's success in denying President Obama fast-track authority to negotiate the Trans-Pacific Partnership (TPP) is ugly to behold. The case put forth by a showboating U.S. Sen. Elizabeth Warren, D-Mass.—that Obama cannot be trusted to make a deal in the interests of American workers—is almost worse than wrong. It is irrelevant.

The Senate Democrats who turned on Obama are playing a 78 rpm record in the age of digital downloads.

Did you hear their ally, AFL-CIO head Richard Trumka, the day after the Senate vote? He denounced TPP for being "patterned after CAFTA and NAFTA." That's not so, but never mind.

There's this skip on the vinyl record that the North American Free Trade Agreement destroyed American manufacturing. To see how wrong that is, simply walk through any Wal-Mart or Target and look for all those "made in Mexico" labels. You won't find many. But you'll see "made in China" everywhere.

Many of the jobs that did go to Mexico would have otherwise left for low-wage Asian countries. Even Mexico lost manufacturing work to China.

And what can you say about the close-to-insane obsession with CAFTA? The partners in the 2005 Central American Free Trade Agreement—five mostly impoverished Central American countries plus the Dominican Republic—had a combined economy equal to that of New Haven, Conn.

(By the way, less than 10 percent of the AFL-CIO's membership is now in manufacturing.)

It's undeniable that American manufacturing workers have suffered terrible job losses. We could never compete with pennies-an-hour wages. Those low-skilled jobs are not coming back. But we have other things to sell in the global marketplace.

In Washington state, for example, exports of everything from apples to airplanes have soared 40 percent over four years to total nearly \$91 billion in 2014, according to The Seattle Times. About two in five jobs there are now tied to trade.

Small wonder that U.S. Sen. Ron Wyden, a liberal Democrat from neighboring Oregon, has strongly supported fast-track authority.

Some liberals oddly complain that American efforts to strengthen intellectual property laws in trade deals protect the profits of U.S. entertainment and tech companies. What's wrong with that? Should the fruits of America's creativity (that's labor, too) be open to plundering and piracy?

One of TPP's main goals is to help the higher-wage partners compete with China. (The 12 countries taking part include the likes of Japan, Australia, Canada, Chile, Mexico and New Zealand.) In any case, Congress would get to vote the finished product up or down, so it isn't as if the public wouldn't get a say.

But then we have Warren stating with a straight face that handing negotiating authority to Obama would "give Republicans the very tool they need to dismantle Dodd-Frank."

Huh? Obama swatted down the remark as wild, hypothetical speculation, noting he engaged in a "massive" fight with Wall Street to get the reforms passed. "And then I sign a provision that would unravel it?" he told political writer Matt Bai.

"This is not a partisan issue," Warren insisted. Yes, in a twisted way, the hard left's fixation over big corporations has joined the right's determination to undermine Obama at every pass.

Trade agreements have a thousand moving parts. The United States can't negotiate with the other countries if various domestic interests are pouncing on the details. That's why every president has been given fast-track authority over the past 80 years or so. Except Obama.

It sure is hard to be an intelligent leader in this country.

Mr. ENZI. Mr. President, I thank the Chair, and I yield the floor.

THE PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that the time until 8 p.m. today be equally divided in the usual form; that upon the use or yielding back of that time, the Senate vote in relation to the amendments listed: No. 1312, Inhofe-Coons, as further modified; No. 1227, Shaheen; No. 1327, Warren; No. 1251, Brown; I further ask that no second-degree amendments be in order to these amendments and that the Inhofe amendment be subject to a 60-affirmative-vote threshold for adoption. I further ask that it be in order to offer the following first-degree amendments during today's session of the Senate: No. 1252, Brown-Portman, the level playing field amendment; No. 1385, Hatch-Wyden, the currency amendment; No. 1384, Cruz-Grassley, the immigration amendment; No. 1410, Menendez, the child labor amendment.

THE PRESIDING OFFICER. Is there objection?

Mr. BROWN. Reserving the right to object.

THE PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I would like to speak first on the request. I thank Chairman HATCH for his work on this, especially on the level the playing field. He knows this amendment is a top priority for me. It is also a top priority for steelworkers and steel facilities throughout the country.

I would like to ask Chairman HATCH if he would take the same collaborative spirit he has shown toward me and ask him to modify his request, if I could. This is my request, Mr. President.

