



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 114<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 161

WASHINGTON, TUESDAY, MAY 19, 2015

No. 77

## Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God of all, we have heard glorious things about Your goodness. Let Your glory be over all the Earth. Our hearts make melodies to You because of Your exceeding greatness. Thank You for Your faithfulness that endures forever.

Today, give us steadfast hearts that we may honor You with our lives. Be near to our Senators, giving them a powerful awareness of Your presence. Lord, increase in them such knowledge, love, and obedience that they may grow daily in Your likeness. Grant us wisdom and courage for the living of these challenging days as You surround us with Your divine favor.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The majority leader is recognized.

### TRADE

Mr. McCONNELL. Mr. President, today we will continue our work on the trade legislation, which is before us. I know Senators on both sides are eager to offer amendments. Yesterday was a good start. We voted on a few amendments. We have a half dozen more pending, but we need to keep the ball

moving. So let me again encourage Members of both parties to offer those amendments that they may have. Let me again encourage Members to work with the bill managers to get the amendments moving.

We want to process as many amendments as we can. We know we already lost a week to needless filibustering and delaying of this bill, which means one less week to have amendments considered. So we need cooperation from the leadership across the aisle to ensure we do not lose any more time.

Our friends on the other side seem quite eager to let everyone know how uninterested they are in obstruction these days. You will not find a happier guy than me if that turns out to be true. So we will see if they demonstrate the spirit of cooperation they keep telling us about as we continue to debate trade.

Either way, Members on both sides who recognize the benefits of trade to their constituents are determined to pass important export and jobs legislation this week. I hope to see it pass by the same kind of overwhelming, bipartisan margin we saw in the Finance Committee a few weeks ago, because voting to improve this bill is one way to prove you care about the middle class. It is one way to prove you care about American jobs and American workers.

One study tells us that knocking down unfair trade barriers in places such as Europe and the Pacific could boost our economy by as much as \$173 billion and that it could support as many as 1.4 million additional American jobs.

In Kentucky, the study says it could bring almost \$3 billion in new investment and support more than 18,000 additional jobs. That is in my State alone. We know a lot in the Commonwealth about the benefits of trade. More than half a million Kentucky jobs are already related to international trade. We know that those kinds of jobs typically pay more than other jobs.

Kentuckians also know that a lot of rhetoric on the other side of this issue does not always “stand the test of fact and scrutiny,” as President Obama put it.

The 7,000 workers at the Toyota plant in Georgetown, KY, might agree. Following a trade agreement we recently enacted with South Korea, they are now working hard to export Camrys—Camrys—made in Kentucky to Korean consumers. Given some of the overheated language surrounding that U.S.-Korea trade agreement, you may be surprised to hear about these automotive workers in my State who are building Camrys in Kentucky and sending them to Korea. But the truth is that just about every serious public official knows that eliminating the restrictions that hurt American workers and American goods is good for our country.

It is something Republicans have long believed. It is an area where President Obama now agrees, as well. It is an area where many serious Democrats also agree. So I hope we can join together to score a victory for American workers. To get there, let's work now to offer amendments, to get them pending, and to engage in substantive debate rather than more pointless delay for its own sake.

### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

### USA FREEDOM ACT

Mr. REID. Mr. President, 2 years ago the American people first became aware that the National Security Agency was collecting private information about their phone calls. This is called the Snowden revelation.

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Under the banner of national security, the National Security Agency was mining information about home phone calls and how long they lasted. They found out whom they were calling—and not only that. They found out whom the call was between. They also determined how long that call lasted.

NSA essentially was conducting a dragnet, without first attempting to determine whether that information was relevant to a national security problem. NSA ran this program under the authorities granted to them by section 215 of the PATRIOT Act, which expires on June 1 of this year. The American people were outraged by these revelations and Congress rightly acted.

Last year, the House passed a bill by a vote of 303 to 121 to end the NSA's so-called bulk metadata collection program and reform and extend the authority for this program.

I brought a similar bill to the floor authored by Senators LEAHY and LEE. There was a bipartisan group of Senators who joined them to call for its passage. But sadly, the majority leader—at that time the minority leader—stood in the way of bipartisan reform. Instead of passing meaningful reform, he led a Republican filibuster of this bill. That was one of a couple hundred that was led by my friend.

This year, Senators LEAHY and LEE worked again with the Chairman and ranking Member of the House Judiciary Committee on the USA FREEDOM Act, which ends the National Security Agency's bulk collection program and extends and reforms the authorities under section 215 of the PATRIOT Act.

There have been bipartisan and bicameral calls for the Senate to take up that legislation. Yet again, instead of committing to bringing up this bipartisan bill, last month the senior Senator from Kentucky introduced a bill that would extend the authorities for the National Security Agency's bulk collection program for 5½ years. Then the Second Circuit, almost simultaneously—within 24 hours of that decision by the majority leader—found the bulk collection illegal.

In reaction to the court's decision, the House last week passed the USA FREEDOM Act by a vote of 338 to 88. By a four-to-one margin, the House voted to end the National Security Agency's illegal bulk data collection program and reform its practices.

But even in the face of that court's decision, the majority leader stood once again against bipartisan reform. Instead of heeding the Republican-controlled House's calls for reform, the majority leader introduced a bill that would extend the authorities for the National Security Agency's illegal program for 2 more months.

Congressman GOODLATTE, the chair of the Judiciary Committee in the House, said they will not accept a short-term extension of the bill. This morning, Leader MCCARTHY, the second ranking Republican in the House, said they will not accept any extension.

That is exactly what the Speaker, Congressman BOEHNER, said.

If we squander this opportunity to deliver sound reforms to this illegal program, we are handling our duties irresponsibly here in the Senate.

To stand in the way of reforming these practices is to ignore the voice of the American people. Just yesterday, a new poll commissioned by the American Civil Liberties Union showed that 82 percent of Americans are concerned that the Federal Government is collecting and storing the personal information of Americans, and they do not like it.

If we are unable to reform these practices, we are ignoring the ruling of the Second Circuit, which rejected the National Security Agency's bulk collection program, and we are not allowing the American people's voice to be heard.

I think, most importantly, if the senior Senator from Kentucky does not allow this commonsense reform simply with a vote on the Senate floor about what happened in the House, they are ignoring the rare bipartisan support that we have.

Just last week, 190 House Republicans voted to end the National Security Agency's illegal program. There is bipartisan consensus in favor of ending this program. Many of the Republican leader's own colleagues have called for it as well.

Last week, Attorney General Loretta Lynch and James Clapper, Director of National Intelligence, wrote a letter to Senator LEAHY, the ranking member of the Judiciary Committee. Both the Attorney General and the Director of National Intelligence voiced their support for the USA FREEDOM Act, saying:

Overall, the significant reforms contained in this legislation will provide the public greater confidence in how our intelligence activities are carried out and in the oversight of those activities, while ensuring vital national security authorities remain in place.

I agree with that statement. But sadly, the majority leader continues to stand in the way of bipartisan reform to end these illegal practices. As we face the June 1 expiration of these authorities, the majority leader still offers no viable alternative.

We cannot allow this program to be extended. The majority leader should listen to the American people because we cannot extend an illegal act. That is what the majority leader is asking us to do.

The majority leader should listen to the American people, consider the action of his Republican colleagues, and respect the expertise of the intelligence community.

The Senate should act now on the USA FREEDOM Act before it leaves for the Memorial Day recess and restore the confidence of the American people.

#### NOMINATIONS AND HIGHWAY BILL

Mr. REID. Mr. President, we have heard so much about how great the Re-

publicans are doing here, about how well things are working now. We are doing no nominations—none. We are 5 months into this Congress, and we basically approved virtually no one. It is interesting to say there are not many names on the calendar to bring up. Why? Because they are not even holding hearings on all the nominations. We always hear about the need for jobs—but not from my Republican colleagues. We hear from us. One of the prime examples of that is the highway bill. It is about to expire. What are we going to do? Nothing. There is no program to extend this bill. It has already been extended short term 33 times. Think about that. We used to do bills here for 5 years, 6 years so that the directors of transportation and all of these States around the country could plan ahead.