I ask unanimous consent that the following first-degree amendments be in order to be offered during today's session: Brown-Portman No. 1252; Hatch-Wyden No. 1385; Cruz-Grassley No. 1384; Menendez-Wyden No. 1410; Cantwell No. 1248; Casey No. 1334; Baldwin No. 1317; Murphy No. 1333; Cardin No. 1230; Blumenthal No. 1297; Sanders No. 1343; Markey No. 1308; Peters No. 1353; Whitehouse No. 1387; Boxer No. 1361; Franken No. 1390; Durbin No. 1244; Merkley No. 1401; that the time until 8 p.m. today be equally divided in the usual form and that at 8 p.m. the Senate proceed to vote in relation to the following amendments in the order listed: Inhofe-Coons No. 1312, as modified with the changes that are at the desk; Shaheen No. 1227; Warren No. 1327; McCain-Shaheen No. 1226; Brown No. 1251; Hatch-Wyden No. 1385; Portman-Stabenow No. 1299; Brown-Portman No. 1252; and Cantwell No. 1248. Further, I ask that no second-degree amendments be in order to these

amendments prior to the votes and that the following amendments be subject to a 60-affirmative-vote threshold for adoption: Inhofe-Coons No. 1312; Brown-Portman No. 1252; McCain-Shahen No. 1226; and Cantwell No. 1248; finally, I ask unanimous consent that it not be in order for cloture to be filed on the Hatch substitute or the underlying bill during today's session.

The PRESIDING OFFICER. Does the Senator from Utah so modify his request?

Mr. HATCH. Mr. President, of course I haven't seen all that, so I will have to enter an objection.

The PRESIDING OFFICER. Objection to the modification is heard.

Is there objection to the original request?

Ms. CANTWELL. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Mr. President, 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. BROWN. 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. BROWN. Before Senator PETERS speaks, I again would like to thank Senator HATCH for the work he has done on this. I appreciate how he wants to move forward. There are many things here we agree with to move forward on.

The reason for the unanimous consent request I made was that we saw today a whole host of Senators come to the floor. We saw Senator BALDWIN come down, Senator MERKLEY has come down, Senator PETERS is here, Senator BLUMENTHAL came earlier, Senator WARREN, Senator WHITEHOUSE, Senator CASEY—and I am leaving some out—Senators BOXER and FRANKEN all came to the floor with amendments because they want, as Senator MCCONNELL promised, a full and open process. So my unanimous consent request was to take the generous offer of Senator HATCH and make it broader and wider so those Senators who have shown the interest to come to the floor today would be able to offer those amendments.

The reason I asked that cloture not be filed today is that it just simply doesn't seem right to me—and I know to a number of Members of my caucus—that literally 24 hours after we start this process we already are talking about cloture.

Thirteen years ago, the last time we did fast-track here, this debate went for 3 weeks. I am not asking for 3 weeks. I think that would be a bridge too far for most of us. But I am saying that 13 years ago there were 50 amendments that were considered. Today, we have considered 6 and there have been 149 filed. That is 4 percent of the amendments that were filed. Again,

Senator HATCH's generous offer gets us not even to 10 percent of those offered amendments.

So invoking cloture this quickly really does stifle the process, and I think this is too big a deal for that. This fast-track debate encompasses the largest trade debate, the largest trade agreement in the history of the country—I guess in the history of the world, for that matter. It involves 40 percent of the world's GDP, these 12 TPP countries. Adding in the European countries in the next round, also under TPA, is another 20 percent of the world's GDP. So that would be 60 percent of the world's GDP. You don't file cloture within 24 hours and begin to shut down debate.

That was the reason for my unanimous consent request. Again, I thank Senator HATCH for his patience in working together on the level the playing field amendment, one of the major enforcement issues, but I have at least 15 Members of my caucus, as many as 20, who want to offer amendments. There have been 149 amendments filed on both sides, and to cut off debate with fewer than 10 percent of them in order or even a few more than that is simply not the way this Senate should operate.

The PRESIDING OFFICER. The Senator from the Utah.

Mr. HATCH. Mr. President, I appreciate my colleague, and I am trying to accommodate him. I always try to accommodate my colleagues. On the other hand, his side has stonewalled this since last Wednesday. Thursday was a full day we lost. We are going to be here Friday. We did not do very much yesterday; today, nothing. I am very concerned that we are not moving ahead. We are not doing what we should do. This is an important matter. It is an important bill.

I chatted with the President earlier today. He indicated how important it is to him personally, what this bill means to our country, how important it is to get it passed and to pass it in a form the House will accept, which is what I am trying to do.

I do not think it has been this side that has slowed this down, although I do not want to pick on either side. The Senators are certainly within their rights to slow-walk this all they want to. On the other hand, it is very difficult for me to sit here, having sat here all day and yesterday and would have been Thursday and Friday as well and Saturday if necessary. It strikes me as interesting that now they want all these amendments when they have had all this time to bring up their amendments and nobody was going to stop them.

All I can say is that I hope we come here tomorrow prepared to do amendments or do them tonight. I am prepared to stay if we have to. But the fact is that we are not going anywhere on this right now. This is an extremely important bill not only for the Congress but for the President of the

United States and for the world at large when you stop and think about it, certainly the world over in Asia.

We are talking about having an agreement with Japan. It is the first time we have been able to do that. We have a new Prime Minister who is willing to work with us, and we are willing to work with him. That is a major achievement by this administration—not only that but 10 other countries. There is a high percentage of trade in this area, and what are we going to do—just leave it all to China to take over or are we going to take this more seriously and get this job done?

We have a number of poison pills that people have wanted to bring up that naturally would mean the end of this particular bill. I would like to prevent that if we can because we are talking about a bipartisan bill that has plenty of bipartisan support that really is crucial to this country at this time and crucial to that region. That could be a very difficult region for us if we do not do this.

If we do not do this and do it right, as we are trying to do and as the President is trying to do, then we will be just turning that whole area over to China. They are going to step right in and make the difference. Right now, these people want to deal with us, and there is a good reason they want to deal with us. But if we cannot even get our act in order to deal with them, then I can understand why they might go another route. They might be forced to go another route.

We all saw the new bank that has been established over there. At first, there were very few countries that went with it. The last time I heard—I may be wrong on this—there were up to 60 countries, including some of the European countries, some of the greatest countries in the world now.

What are we going to do—just cede the whole area to China or are we going to compete? This bill is for competitive purposes.

Mr. WYDEN. Will the distinguished chairman yield for a question?

Mr. HATCH. Yes.

Mr. WYDEN. I appreciate that, and I appreciate the chairman's work. I want to ask a question about where, in effect, we are. The two of us worked together on the list—

Mr. HATCH. That is right. Forgive me, I did not mean to indicate I was the only one doing this. I had an excellent partner.

Mr. WYDEN. Not at all. The question is, Mr. Chairman, we worked together to put together this list, and it was based on the proposition that we were going to be fair to both sides.

Mr. HATCH. Right.

Mr. WYDEN. On my side of the aisle, my colleagues on the Democratic side of the aisle felt strongly about the currency issue. Senator STABENOW, for example, and many others felt very strongly about the amendment Senator WARREN sought to offer. We were able, working together, to in effect get an equal number for each side.

My understanding is that we continue to be interested—and you just, I think, made another gracious offer. We are going to stay here tonight. You are still interested in putting together a list that gives all sides a fair chance at their major amendments. Is that a fair recitation of where we are now, Mr. Chairman?

Mr. HATCH. Yes. I think both of us literally have tried to be fair to both sides. There are some amendments that I wish we did not have to put up with, to be perfectly frank with you, but that is always the case. Why should we not be fair to both sides?

There comes a limit to what you can do in these matters. As I said, this is probably the most important bill in many respects, outside of ObamaCare, in this President's 8 years. It is an extremely important bill for our country. It is an extremely important bill for our economy. It is an extremely important bill for our allies over in those areas. It is an extremely important bill that helps to set the stage for TTIP, the 28 countries in Europe.

All this bill does basically is provide a procedural mechanism whereby Congress has some control, if not total control, over what agreements are negotiated. This is not the TPP. It is not TTIP. It is not the final decisions on that. That will be made pursuant to this bill, which will be a very important bill for the purpose of saying that the White House and the administration follow certain protocols and recognize that the Congress of the United States is important in these trade matters, too.

I want to thank my colleague from Oregon for the hard work he has done on this bill. He has been a wonderful partner to work with today, and I really appreciate him. I hope we can resolve these problems, but as of right now, I had to object to the unanimous consent request by the distinguished Senator from Ohio, for whom I have a lot of respect. I do not agree with him, but I know he is sincere, and I know he is working very hard for what he believes is proper.