We are being penny-wise and pound-foolish. We are having these short-term extensions, which are very expensive, creating no jobs. For every \$1 billion we spend on these highway programs, we create 47,500 jobs. My Republican colleagues are ignoring this.

What is the business of the day, Mr. President?

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided, and the Democrats controlling the first half and the majority controlling the second half.

The assistant Democratic leader.

#### DACA AND DAPA PROGRAMS

Mr. DURBIN. Mr. President, 14 years ago, I introduced a bill known as the DREAM Act. My friend and colleague Senator LEAHY was the chairman of the Senate Judiciary Committee, and for the last 14 years we have tried to pass this basic law, and here is what it says: If you were brought to the United States as a child, and you were undocumented in America, but you have lived here without committing any serious crime and finished high school, we will give you a chance. If you will agree to at least complete 2 years of college or enlist in America's military, we will give you a path to citizenship.

I offered this legislation because so many young people—about 2½ million—living in this country were brought here when they were infants, small children. They didn't have any voice in the matter, their parents decided. They came to the United States. They have lived here as Americans.

They stood in their classroom every single day and put their hand on their heart and pledged allegiance to that flag. That was their flag. What they didn't know or didn't understand was that they were undocumented. They don't have a country. The laws of the United States are very clear. If you are one of those people, you have to leave. You have to leave for at least 10 years and then apply to come back in. I didn't think that was fair.

I introduced the DREAM Act. In fact, I had the support of the senior Senator from Utah as my cosponsor when I first introduced it. We could not pass it and make it the law of the land. So the day came when I appealed to the President of the United States, my former colleague from the Senate and the State of Illinois. He was a sponsor of the DREAM Act. I appealed to the President to give these young people a chance. He took his power as President and issued an Executive order, and that Executive order said that if these young people would come forward, pay a substantial fee for processing, show that they have no serious criminal record and can show they had come to the United States years before, they would be given a chance to stay without fear of deportation. It is called DACA.

Well, the President waited and challenged Congress to do something about it—pass the DREAM Act, pass comprehensive immigration reform. Even though it passed in the Senate, with 68 votes on a bipartisan rollcall vote, the Republican House of Representatives refused to even call the measure for a vote.

One year passed, 2 years have passed, and here we are—no action by the Republican leadership in the House of Representatives or, for that matter, in the Senate to move comprehensive immigration reform. The President said: I am going to step up with my power as President and do what I can to deal with this issue. He said: Let's have some standards. I will not allow anyone to step forward and ask for temporary status in this country unless they have been here at least 5 years. If they step forward, they have to pay a filing fee for us to process their application, and they have to submit themselves to a criminal and national security background check. We don't want anybody in this country who is a danger to America. If they flunk that part of the test, they are finished and deported. And then they have to put their names on the books to pay their taxes in the United States of America while they are working. Under those circumstances, we will give them the temporary renewable right to stay and work without fear of deportation, and then several years later repeat it, submit an application again. The President believes, and I share the belief, we will be a safer nation if we do that.

There could be as many as 11 million undocumented people in this country who would qualify for what we call

DAPA. They would have to pay a fee, pay their taxes, go through this background check, and be subject to renewal on a regular basis.

Well, today, May 19, 2015, was supposed to be the first day people would be allowed to apply for this new program—this DAPA Program, but unfortunately it has been stopped cold. It has been stopped by the Republican Party in the House and Senate and stopped by their efforts in court to stop this President. Oh, they have an alternative. They stated their alternative. Their alternative is for these people to leave the United States. Their candidate for President, Governor Romney, said as much when he ran last time. They have no alternative plan. They want these people—millions of them—to leave the United States through voluntary deportation, as they call it.

Well, the sad reality is that is not going to happen, and obviously the Republicans are not going to do anything to deal with our broken immigration system. There are casualties with this decision. One of them is Naomi Florentino. This attractive young woman was brought to the United States from Mexico when she was 10 years old. She grew up in Smyrna, TN. She was an amazing student and active in her community.

In high school, she was a member of the National Honor Society, and she received the Student of the Year Awards for algebra and art. She served on the student council and played on the varsity soccer and track and field teams, where she was a shot-putter and discus thrower.

Naomi's dream is to become a robotics engineer. In high school, she was a member of the robotics team, participated in NASA's Science, Engineering, Mathematics and Aerospace Academy, and she performed so well she won the Next Generation Pioneer Award. Naomi graduated from high school with an honor's diploma, but Naomi's immigration status limited her options. The college counselor refused to help. The college counselor at her high school told her that since she was undocumented, she was on her own.

She didn't quit. She took mechanical engineering courses at Lipscomb University in Nashville. She then went on to community college. These undocumented kids cannot get help while they are going to school. They do not qualify for the Pell grant or government loans. She was determined. She was not going to quit.

At the community college, where she will be graduating this spring, she has an associate's degree in mechatronics technology, a field that combines mechanical engineering, electrical engineering, telecommunications engineering, control engineering, and computer engineering. This fall Naomi will begin to work on her bachelor's degree in engineering at Middle Tennessee State University. Remember what I said. She is on her own. She gets no help from

the government to do this because she is undocumented.

In her spare time—if you can imagine she has any—she continues to be very involved in her community. For 6 years, she was judge and mentor in engineering and robotics competitions. Since 2008, she has volunteered as a college mentor with the YMCA Latino Achievers Program in Tennessee. Despite everything this young woman has achieved in her life, her future is totally uncertain.

In 2012, President Obama said that under the DACA Program we are going to protect Naomi, and people just like her, from deportation. We will not give her government assistance to go to school, but at least she knows she will not be deported as long as she passes the test I mentioned earlier.

She is now part of the work-study program at Nissan North America's Smyrna, TN, plant. They want her. Wouldn't you? This is the largest automotive manufacturing plant in the United States.

As a maintenance intern, she assists with troubleshooting on their most sophisticated equipment—this young lady with 2 years of community college.

She wrote me a letter, and here is what she said about the DACA Program:

DACA has meant the opportunity of a lifetime for my academic and professional career. As a student at Smyrna High School, driving past the Nissan plant motivated me to be a better student—with hopes of, one day, being part of a company that is highly-regarded in my community. However, without proper work authorization, that goal seemed far-fetched. Today, it is a reality for me. I have learned that, given the opportunity, hard work, patience and perseverance can pay off.

Naomi and 600,000 DREAMers like her have stepped forward under President Obama's program. They are not going to be given any kind of award. They will just be given a chance.

I don't understand the Republican point of view. The Republicans would have us deport this young woman. Their attitude is: Send her back to Mexico. We don't need her.

She, unfortunately, came here because her parents decided to bring her here, and now she has to pay the price for her parents' decision. Is that what America is all about? Is that what our system of justice is all about?

Naomi will be an important part of our future, and thousands like her deserve that chance. That is why today is a sad day. The President's efforts to extend this program and help others—parents of young DREAMers like this have been stopped cold by the courts and stopped cold by the Republican leadership.

President Abraham Lincoln once said, "We cannot escape history," and history is very clear, we are a nation of immigrants. My mother was an immigrant to this country, and I stand here today as a Senator from the great State of Illinois. I am very proud of

what she and her family did when she came to this country.

Let us reward those who are willing to come to America to work and make it better. Let us give these young people a chance. Let us, once and for all, say this Nation of immigrants is proud of our heritage and prouder still of what immigrants can mean to our future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I just wish to praise the senior Senator from Illinois. He has been consistent on this issue since he came here. He was one of the architects of a major overhaul of our immigration system a year and a half ago, which passed by a two-thirds majority, by Republicans and Democrats alike.

We have gone such a long way toward solving this problem. The Republican leadership in the House—even though the votes were there to pass it in the House—refused to bring it up.

I am proud to align myself as a follower of the leadership of the Senator from Illinois, Mr. DURBIN, on this issue.

With the way we apply the laws now, I wonder whether my grandparents would have been able to come to Vermont from Italy and see their grandson become a U.S. Senator or would have seen their highly decorated son serve in World War II. I wonder if my wife's parents would have been able to come from Canada so she could be born in Vermont.

Come on. We are a nation of immigrants. Let's welcome them. They can often make our country much stronger than it was before.

I applaud the Senator from Illinois.

#### USA FREEDOM ACT

Mr. LEAHY. On another issue, in just 12 days, section 215 of the USA PATRIOT Act, along with two other surveillance authorities, will expire. And once again, the Senate Republican leadership is scrambling at the last minute to avoid a crisis of its own making.

Last year, we had a chance to pass the USA FREEDOM Act of 2014, and I urged the Senate to pass it. A majority of Senators, but not 60, voted for it because we all knew the expiration date for these surveillance authorities was right around the corner. We knew May 31 would arrive quickly in the new Congress.

I did not want our intelligence community to face a period of uncertainty leading up to the sunset, and I also didn't want the American people to have billions of their phone records stocked away in a government database any longer—especially as we have seen, in the case of Edward Snowden, just how insecure that database can be.

That is why we spent months holding six public hearings in the Judiciary Committee and even more months negotiating a bipartisan bill, which got

the support of the administration, the intelligence community, privacy groups, and the technology industry. I think that is the first time we have had all of them together.

Unfortunately, my attempts to avoid this last-minute chaos were blocked by the Republican leader last year. He said this was a matter that could wait for the new Congress. He said the new Republican majority would have a rigorous committee process for important issues.

Well, five months into the new Republican majority, and with the deadline looming, the Republican leader has just now turned his attention to this issue.

The Republican-led Senate committees have not taken steps toward reauthorization or reform. Instead, the majority leader now proposes a 60-day extension of a program that a Federal court of appeals just ruled is unlawful. The court ruled unanimously that it is unlawful, and they are saying, well, let's just extend the bulk collection program for another 60 days.

The majority leader apparently wants to do this to allow one of his committee chairmen to develop a last-minute "back-up plan." This is why we tried to pass legislation a year ago.

The House of Representatives is not going to pass a 60-day extension, nor should it. We should not extend this illegal program for one more day, and we do not need to do so. After all, we have a solution in hand. Why try to ignore reality and go on with something else?

We have a responsible solution. In fact, it is the only responsible solution. Broad consensus has developed around the bipartisan USA FREEDOM Act of 2015.

The Attorney General and the Director of National Intelligence wrote a letter in support of the bill. The FBI Director told me he supports it. This past weekend, the former chairman and ranking member of the House Intelligence Committee advocated for passage of this legislation in an article in the *Baltimore Sun*.

Mr. President, I ask unanimous consent that these materials be printed in the RECORD.

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

[From the *Baltimore Sun*, May 15, 2015]

INTELLIGENCE REFORM BILL IS IMPORTANT TO SAFEGUARDING OUR SECURITY AND PRIVACY  
(By C.A. Dutch Ruppersberger and Mike Rogers)

The USA Freedom Act will protect our security and privacy.

A recent *Baltimore Sun* editorial described legislation to reform the government's collection of Americans' phone and email data as a sign that "bipartisan cooperation in Congress is not completely dead" ("Reining in the surveillance state," May 5). We'd like to remind *The Sun* that similar legislation to end the mass storage of this data passed the House by an overwhelming bipartisan majority—it garnered more than 300 votes, in fact—over a year ago.

In our role as leaders on the House Intelligence Committee, we drafted and intro-

duced last year's bill together with our colleagues on the Judiciary Committee, Reps. Bob Goodlatte and John Conyers. Our success provided the foundation for the legislation that passed the House by an even larger margin on Wednesday. The USA Freedom Act ends the bulk collection of what we now know as "metadata"—that big database up at the National Security Agency that contains the phone numbers of millions of Americans will go away. The government will now have to seek court approval before petitioning private cell phone companies for records. The court will have to approve each application, except in emergencies, and major court decisions will be made public.

We need this reform to keep our country safe. Section 215 of the Patriot Act, which is the part that legalizes much of NSA's critical work to protect us from terrorists, expires in less than three weeks on June 1. If we do not reauthorize it with the reforms demanded by the public, essential capabilities to track legitimate terror suspects will expire, too.

That couldn't happen at a worse time—we live in a dangerous world. The threats posed by ISIS and other terror groups are just the tip of the iceberg. We also need strong defenses against increasingly aggressive cyber terrorists and the "lone wolf" terrorists who are often American citizens, for example.

This bill restores Americans' confidence that the government is not snooping on its own citizens by improving the necessary checks and balances essential to our Democracy. We helped write it last year, we support it this year and we hope Republicans and Democrats continue working together on common sense reforms to protect our national security and our civil liberties.

MAY 11, 2015.

Senator PATRICK J. LEAHY,  
*U.S. Senate, Washington, DC.*  
Senator MIKE S. LEE,  
*U.S. Senate, Washington, DC.*

DEAR SENATORS LEAHY AND LEE: Thank you for your letter of May 11, 2015, asking for the views of the Department of Justice and the Intelligence Community on S. 1123, the USA FREEDOM Act of 2015. We support this legislation.

This bill is the result of extensive discussion among the Congress, the Administration, privacy and civil liberties advocates, and industry representatives. We believe that it is a reasonable compromise that preserves vital national security authorities, enhances privacy and civil liberties and codifies requirements for increased transparency. The Intelligence Community believes that the bill preserves the essential operational capabilities of the telephone metadata program and enhances other intelligence capabilities needed to protect our nation and its partners. In the absence of legislation, important intelligence authorities will expire on June 1. This legislation would extend these authorities, as amended, until the end of 2019, providing our intelligence professionals the certainty they need to continue the critical work they undertake every day to protect the American people.

The USA FREEDOM Act bans bulk collection under Section 215 of the USA PATRIOT Act, FISA pen registers, and National Security Letters, while providing a new mechanism to obtain telephone metadata records to help identify potential contacts of suspected terrorists inside the United States. The Intelligence Community believes, based on the existing practices of communications providers in retaining metadata, that these provisions will retain the essential operational capabilities of the existing bulk telephone metadata program while eliminating bulk collection by the government.

The bill also codifies requirements for additional transparency by mandating certain public reporting by the government, authorizing additional reporting by providers, and establishing a statutory mechanism for declassification and release of FISA Court opinions consistent with national security. It establishes a process for appointment of an amicus curiae to assist the FISA Court and FISA Court of Review in appropriate matters. It provides reforms to national security letters, requiring review of the need for their secrecy. The bill also closes potential gaps in collection authorities and increases the maximum criminal penalty for materially supporting a foreign terrorist organization.

Overall, the significant reforms contained in this legislation will provide the public greater confidence in how our intelligence activities are carried out and in the oversight of those activities, while ensuring vital national security authorities remain in place. You have our commitment that we will notify Congress if we find that provisions of this law significantly impair the Intelligence Community's ability to protect national security. We urge the Congress to pass this bill promptly.

Sincerely,

LORETTA E. LYNCH,  
*Attorney General.*

JAMES R. CLAPPER,  
*Director of National Intelligence.*

Mr. LEAHY. But even more importantly, last week the House of Representatives passed the USA FREEDOM Act of 2015 with an overwhelming vote of 338 to 88. At a time when the public says Congress is locked in partisan gridlock, look at this overwhelming vote of Republicans and Democrats for the USA FREEDOM Act. Well, the Senate ought to do the same thing the House did.