With that, I do not know what else to do other than just say I object to that.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I, too, like the chairman of the Finance Committee, have been here all day, and I empathize with the dilemma that he faces, along with the ranking member, on how to move forward with this legislation.

This is a discussion which has been going on for months and months, if not years, which is, what are we going to do, as we deal with trade issues, about the reauthorization of the Export-Import Bank, which expires at the end of June?

While I appreciate my colleagues on the Finance Committee and the movement of trade legislation, I have had many discussions with them over the last several months about this very

issue and the fact that this issue has to get resolved. I know no Member gets to have their way about what legislation gets an amendment. The list that was just given does nothing to guarantee that we would ever see a vote on the authorization of the Ex-Im Bank.

While the other side wants to protect what they think are the opportunities to pass this legislation in the House, which I respect, I do not think the House has to dictate to the U.S. Senate how we are going to proceed when the majority of people in both the House and Senate support the reauthorization of the Export-Import Bank. Right now, it has deals of \$18 billion and more pending before it. If the Bank expires June 30, all of those trade deals, which are jobs for U.S. companies, disappear and go away. So, yes, in my opinion, there is no more important amendment than one that saves \$18 billion of U.S. company sales to overseas markets.

So I and my colleagues who support the Ex-Im Bank reauthorization, which is the majority in both the House and Senate, have lost our patience with the ability to get this Bank before the Senate and before the House before that June 30 deadline. So I have no compulsion at this moment to say that I do not support moving forward on the cloture motion until we get an understanding of how this Bank is going to be reauthorized.

I know people are proud of the work that has been done on TPA, but it is silly to say to the American people that we are moving forward on opening up trade opportunities but we are going to let expire the tool that small businesses and individuals use to export their products—as a credit agency. It makes no sense to open up Cambodia if then you cannot get a bank in Cambodia to have the sales of a product from my colleague from South Carolina to that country. If somebody wants to tell me that one of these New York Wall Street banks will give us that kind of financing, then maybe we will come up with a different solution, but one does not exist.

Until our colleagues give us an answer about something we have been clear about for more than a year, we are going to continue to object because we are not going to let this Bank expire—the credit agency—without a fight.

I know my colleague from South Carolina is here on the floor. I appreciate his support of the Ex-Im Bank.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I want to echo what my colleague from Washington said. To those who negotiated this trade package, well done. I am going to vote for the Portman amendment because I think currency manipulation should be addressed more forcefully.

If trade deals in the future are going to be like trade deals in the past, we need to look at what we are doing because some of the trade deals in the past have not worked out so well.

On this currency issue, I want to vote. On the bank, I am telling my leadership the following: I have talked with you and talked with you. I have forgone taking votes on the Ex-Im Bank because I did not want to rock the boat on the budget and other things. I am tired of talking. You are not going to get my vote for cloture or anything else this year until I get a vote—we get a vote—on the Ex-Im Bank. There are over 60 votes in this body.

To the chairman, whom I admire greatly, you mentioned China. Let me mention China. China makes wide-body jets. They are getting into the wide-body jets business big time. China makes about everything we make. Boeing makes 787s in South Carolina and Washington. GE makes gas turbines in Greenville, SC, mostly sold through Ex-Im financing to the developing world.

If you are worried about China stepping in if we do not have this great trade deal, here is what I am worried about: If our Bank expires, then the market share we have today because we have competitive financing goes away, and the biggest beneficiary of closing down the Bank will be China.

I am not going to subject American manufacturers to trying to sell their products overseas without ex-im financing while all their competitors have an ex-im bank. As a matter of fact, China's bank is bigger than the banks of the United States, France, England, and Germany combined.

Airbus is a great airplane. France and Germany have an ex-im bank. An American manufacturer, when it comes to a wide-body aircraft or any other product trying to be sold overseas in the developing world—this Bank makes money for the taxpayers and makes them competitive.

To all of those who really do believe in trade, the fact that you would let the Bank expire because of some ideological jihad on our side makes absolutely no sense to me. I will not be a part of that anymore.

To the people who are trying to make this the scalp for conservatism, I think you lost your way. This Bank makes money for the taxpayers. This Bank doesn't lose money. This Bank allows American manufacturers who are doing business in the developing world to have a competitive foothold against their competitors in China and throughout Europe and have access to Ex-Im financing. All we are talking about is an American-made product sold in the developing world where they cannot get traditional financing.