We can keep our country safe without a government database of billions of Americans' phone records. I think about Richard Clarke, who is a former counterterrorism official. He spent six months examining this program as a member of the President's Review Group. He concluded the program has "no benefit." We do not need it, and, more importantly, Americans do not want it.

I fear that if Congress does not end this bulk collection program, it will only open the door to the next dragnet surveillance program. Next time it will not just be phone records. It might be location information or medical records or credit card records. That is why it is so important to stop it now.

Some will say Congress doesn't need to act because the Second Circuit has already ruled that this program is illegal. I have read the court's decision, I agree with it, and I hope this panel decision will ultimately be upheld by the Supreme Court. But there are other pending lawsuits and it could be months or even years before we know how the courts will ultimately rule on this issue.

In addition, the USA FREEDOM Act doesn't just end bulk collection under section 215 and the other national security authorities; it also contains other important reforms that cannot be won through legal challenges, such as new transparency measures and a panel of

experts from which the FISA Court can draw on for amicus support. So the courts made it very clear Congress has to act.

Congress has spent years working on these issues, with numerous hearings. The Senate last year came up with basically the same bill the House has just overwhelmingly passed. We shouldn't be staying around here talking about whether we are going to go over the brink. We are going to put our intelligence community under pressure.

The USA FREEDOM Act is a responsible solution that can pass both Chambers today, including with a majority vote for it in this body today. Its enactment will ensure that these expiring provisions do not sunset. I urge Senators to support it.

Let us not play politics with the security of this country. Let us talk about what really can be done, what has been done in a responsible, bipartisan way in the other body, and let us step up and do the same in the Senate. That is what I would urge, not this brinkmanship which will actually bring about the end of all of these provisions. Maybe some would like that. I think we have a better balance here with the USA FREEDOM Act.

Mr. President, I yield the floor.

I suggest the absence of a quorum, and ask unanimous consent that the time be equally divided between the two parties.

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

The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### TRIBUTE TO SONNY DIXON

Mr. ISAKSON. Mr. President, it is not often that anyone comes to the floor of the Senate to praise a journalist one way or another; but in Georgia, on the 31st of May of this year, Sonny Dixon of Savannah, GA, will retire after 18 years of being the anchor at WTOG in Savannah, GA.

Sonny Dixon is a rare breed indeed in terms of political reporters because he has actually been in elected office, serving for years in the Georgia Legislature, some of those years with me. I know him as a friend, I know him as a professional, and I know him as coastal Georgia's best anchorman, period.

He was awarded the Edward R. Murrow Award and the Associated Press award for best anchor in Georgia. He has been recognized by everyone who can do so for his professionalism, his knowledge, his skill, and his talent.

It is a privilege for me to acknowledge today on the floor of the Senate his 18 years of service as an anchor, his 10 years of service in the Georgia Legislature, and his lifetime of commitment to the greatest State of all, the

State of Georgia, to the betterment of his community, to the betterment of Savannah, the first capital of the State.

So as we take this moment in time to pause, I want to congratulate Sonny Dixon on a great career and a great recognition that is well earned.

#### TRIBUTE TO ROY ROBERTS

Mr. ISAKSON. Mr. President, I would like to talk about Roy Roberts from Walton County, GA. It is not often that a Senator from Georgia rises to pay tribute to a Kentucky basketball player, but Roy Roberts played for the famous Adolf Rupp in the 1960s and was an All-SEC basketball player for the University of Kentucky. He was a great player and made many all-star teams and received many awards, but he came back to Georgia to ranch and farm 1,000 acres, raise Hereford cows, and, with his two brothers, make Walton County, GA, the centerpiece of our State.

He has annually participated in many things that involve politics and public involvement in Walton County and has helped to lead Walton County to be one of the leading Republican counties in the State of Georgia.

Most notable is the Roy Roberts annual barbecue, which takes place next Tuesday in Walton County, GA, where over 1,000 Georgians and Presidential candidates from all over the country will come to meet at Roy Roberts' farm, enjoy a little barbecue, and enjoy the best of grassroots politics.

Were it not for people like Roy Roberts, we wouldn't have the body politic we have, we wouldn't have the democracy we have, and Georgia would not be the great State it is.

I am pleased to rise today and commend to everyone the work of citizen Roy Roberts, a great American, a great Georgian, and a pretty doggone good basketball player for the University of Kentucky.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### JUSTICE FOR VICTIMS OF TRAFFICKING ACT

Mr. CORNYN. Mr. President, it was just a few weeks ago that the Senate took up and passed S. 178, the Justice for Victims of Trafficking Act. This bill took us a while to get through but ultimately garnered unanimous support from this Chamber with a vote of 99 to 0. I am happy to report that the House of Representatives will take up and pass this bill later on today, and this vital legislation will then head to the President for his signature.

I thank my colleague and friend and fellow Texan, Representative TED POE of Houston, for serving as the chief House sponsor for this legislation. I also express my gratitude to the House leadership team and Chairman GOODLATTE of the House Judiciary Committee for their important work on this issue.

This legislation, as we said before, will provide victims of sexual exploitation, slavery, and human trafficking in the United States with an avenue to find healing and restoration. Most importantly, the victims, who are often children, will have access to additional resources to ensure that they get the shelter and the services they need. I am thankful that Members from both Chambers and from both sides of the aisle were able to recognize the urgency of the matter and get the job done.

While this bill represents a step forward, there is more we need to do and more we will do to continue to fight the scourge of human trafficking. In the coming years, we will look back on this moment as a time when our country finally began to get serious about this problem and heard the voices of the thousands of American victims in our own backyard.

#### TRADE PROMOTION AUTHORITY

Mr. CORNYN. Mr. President, this Chamber has now turned its consideration to trade promotion authority, or TPA. I am a supporter of this legislation because my State is the largest exporting State in the country, and I think our economy and the number of jobs that are created in Texas are reflective of our strong commitment to international trade.

We simply find the point inarguable that to open new markets to the products that our agricultural sectors grow, our ranchers raise, and our manufacturers make seems to be such an obvious thing to do. That is why I am a big supporter of this legislation.

It is not something that just helps businesses; it helps consumers, too. Reducing the protections for domestically produced goods helps consumers most dramatically. It helps with their cost of living and helps make their daily or weekly or monthly paycheck go a little bit further.

Earlier this week, the Wall Street Journal reported that U.S. exports to trade-pact countries were growing at a far higher rate than exports to nontrade-pact countries. So if we get this TPA passed and the United States enters into one of these agreements under negotiation, such as the Trans-Pacific Partnership, we could see American exports to the region skyrocket. This region in particular involves 11 other countries and makes up about 40 percent of the world's economy, and, of course, it would be a ready-market for U.S. products, from beef to electronics.

The reason why trade promotion authority is so important is because it

makes no sense—in fact, I think it is almost impossible—to negotiate a trade deal with 535 Members of Congress. Congress gives the President the authority within very firm and clear directives on how the President's U.S. trade administration should negotiate this. Frankly, I think this is one area where we have bipartisan agreement that this is good. So why wouldn't we work together in the best interests of the American people and our economy?

Trade doesn't just help businesses, as I have said; trade and TPA also help the consumer by driving down prices they pay every day at the drugstore, the grocery store, the hardware store—you name it. This legislation is good for American exporters and good for American consumers. Put simply, trade is good for America.

Let me reiterate that this bill is not filled with partisan rhetoric. It is actually a very simple trade tool that will give Congress the authority to examine any upcoming trade deal the President is trying to cut and make sure the American people get a fair shake.

I have heard several of our colleagues say they have gone down to a room to look at what has so far been negotiated on the Trans-Pacific Partnership. That is a good thing, but the fact is that negotiations aren't complete. That is not the whole deal; it is just a start.

Many of the provisions in the TPA are just commonsense proposals. For example, if passed, TPA would give Congress the authority to access the full text of the trade agreement. Of course, it is hard to get more straightforward than that. It would also make sure there is greater transparency and accountability in the negotiation process, with regular briefings by the administration to Congress and Members allowed to actually attend the negotiations.

In short, this trade legislation will provide Congress the needed oversight of the trade negotiations and will act as a safeguard for American interests to make sure our markets and our goods and services remain competitive in the global marketplace.

Finally, I would like to say that this is a reminder of how the Senate should function—as a deliberative body that votes regularly on a bipartisan basis to do something important to help hard-working American families. We vote.

I hope we will have a series of votes later this afternoon. I think having an open amendment process, as the majority leader has promised, is something that has been found to be a welcome development not just for the majority but also for the minority, which I know wants to participate in the process and thus represent their constituents to the best of their ability. Although some of my colleagues from across the aisle do not support this legislation, I hope they don't block it and prevent those of us who are interested in passing a good trade promotion authority piece of legislation from working productively.

I would encourage all of our colleagues on both sides of the aisle to offer their amendments so that the Senate can debate them and vote on them. That is our job as the elected representatives of the American people.

I see TPA as a real opportunity to help American workers earn higher wages and send more American-made products around the world. I encourage our colleagues to support this bill and in doing so to lend support to the hard-working Americans who increasingly rely on trade to support their families.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### CLARIFYING THE EFFECTIVE DATE OF CERTAIN PROVISIONS OF THE BORDER PATROL AGENT PAY REFORM ACT OF 2014

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2252, which has been received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2252) to clarify the effective date of certain provisions of the Border Patrol Agent Pay Reform Act of 2014, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 2252) was ordered to a third reading, was read the third time, and passed.

#### TRADE ADJUSTMENT ASSISTANCE

Ms. COLLINS. Mr. President, I rise today to urge my colleagues to support the reauthorization of trade adjustment assistance, which is included in the bill we are now considering. I urge my colleagues to oppose any attempt to curtail this vital program.

Trade adjustment assistance—better known as TAA—plays an essential role in helping hard-working Americans who through no fault of their own lose their jobs as the result of what is often unfair foreign competition. TAA programs enable displaced workers to acquire the new skills, the new training necessary to prepare for jobs in other industries.

I am proud to have authored the bipartisan legislation with Senator RON



WYDEN to reauthorize TAA that is included in the bill before us. Our legislation forms the basis of the TAA provisions that are included in this bill.

Maine workers have been hit particularly hard by mill closures and shuttered factories. In the last 15 years, Maine has lost 38 percent of its manufacturing jobs, nearly 31,000 jobs in total. While not all of those job losses are due to increased and unfair foreign competition, there is no doubt that workers in the manufacturing sector in Maine have been harmed by the outsourcing of their good-paying jobs to countries with much lower wages and environmental standards.

This last year was particularly difficult for workers in Maine's pulp and paper industry. In just the past year alone, the communities of Lincoln, East Millinocket, and Bucksport have all experienced devastating job losses due to the closures of paper mills. Those mills have been the financial anchors of those small towns, providing good jobs for generations of families. The second- and third-order economic effects on other businesses and their employees in those small communities are also significant.

In times of such great upheaval, laid-off employees need the time, the support, and the resources to learn the skills that will enable them to seek and secure new employment opportunities. These are skilled Americans who are eager to get back to work and who, with the right training, support, and opportunity, can find new jobs in in-demand fields.

Just this spring, I visited the Eastern Maine Community College in Bangor. I had the opportunity to talk with a group of students who are former employees of the Verso paper mill in Bucksport, which closed down last year completely unexpectedly. It was a huge and terrible surprise to the workers and to the community and surrounding area. But because of trade adjustment assistance, these former workers with whom I talked are now enrolled in a fine-furniture making program and are learning new skills for new jobs.

I was so impressed with their determination and their attitude. It is very difficult, if you have not been in school for decades, to enroll in a whole new field of study, but that is exactly what these laid-off workers were doing. Their determination to start new careers after years of working at the mill in Bucksport was inspiring. Each of them was enrolled thanks to the support provided by the Trade Adjustment Assistance Program. Without that program, they would not have had the funding, the support, and the resources necessary to enable them to do a mid-life career change.

Similarly, last year in Lincoln, ME, I met a woman who had spent many years working at the local tissue mill. This mill had a cycle of ups and downs over the years. When it was closed for a time years ago, this woman was thrown out of work, but her story had

a happy ending. Through TAA, she was able to learn new skills and find employment as a nursing home administrator, where she has been happily employed for a decade. It took a lot of courage for this woman who had been employed as a mill worker for many years to go into an entirely new career field, but she did so. She encouraged her fellow workers to recognize that through the Trade Adjustment Assistance Program, they too could find new skills, retrain in an area completely different from the work they had been doing, and have a happy ending.

Her story was inspiring. Because of TAA, for 10 years she has been providing for her family and contributing to her community. What a great return on investment. It would not have been possible without TAA. There are many more success stories like this one.

I thank Secretary Perez for expediting the TAA assistance these workers who are newly displaced have needed.

I would also note that since Maine is the State with the oldest median age in the Nation, this woman really picked a very good field in which to enroll. As a nursing home administrator, her skills are going to be in demand as we see the changing demographics not only of the State of Maine but of our Nation.

TAA programs have made a tremendous difference in the lives of those I have described, in the lives of those working in trade-affected industries in Maine, such as pulp and paper manufacturing, textile, and shoe production.

In fiscal year 2013 alone, more than 700 Mainers have benefited from the TAA programs, and more than 70 percent of the TAA participants in Maine have found employment within 3 months of completing their retraining programs made possible by TAA. Even more encouraging, of these participants who found employment, more than 90 percent were still employed in their new jobs 6 months later. Without TAA, it is very unlikely that would have happened.

Assisting American workers who are negatively affected by international trade—particularly when they are competing with workers with lower wages in countries with lower wages and lower environmental standards or none at all—is vitally important and the right thing to do.

In Maine, the effects of free-trade agreements have been decidedly mixed. While some past agreements have brought benefits to my State in the form of lowered tariffs on Maine products such as potatoes, lobster, and wild blueberries, jobs in many other industries have suffered terrible losses as a result of unfair foreign competition.

Our workers are the best in the world, and they can compete when there is a level playing field, but oftentimes they are competing against industries in developing countries that are paying lower wages, that don't have to comply with any kind of environmental standards, and that are

often subsidized by those governments—and that is not fair.

The least we can do is to reauthorize the trade adjustment programs which are successfully helping to retrain and reemploy American workers. That is a commonsense way we can help workers recover from the blows inflicted by some unfair trade agreements, so these Americans can start new jobs and new lives with fresh skills.

I strongly urge my colleagues to support the reauthorization of trade adjustment assistance and to oppose any amendments to end these vital programs.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FLAKE). 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.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1314, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1314) 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.

Pending:

Hatch amendment No. 1221, in the nature of a substitute.

Hatch (for Flake) amendment No. 1243 (to amendment No. 1221), to strike the extension of the trade adjustment assistance program.

Hatch (for Inhofe/Coons) modified amendment No. 1312 (to amendment No. 1221), to amend the African Growth and Opportunity Act to require the development of a plan for each sub-Saharan African country for negotiating and entering into free trade agreements.

Hatch (for McCain) amendment No. 1226 (to amendment No. 1221), to repeal a duplicative inspection and grading program.

Stabenow (for Portman) amendment No. 1299 (to amendment No. 1221), to make it a principal negotiating objective of the United States to address currency manipulation in trade agreements.