The Ex-Im Bank has been around for decades. Ronald Reagan was for the Ex-Im Bank. The Ex-Im Bank is directly responsible for helping to sell Boeing aircraft made in South Carolina. Seventy percent of the production in South Carolina is eligible for Ex-Im financing. There are thousands of small businesses which benefit from manufactured products sold in the developing world through Ex-Im financing.

Would I like to live in a world where there were no ex-im banks? Sure, but the world I am not going to live in is where we shut our Ex-Im Bank down and China keeps theirs open. I am not doing that. That is not trade. That is just idiotic. That is unilateral surrender.

Come to South Carolina and tell the people at Boeing and all of their suppliers—and go to the Greenville GE plant that hires thousands of South Carolinians and all of their small business suppliers—why it is a good idea for America to shut down a bank that makes money for the taxpayers that allows us to be competitive. Tell them how you think that is a good way to grow our economy. Tell those people who have good jobs in South Carolina—and who will surely lose market share because we closed our Bank down—how proud they should be of your ideological purity.

I welcome this debate in South Carolina down the road. But I promised my leadership and friends on the other side that I am a reasonable guy. I vote for issues give-and-take, but the one thing I will not do is allow the Bank to expire without a vote. If my colleagues can beat me on the floor, that is fine. I am not asking anyone to vote for the Bank. I am asking them to allow me to vote for the Bank because it is critical to the economy in my State and I think the Nation as a whole.

The only reason we are having this debate is because some outside groups have made this the conservative cause celebre—in my view, without any rational reason.

I have no problem helping the chairman and ranking member move this bill because they talk about how it will make it harder on China to take market share in Asia. The only thing I ask of this body is to allow me and my colleagues who care about the Ex-Im Bank—it is a small piece of the puzzle that has a gigantic impact. It made over \$3 billion for the American taxpayers.

This Bank is essential for American manufacturers to be competitive in the developing world, and I will not let this Bank expire without a vote. I will not give market share to China or the Europeans. I will not do that.

I am willing to work with my colleagues, but they have to be willing to work with me. And if they are not willing to honor their word that they have been giving me for the last 6 months, then they have nobody to blame but themselves.

To the Senator from Washington, all we are asking for is a vote on the Ex-Im Bank—that has been around for decades, that Ronald Reagan said was a good idea and that has overwhelming bipartisan support—before June 30 on a vehicle that must become law if we can pass that amendment. I ask the Senator from Washington, is that correct?

Ms. CANTWELL. Mr. President, the Senator from South Carolina is correct. That is all we have been asking

for, and we have talked to our colleagues about various vehicles and various opportunities for those votes. And, yes, that is exactly what has been promised.

We are here today because, as the Senator from South Carolina has described, the failure of us to reauthorize the Ex-Im Bank will mean huge opportunities for foreign competitors at the very time when we are trying to open up markets for our U.S. companies. All we are asking is for the opportunity to have this vote. As the majority leader said, let the will of the Senate be done.

The Senator from South Carolina is right. People who have extreme views on this have decided that this is something they can hold up. Well, I don't think we are here today to try to ultimately say how individual people should vote. They should vote their conscience.

The fact that this Bank is about to expire and the fact that these jobs would be lost because we didn't do our job by reauthorizing the Bank is a failure. It is an imminent threat of \$18 billion. These are proposed deals for export that will not get approved and will not get done because we won't have a bank. I think the Senate can do better than that.

I thank my colleague for being here tonight and going into detail about the Ex-Im Bank.

Mr. GRAHAM. Mr. President, reclaiming my time, and I will wrap it up.

To my colleagues who have been raising money off of this, you can raise all the money you want to, but you will have to debate your ideas against my ideas. You will not be able to shut this Bank down without a vote. If you feel that good about your position, let's have a vote on the floor of the Senate and on the floor of the House.

The one thing we will not do is let the Bank die without a debate and a vote, and that debate and vote must come before June 30 because the damage will have been done.

I will not sit on the sidelines and watch jobs in my State be lost because of some ideological crusade, the biggest beneficiaries of which would be China and our European competitors. If you really do care about China's effect in the world marketplace, shutting the Ex-Im Bank down in America and allowing China to keep theirs open is a deathblow to American manufacturers that sell in the developing world.

With that, I yield the floor and look forward to a positive outcome so my colleagues can have their bill passed and have votes on amendments they care about and get the bill up and passed if the votes are there, as long as I get a chance, along with the Senator from Washington, to vote on what I care about and what I think is essential to the economy—and not just to South Carolina but to the manufacturing community that sells in the developing world.