Brown amendment No. 1251 (to amendment No. 1221), to require the approval of Congress before additional countries may join the Trans-Pacific Partnership Agreement.

Wyden (for Shaheen) amendment No. 1227 (to amendment No. 1221), to make trade agreements work for small businesses.

Wyden (for Warren) amendment No. 1327 (to amendment No. 1221), to prohibit the application of the trade authorities procedures to an implementing bill submitted with respect to a trade agreement that includes investor-state dispute settlement.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as we resume consideration of our TPA bill, I want to delve a little deeper into the process of considering and approving trade agreements.

Throughout the debate surrounding this bill, I have heard the term “fast-track” used quite a few times. There was, in fact, a time when trade promotion authority was commonly referred to as “fast-track.” Now, only TPA opponents use that term.

They want the American people to believe that under TPA, trade agreements come to Congress and are passed in the blink of an eye. Sometimes they use the term “rubberstamp” as if under TPA Congress wielding ultimate authority over a trade agreement—the power to reject it entirely—is a mere administrative act.

There is a reason the term “fast-track” isn’t used anymore. It is because those who are being truly honest know the process is anything but fast.

I think it would be helpful for me to walk through the entire process Congress must undertake before rendering a final judgment on a trade agreement, to show how thoroughly these agreements are vetted before they ever receive a vote.

Before I do, though, I will note for my colleagues that this bill adds more transparency, notice, and consultation requirements than any TPA bill before it. This bill guarantees that Congress has all the information we need to render an informed up-or-down verdict on any trade agreement negotiated using the procedures in this bill. Congress’s oversight of any trade agreement starts even before the negotiations on that agreement begin.

Under this bill, the President must not only notify Congress that he is considering entering into negotiations with our trading partners but also what his objectives for those negotiations are. Specifically, this has to happen 3 months before the President can start negotiating. That is 3 months for Congress to consult on and shape the negotiations before they even begin.

Congress’s oversight continues as negotiations advance.

This bill requires the U.S. Trade Representative to continuously consult with the Senate Finance Committee and any other Senate committee with jurisdiction over subject matter potentially affected by a trade agreement. Moreover, the USTR, the U.S. Trade Representative, must, upon request, meet with any Member of Congress to consult on the negotiations, including providing classified negotiating text.

The bill also establishes panels to oversee the trade negotiations. These panels, the Senate Advisory Group on Negotiations and the designated congressional advisers, consult with and advise the USTR on the formulation of negotiating positions and strategies. Under the bill, members of these panels would be accredited advisers to trade

negotiating sessions involving the United States.

Congressional oversight intensifies as the negotiations near conclusion. At least 6 months before the President signs a trade agreement, he must submit a report to Congress detailing any potential changes to U.S. trade remedy laws.

Then, 3 months before the President signs a trade agreement, he must notify Congress that he intends to do so. At the same time, the President is required to submit details of the agreement to the U.S. International Trade Commission. The ITC is tasked with preparing an extensive report for Congress on the potential costs and benefits the agreement will have on the U.S. economy, specific economic sectors, and American workers.

I want to focus on the next step required by this bill because it is a new requirement never before included in TPA. Sixty days before the President can sign any trade agreement, he must publish the full text of the agreement on the USTR Web site so that the public can see it. This ensures an unprecedented level of transparency for the American people and gives our constituents the material and time they need to inform us of their views.

Only after the President has met these notification and consultation requirements, only after he has provided the required trade reports, and only after he has made the agreement available to the American people, may he finally sign the agreement.

The process this bill requires before an agreement is even signed is obviously quite complex, full of checks and balances, and provides unprecedented transparency for the American public.

However, once the President does sign the agreement, his obligations continue. Sixty days after signing the agreement, the President must provide Congress a description of changes to U.S. law he considers necessary. This step gives Congress time to begin considering what will be included in the legislation to implement the trade agreement.

This is also the time when the Finance Committee holds open hearings on the trade agreement in order to gather the views of the administration and the public.

Following these hearings, one of the most important steps in this entire process occurs, the so-called informal markup. The informal markup is not always well understood, so I will take a minute to describe it.

The informal markup occurs before the President formally submits the trade agreement to Congress. As with any markup of legislation, the committee reviews and discusses the agreement and implementing legislation, has the opportunity to question witnesses about the agreement, and can amend the legislation.

In the event of amendments, the Senate can proceed to a mock conference with the House to unify the legislation.

The practice of the informal markup produces or provides Congress an opportunity to craft the legislation implementing a trade agreement as it sees fit and to direct the President on the final package to be formally submitted to Congress.

While the informal markup is well established in practice, this bill, for the first time in the history of the TPA, specifies that Congress will receive the materials it needs in time to conduct an informal markup. It requires that 30 days before the President formally submits a trade agreement to Congress, he or she must submit the final legal text of the agreement and a statement specifying any administrative action he will take to implement the agreement.

The bill therefore ensures that Congress will have all the materials it needs in time to conduct a thorough markup. Only at this point may the President formally submit legislation implementing a trade agreement to Congress, and only at this point do the TPA procedures, first established in the Trade Act of 1974, kick in.

Once a bill implementing a trade agreement is formally submitted to Congress, a clock for consideration of that bill starts. This clock gives Congress 90 days in session to consider and roll out a bill. As everyone here knows, 90 legislative days takes a lot longer than 90 calendar days. When I hear my colleagues talk about “fast-track,” I think this is where they start the clock.

They are disregarding the years of oversight and consultations that occurred during trade negotiations. They are ignoring the many months of congressional consideration of trade legislation that occurs before the President ever formally submits that legislation to Congress. They are discounting that by this point in the process, Congress has held hearings on the agreement, received views from the public, and extensively reviewed the agreement and the implementing legislation through an informal markup. Calling this part of the process fast-track is like skipping to the end of a book and saying the author did not develop a plot.

As I said, even here at the end of the process, the bill provides more than 3 months for hearings, committee action, floor debate, and votes. Sometimes I think that only a United States Senator could argue that more than 3 months to formally consider legislation—legislation that has already been thoroughly debated, vetted, and reviewed—is making decisions too fast.

When Congress votes on an implementing bill, it is only after years of oversight and months of formal review. So I have to ask, does this process seem fast to you? If TPA is not fast, then what does TPA do? Put simply, TPA guarantees a vote. TPA says to the world that when they sign an agreement with the United States, Congress promises to say yes or no to that agreement. Most importantly,



TPA guarantees that Congress will have the information in the time we need to make that decision.

Without TPA, we are essentially telling the President to try to negotiate the price of a house, and then after buying that home, we are asking to renegotiate with the sellers. This would be absurd and rob Americans of financial opportunities, employment, and a fair world marketplace they can only get from free-trade agreements.

Once again, I urge all my colleagues to support the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I come to the floor today to discuss two amendments that are pending to the trade bill. I want to begin by thanking Chairman HATCH and Ranking Member WYDEN, as well as Senators MCCONNELL and REID, for working with me to make these amendments pending.

I believe it is important that we have an amendment process as we consider granting trade promotion authority to the President. Enacting the bill before us will have major impacts on our Nation's economy for years to come, and Senators should have an opportunity to improve the product reported by the Committee on Finance.

The trade promotion authority bill by its very nature demands that Senators be able to debate and vote on key trade issues. That is because the trade promotion authority bill creates a process by which trade agreements are submitted to Congress for approval without the opportunity to change them on the House or Senate floor. So it is critical that we utilize the opportunity we have now to set the rules of the road for future trade agreements and to enact important trade reforms.

Today, I would like to discuss two amendments I believe will strengthen the trade package.

#### AMENDMENT NO. 1227

As ranking member of the small business committee, it is my responsibility to look at bills on the Senate floor and ask: How does this affect small businesses? How will they benefit or be harmed? How can we improve this bill so that small businesses have a seat at the table?

I think that is especially important as we talk about trade. Trade has become increasingly vital for small businesses that are looking to diversify and grow. Yet, even though 95 percent of the world's customers live outside of the United States, less than 1 percent of our small- and medium-sized businesses are exporting to global markets. By comparison, over 40 percent of large businesses sell their products overseas. As we consider this trade package, we must make sure small businesses have a seat at the table and the resources they need to sell overseas.

The amendment I filed incorporates bipartisan, commonsense measures that will help small businesses take advantage of trade opportunities. It reau-

thorizes the SBA's State Trade and Export Promotion Grant Program. This program, known as STEP, was created as a pilot program to help States work with small businesses to succeed in the international marketplace. In just a few years, STEP has been a great success. Since 2011, it has supported over \$900 million in U.S. small business exports, producing a return on investment of 15 to 1 for taxpayers.

It has helped small businesses such as Corfin Industries, located in Salem, NH. Before STEP, Corfin's international sales were just 2 percent. Now they are up to 12 percent. As a result, the company has added 22 employees. That is the kind of job growth we will see in our small businesses when we make sure they are part of our trade agenda.

Reauthorizing the successful STEP Program is a commonsense way to make sure our small businesses can benefit from trade, and it builds on bipartisan legislation that was first introduced by Senator CANTWELL, who was just on the floor, Senator COLLINS, and me.

The amendment also takes a number of steps to make it easier for small businesses to access export services provided by the Federal Government. It encourages those Federal agencies, such as the Small Business Administration and the Department of Commerce, to work hand in hand with State trade agencies that have on-the-ground knowledge of local needs.

Finally, the amendment makes sure we understand how trade agreements negotiated under trade promotion authority will affect small businesses.

I urge my colleagues to support this small business amendment, and I hope we can reauthorize the Ex-Im Bank so that our small businesses can access that funding and get into those international markets.

#### AMENDMENT NO. 1226

The second amendment I would like to discuss is an amendment Senator MCCAIN, who is on the floor, and I have filed to repeal a harmful, job-killing program—the USDA Catfish Inspection Program. This is something Senator MCCAIN has been working on for years. I have joined him in recent years to try to address the concerns I have heard from companies in New Hampshire that are going to be affected by that new USDA Catfish Inspection Program.

Back in 2008, a provision was added to the farm bill that transferred the inspection of catfish—only catfish—from the FDA, which inspects all foreign and domestic fish products, to the U.S. Department of Agriculture. It required USDA to set up a new, separate program to inspect catfish alone.

I think this is a wasteful, duplicative program that will hurt seafood-processing businesses across the country. There is no scientific or food safety benefit here. In fact, officials from FDA and USDA have explicitly stated that catfish is a low-risk food. In nine separate reports, the Government Ac-

countability Office has recommended eliminating this program.

Even worse, this program is actually a thinly disguised trade barrier against foreign catfish. We are facing an immediate 5- to 7-year ban on imported catfish as soon as the USDA program is up and running. As a result, our trading partners are explicitly threatening retaliation. And since there is no scientific basis for this program, any WTO nation that currently exports catfish to the United States could challenge it and secure WTO-sanctioned trade retaliation against a wide range of U.S. export industries, including beef, soy, poultry, pork, grain, fruit, or cotton. The program is becoming a major issue of concern in Trans-Pacific Partnership negotiations.

The only other time the Senate has voted on this issue was in 2012 when we voted to repeal it in a bipartisan voice vote. But since then, we have been denied the opportunity to address this issue on the floor. I think it is very important that we have an opportunity to vote on this amendment because the USDA is poised to begin its inspection of catfish very soon. This may be our last chance to solve this problem before the program's harmful effects begin.

Again, we need an opportunity to vote on this amendment. I urge my colleagues to support it and to repeal the duplicative USDA Catfish Inspection Program.

I look forward to hearing what my colleague Senator MCCAIN has to say.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I wish to thank the Senator from New Hampshire for her support and continuing efforts to get rid of this wasteful, pork barrel, outrageous program that has cost the taxpayers tens of millions of dollars and with regard to the catfish office alone, about \$20 million to date. As the Senator from New Hampshire pointed out, this could put the entire TPP—Trans-Pacific Partnership—Agreement in jeopardy. So this has a lot more to do with just catfish here; it has a lot to do with our international relations and the prospects of concluding or not concluding one of the most important trade agreements arguably of the 21st century, obviously.

I am pleased to join my colleagues, Senators SHAHEEN, AYOTTE, ISAKSON, KIRK, CRAPO, RISCH, CASEY, REED, PETERS, WYDEN, WARNER, CANTWELL, and MCCASKILL, in introducing this amendment, which has already been made pending to the trade promotion authority act, which would repeal a proposed Catfish Inspection Program at the U.S. Department of Agriculture. The amendment would end the waste of taxpayer money pouring into the creation of a USDA catfish office, which is about \$20 million to date. It would also save American farmers and livestock growers from potentially losing billions of dollars in lost market access to Asian nations.

As the Senator from New Hampshire pointed out, I have been fighting this catfish battle for a long time. I first tried to kill an old catfish-labeling program in the 2002 farm bill. Later, during the Senate's debate on the 2012 farm bill, I offered a similar amendment to repeal this new catfish program, which was adopted by voice vote. But when the Senate took up the 2014 farm bill after failing to pass it in 2012, I was blocked from having a vote by the Democratic manager despite her assurances that my amendment would receive a vote.

I note that my dear friend from Mississippi is here, and I know there may be others who will want to preserve this \$14 to \$20 million waste of taxpayer dollars. All I want is a vote. All I am asking for is an up-or-down vote on whether we should continue to squander millions of taxpayer dollars on a program that is not only duplicative but endangers the entire Trans-Pacific Partnership Agreement we are discussing today.

American agriculture is the heart of our efforts to pass TPA, particularly as negotiators move closer to completing the Trans-Pacific Partnership Agreement. TPA can put wind in the sails of the 12-nation TPP, which will promote hundreds of billions of dollars of American exports, including beef, pork, poultry, soy, wheat, vegetables, and dairy products. The TPP covers an area of the world that accounts for about 40 percent of global GDP and one-third of all trade. The TPP will strengthen our security relationships with countries such as Japan, Malaysia, Vietnam, and Australia, and provide a strategic counterweight to Chinese protectionist influence. So it is our responsibility to pass a trade promotion authority that signals to Asian trading partners that we are serious about free trade.

Free trade is good for America. I am a representative of a State that has immeasurably benefited from the North American Free Trade Agreement.

By the way, many of the same interests and people who opposed that are opposing this now—i.e., primarily the labor unions.

Here, that means eliminating this catfish program, which is one of the most brazen and reckless protectionist programs that I have encountered in my time in the Senate. The purpose of the USDA catfish office is purportedly to make sure catfish is safe for human consumption. I am all in favor of ensuring that American consumers enjoy wholesome catfish. The problem is that the Food and Drug Administration already inspects all seafood, including catfish.

The true purpose of the catfish program is to create a trade barrier to protect a small handful of catfish farmers in two or three Southern States. Let's be clear about what this is all about—protecting catfish farmers in two or three Southern States. Yet, we are endangering the entire agreement here. That is not right, and it is not right for the American people.

In classic farm bill politics, southern catfish farmers worked up some specious talking points—which will probably be repeated here today—about how Americans need a whole new government agency to inspect catfish imports. As a result, USDA will soon hire and train roughly 95 catfish inspectors to work right alongside the FDA inspector doppelgangers in seafood-processing plants across the Nation. Experts say it could take as long as 5 to 7 years for foreign catfish exporters to duplicate USDA's new program, which would give southern catfish farmers a lock on the American seafood market.

Growing government is not cheap. To date, the USDA has spent \$20 million to set up the catfish office without inspecting a single catfish. I am not making that up. Moving forward, the USDA estimates it will spend around \$14 million a year once the program is operational.