I yield back.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I think we are all aware that Chairman HATCH and Senator WYDEN have been working in good faith over the last several days to set up both debates and votes on amendments from both sides of the aisle. The bill managers have had some success in working together on the votes that we have had, and so far we have worked to get an additional seven amendments pending.

Sadly, there is an objection from the other side of the aisle on getting additional amendments pending regardless of which party offers the amendment.

Senator HATCH and his colleague have been down here for days trying to get amendments up, and obviously it is possible in the Senate to prevent others from getting amendments. Now we have the whole process stymied because we cannot seem to get agreements for any additional amendments.

I think we all know this is a body that requires at least some level of cooperation, and that just has not been happening here on this bipartisan bill.

I will point out that while I will file cloture on the bill this evening, that is not the end of the story. I will repeat that: That is not the end of the story. The bill managers will continue to work together to get more amendments available for votes before the cloture vote. And with a little cooperation from our friends on the other side of the aisle, I still think we can get that done.

It is my hope that we will be able to process a number of amendments, particularly those which are critical to Members on both sides, and then move forward, and we will have a couple of days to accomplish that.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send to the desk a cloture motion to the Hatch amendment No. 1221 to H.R. 1314.

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

The 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 Hatch amendment No. 1221 to H.R. 1314, an act 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.

Mitch McConnell, John Cornyn, Orrin G. Hatch, Daniel Coats, John Boozman, Thom Tillis, Mike Rounds, Pat Roberts, Richard Burr, John Barrasso, Mike Crapo, Jeff Flake, Tom Cotton, Shelley Moore Capito, David Perdue, Chuck Grassley, Dan Sullivan.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send to the desk a cloture motion to H.R. 1314.

The PRESIDING OFFICER. The closure motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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 H.R. 1314, an act 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.

Mitch McConnell, John Cornyn, Orrin G. Hatch, Daniel Coats, John Boozman, Thom Tillis, Mike Rounds, Pat Roberts, Richard Burr, John Barrasso, Mike Crapo, Jeff Flake, Tom Cotton, Shelley Moore Capito, David Perdue, Chuck Grassley, Dan Sullivan.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 1299

Mr. HATCH. Mr. President, I call for regular order with respect to Portman amendment No. 1299.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 1411

Mr. HATCH. Mr. President, I send an amendment to the desk to the text proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1411 to the language proposed to be stricken by amendment No. 1299.

Mr. HATCH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

In lieu of the text proposed to be stricken, insert the following:

(1) FOREIGN CURRENCY MANIPULATION.—The principal negotiating objective of the United States with respect to unfair currency practices is to seek to establish accountability through enforceable rules, transparency, reporting, monitoring, cooperative mechanisms, or other means to address exchange rate manipulation involving protracted large scale intervention in one direction in the exchange markets and a persistently undervalued foreign exchange rate to gain an unfair competitive advantage in trade over other parties to a trade agreement, consistent, with existing obligations of the United States as a member of the International Monetary Fund and the World Trade Organization.

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

THE PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. PETERS. Mr. President, first off, I agree with Senator BROWN and Senator HATCH on how important this debate before us is. In fact, because it is

so important, I certainly hope we have an opportunity to debate fully its ramifications, especially with issues such as the Ex-Im Bank, which I heard two of my colleagues discuss with some vigor just a few moments ago.

AMENDMENT NO. 1251

At this time I wish to talk about an amendment that I am offering with Senator BROWN to require approval of Congress before any additional countries may join the Trans-Pacific Partnership.

The 12 countries currently participating in TPP negotiations encompass about 40 percent of the global gross domestic Product. This would be the largest free-trade agreement since NAFTA, and Members should know that this agreement has the potential to expand to a number of additional countries without congressional approval.

The administration has said that they would welcome interest from other nations, including China, in joining TPP. Given the impact that trade deals, such as NAFTA, have had on American businesses and workers, I would argue that it is important that Congress not only be notified of new negotiations but also have the opportunity to vote on whether to move forward with bringing on additional countries into multinational trade negotiations.

If Congress were to approve the Trans-Pacific Partnership, it should not and must not be a blank check to bring in additional nations without congressional approval.

I am particularly concerned about countries that manipulate the value of their currency and gain an unfair advantage over U.S. workers, steal intellectual property from American innovators, engage in unfair labor practices, damage the environment, and do not abide by existing trade deals.

Just yesterday, a Federal grand jury indicted six Chinese citizens for stealing trade secrets. Last year, five Chinese military officers were caught stealing intellectual property from U.S. companies. The United States has brought 16 claims against China at the World Trade Organization, and the Chinese Government has consistently manipulated their currency against our dollar.

Despite these serious problems, the administration has said that they would welcome interest from China in joining TPP. If providing fast-track authority makes it easier for countries such as China to join the TPP, robust congressional oversight is critical.

Senator BROWN and I have offered an amendment to explicitly ensure that this oversight is available and that Congress has the opportunity to vote on the addition of any new countries to TPP negotiations. Our amendment will require the President to notify Congress before entering negotiations with another country seeking to join the TPP. It provides 90 days for Congress to conduct hearings and investigations and ultimately hold any potential new

entrant accountable for unfair trade practices.

The House and Senate will need to affirmatively pass a resolution of approval for any new country to join TPP negotiations.

Nations such as China will not be able to join through unilateral action by a future White House. I urge my colleagues to support the Brown-Peters amendment.

AMENDMENT NO. 1299

I would also like to urge my colleagues to support the Portman-Stabenow amendment on currency manipulation. A study by the Center for Automotive Research found that the TPP, as currently negotiated, will allow Japan to manipulate its currency, and this practice will likely lead to the elimination of over 25,000 American auto industry jobs.

Our workers and manufacturers can compete with anyone in the world, but they deserve a level playing field. Currency manipulation is the most significant trade barrier of our time, and it must be stopped. That is why I am supporting the Portman-Stabenow currency amendment, and I hope my colleagues will join me in standing up for American workers and fighting back against unfair currency manipulation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, trade is a major issue for a manufacturing State such as Wisconsin. I am very proud of the fact that the State I represent has had a rich history of making things. In fact, I don't think we can have an economy that is built to last that doesn't make things as a key part, a key sector of the overall economy. So this debate on trade promotion authority and the trade bills that may follow to the floor of the Senate and the House take on a particular disproportionate impact in a State such as Wisconsin that makes things.

We have lost a lot of those manufacturing jobs in recent years. We can't lay the entire blame on trade policies, but certainly some of our past trade deals have had a significant impact. It is hard to find folks in the State of Wisconsin who don't recall that in a negative way, who haven't suffered the results of mistakes we have made in the past.

That brings me to this debate we are having this evening and I hope tomorrow and beyond on trade promotion authority. What trade promotion authority asks us to do as Senators in the United States and Representatives over in the House is to cede some of our usual powers—our usual powers to amend bills to make them stronger, to make them more informed, to improve them, to perfect them—fast-track trade promotion authority asks us to relinquish those powers and to take a simple up-or-down, yes-or-no vote on a future trade deal that comes before us under this fast-track authority.

Now, that may bring up the question of why would one ever support ceding those powers and relinquishing those powers, and I think that, ultimately, one hypothetically can do that because what we can do is take the time in the fast-track debate to set the conditions, to set the negotiating principles that have to be met in order to be able to relinquish that power later.

That is where we get into this issue of process right now. It is so critical that we take the time to debate the conditions that we need to see present as representatives of people from States across this country, that we take the time to debate thoroughly these amendments so that we know the trade deals that will come before us later will be fair—not just free but fair. So I hope we take the time to debate all of these provisions because they matter in people's lives. They matter to middle-class, working Wisconsiners, some who have lost jobs in recent years and decades because of mistakes we have made in prior trade deals.

I come to the floor this evening to share with my colleagues that I have filed nine separate amendments to this trade promotion authority. I know we won't have the chance to fully debate and vote on all of them, but I think it is important that we try to have a thorough and comprehensive consideration. So far, we have only voted on two amendments, and there are only a handful that are pending for consideration. So on that point, I wish to take a few moments to address just four of the amendments that I think are crucial to my State of Wisconsin and the middle-class workers whom I have the honor of representing.

My first amendment is No. 1317. It is cosponsored by my colleagues Senator FRANKEN and Senator BLUMENTHAL. It strengthens the principle negotiating objective with respect to trade-remedy laws. This is talking about enforcement and having teeth in that enforcement. These trade remedies ensure that American manufacturers and their workers would compete on a level playing field globally.

American manufacturers fight an uphill battle to keep their prices low while foreign companies sell goods in the United States often at subsidized prices. U.S. manufacturing has already suffered financial losses—and thousands of jobs, I might add—as a result of unfair trade practices. My amendment would strengthen our ability to fight on behalf of our American manufacturing workers.

A second amendment I have offered is No. 1365, and I am proud to have joined forces with Senator BLUMENTHAL. It would restrict trade promotion authority for any trade agreement that includes a country that criminalizes individuals based on sexual orientation or otherwise persecutes or punishes individuals based on their sexual orientation or gender identity. These countries are identified for us in the State Department's annual Country Reports on Human Rights Practices.

At least 75 countries across the globe continue to criminalize homosexuality, subjecting lesbian, gay, bisexual, and transgender people to imprisonment, various forms of corporal punishment and, in some countries, the death penalty. For example, in Brunei, a newly adopted law provides for execution by stoning for homosexuality. As we all know, Brunei is part of the Trans-Pacific Partnership free-trade agreement that is now under negotiation.

Senators voting here on this legislation should know and understand this. If we do not adopt my amendment, we will be granting our highest trading status to a country that executes people based on whom they love. This is not hyperbole. This is a fact. The United States should not reward countries that deny the fundamental humanity of LGBT people by subjecting them to harsh penalties and even death simply because of who they are or whom they love.

My third amendment, No. 1320, would add a principal negotiating objective to ensure that any trade agreement actually increases manufacturing jobs and wages in the United States. Many Wisconsin communities, as I mentioned earlier, bear the scars of NAFTA and other flawed so-called free-trade agreements. From closed factories to foreclosed homes to devastated communities, Wisconsiners know all too well what happens when politicians in Washington tell them that they know what is best for them in Wisconsin.

Let me give a few numbers on trade from Wisconsin's perspective.

On jobs, according to the Economic Policy Institute, NAFTA has led to the loss of more than 680,000 jobs, most—60 percent of them—manufacturing jobs in the United States as a whole.

Since China joined the WTO in the year 2000, there has been a net loss of over 2.7 million U.S. jobs. Of that amount, Wisconsin has lost around 68,000 jobs between the years 2001 and 2013 because of our trade deficit with China and their currency manipulation.

Now, in 2011 we passed the South Korea Free Trade Agreement. In the years since, the growth of the U.S. trade deficit with South Korea has cost us more than 75,000 U.S. jobs.

On wages, competing with workers in China and other low-wage countries, it has reduced wages of 100 million U.S. workers without a college degree, a total loss of about \$180 billion each year.

Since China joined the WTO, U.S. workers who lost their jobs because of trade with China have lost more than \$37 billion in wages as a result of accepting lower-waged jobs.

The final amendment I wish to describe is amendment No. 1319, cosponsored by my colleague Senator MERKLEY, who was speaking with all of us earlier this evening. This amendment would require the administration to notify the public when it waives "Buy American" requirements. Wis-

consin workers make things, and we have been one of the top manufacturing States in the Nation for generations. Now, if we hope to continue making things, we think we should continue to have our own government as a customer. Or, put another way, U.S. taxpayer dollars should support U.S. jobs. That is why I am a strong supporter of "Buy American" provisions that require Federal agencies to purchase American-made products. Free-trade agreements have historically allowed foreign nations way too much leeway when bidding for our government projects and contracts while not affording American companies the same access.

Now, I believe the issues I have brought up this evening and these four amendments are really important issues—important to our country, important to our standing in the world, and important to my State of Wisconsin. These are issues that the Senate should debate. I urge the majority leader to allow an open and robust amendment process so that we can vote on these critical provisions.

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

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

AMENDMENT NO. 1411, AS MODIFIED

Mr. HATCH. Mr. President, I have a modification to my amendment No. 1411 at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

In the language proposed to be stricken on page 27, lines 6 & 7 strike "appropriate." and insert:

appropriate.  
(12) FOREIGN CURRENCY MANIPULATION.—The principal negotiating objective of the United States with respect to unfair currency practices is to seek to establish accountability through enforceable rules, transparency, reporting, monitoring, cooperative mechanisms, or other means to address exchange rate manipulation involving protracted large scale intervention in one direction in the exchange markets and a persistently undervalued foreign exchange rate to gain an unfair competitive advantage in trade over other parties to a trade agreement, consistent with existing obligations of the United States as a member of the International Monetary Fund and the World Trade Organization.

#### MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

Ms. CANTWELL. Mr. President, I suggest the absence of a quorum.