GAO has investigated this catfish office and warned Congress in nine different reports—nine different reports to GAO, which is probably clearly the most trusted organization here—nine different reports. The catfish office should be repealed. It is wasteful and duplicative. The FDA already inspects seafood. It fragments our food inspection system. Nine different reports. One GAO report is simply titled "Responsibility for Inspecting Catfish Should Not Be Assigned to USDA." The Government Accountability Office has repeatedly found that catfish inspectors are a phony issue and warned that implementing the USDA program might actually make food less safe for Americans by fragmenting seafood inspections across two Federal agencies.

Here are a few GAO excerpts.

GAO, May 2012:

USDA uses outdated and limited information as its scientific basis for catfish inspection. The cost effectiveness of the catfish inspection program is unclear because USDA would oversee a small fraction of all seafood imports while FDA, using its enhanced authorities, could undertake oversight of all imported seafood.

GAO, February 2013:

Congress should consider repealing provisions of the Farm Bill that assigned USDA responsibility for examining and inspecting catfish.

GAO, April 2014:

We suggested that Congress consider repealing these provisions of the 2008 Farm Bill. However, the 2014 Farm Bill instead modified these provisions to require the Secretary of Agriculture to enter into a memorandum of understanding with the Commissioner of FDA that would ensure that inspection of catfish conducted by the FSIS and FDA are not duplicative. We maintain that such an MOU does not address the fundamental problem, which is that FSIS's catfish program, if implemented, would result in duplication of activities and an inefficient use of taxpayer funds. Duplication would result if facilities that process both catfish and other seafood were inspected by both FSIS and FDA.

Even if my colleagues do not care about ballooning government spending and taxpayer waste, then consider the

risk this catfish program presents to jobs and agriculture exports from their home States to an area of the world that accounts for 40 percent of the world's GDP and one-third of its trade.

Ten Asian-Pacific nations have sent letters to the Office of the U.S. Trade Representative warning that this USDA catfish office is hurting TPP negotiations. At least one nation—Vietnam—has threatened trade retaliation if the program comes online.

American trade experts are equally outraged. In a legal opinion written by the former chief judge at the World Trade Organization—the chief judge at the World Trade Organization said:

The United States would face a daunting challenge in defending the catfish rule . . . there was, and still is, no meaningful evidence that catfish—domestic or imported—posed a significant health hazard when Congress acted in 2008 . . . the complete lack of scientific evidence to justify the catfish rule combines with substantial evidence of protectionist intent.

He further notes that when it came to creating the USDA Catfish Inspection Program in the dead of night using a farm bill conference report—that is interesting, my colleagues; a farm bill conference report was how this whole thing came about—"Congress shot first and asked questions later."

This is perhaps Mr. Bacchus's most poignant warning:

If Congress continues to mandate the transfer of jurisdiction over catfish, it will not only be inviting a WTO challenge to the rule; it will be giving other nations an opening to enact "copycat legislation" which will disadvantage our exports. Moreover, if the United States somehow prevails in defending the catfish measure in a WTO case, it will truly be "open season" in the rest of the world for new restrictions on U.S. agriculture exports of all kinds.

Mr. Bacchus is not alone in his assessment. The Wall Street Journal has covered this catfish debacle over the years. The Wall Street Journal has editorialized and reported on this many times.

This past weekend, the editorial board of the Wall Street Journal penned an editorial entitled "Congress's Catfish Trade Scam."

The Wall Street Journal, lead editorial, "Congress's Catfish Trade Scam."

"The U.S. slams a trade partner and raises prices for Americans."

"Senate Democrats dealt a blow to economic growth Tuesday by refusing to advance . . . Japan, Vietnam," et cetera.

The problem dates to 2002, when Congress barred Vietnamese exporters from marketing as "catfish" an Asian cousin known as pangasius with similar taste, texture and whiskers. But that failed to curb American enthusiasm for the cheaper foreign creature, which is common in fish sticks and often called "basa" or "swai" on menus. So in 2003 Washington slapped tariffs on the Vietnamese fish, claiming they were "dumped" into the U.S. market at unfairly low prices.

That didn't work either, so Mississippi Republican Thad Cochran slipped a provision into the 2008 farm bill to transfer regulatory

responsibility over catfish, including pangasius, to the U.S. Department of Agriculture from the Food and Drug Administration. The pretext was public health, but pangasius posed no risk, and the USDA regulates meat and poultry, not fish. The real aim was to raise costs for Vietnamese exporters and drive them from the U.S. market.

Thus was born one of Washington's most wasteful programs, which the Government Accountability Office has criticized nine times and estimated to have cost \$30 million to start, plus \$14 million a year to operate—as opposed to the \$700,000 annual cost of the original inspection regime. This is “everything that’s wrong about the food-safety system,” said former FDA food-safety czar David Acheson recently. “It’s food politics. It’s not public health.”

Pangasius imports continue for now as the USDA sets up its expensive new office, with the fish passing cod and crab last year to become America’s sixth most-popular. (Shrimp is first.) Meanwhile, Vietnam has threatened to respond to a ban by demanding the right to retaliate against U.S. beef, soybeans and other products as part of TPP negotiations and suing the World Trade Organization, where it would probably win.

Most Members of Congress understand the damage, but Mr. COCHRAN has used his seniority to block repeal. The latest effort at repeal, sponsored by JOHN MCCAIN and nine other Republicans and Democrats, could get a vote when the Senate reconsiders the trade-promotion bill, then would have to go through the House. Ending catfish protectionism would be a sign that at least some in Washington are serious about free trade.

Mr. President, I ask unanimous consent to have printed in the RECORD the aforementioned Wall Street Journal editorial.

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

[From the Wall Street Journal, May 14, 2015]  
CONGRESS’S CATFISH TRADE SCAM

Senate Democrats dealt a blow to economic growth Tuesday by refusing to advance the trade-promotion bill needed to complete the Trans-Pacific Partnership trade pact (TPP). Now Japan, Vietnam and other negotiating partners will look to see if Washington can salvage its trade agenda. They’ll also be watching Congressional jockeying over catfish. Allow us to explain.

The problem dates to 2002, when Congress barred Vietnamese exporters from marketing as “catfish” an Asian cousin known as pangasius with similar taste, texture and whiskers. But that failed to curb American enthusiasm for the cheaper foreign creature, which is common in fish sticks and often called “basa” or “swai” on menus. So in 2003 Washington slapped tariffs on the Vietnamese fish, claiming they were “dumped” into the U.S. market at unfairly low prices.

That didn’t work either, so Mississippi Republican Thad Cochran slipped a provision into the 2008 farm bill to transfer regulatory responsibility over catfish, including pangasius, to the U.S. Department of Agriculture from the Food and Drug Administration. The pretext was public health, but pangasius posed no risk, and the USDA regulates meat and poultry, not fish. The real aim was to raise costs for Vietnamese exporters and drive them from the U.S. market.

Thus was born one of Washington’s most wasteful programs, which the Government Accountability Office has criticized nine times and estimated to have cost \$30 million to start, plus \$14 million a year to operate—as opposed to the \$700,000 annual cost of the original inspection regime. This is “everything that’s wrong about the food-safety sys-

tem,” said former FDA food-safety czar David Acheson recently. “It’s food politics. It’s not public health.”

Pangasius imports continue for now as the USDA sets up its expensive new office, with the fish passing cod and crab last year to become America’s sixth most-popular. (Shrimp is first.) Meanwhile, Vietnam has threatened to respond to a ban by demanding the right to retaliate against U.S. beef, soybeans and other products as part of TPP negotiations and suing at the World Trade Organization, where it would probably win.

Most Members of Congress understand the damage, but Mr. Cochran has used his seniority to block repeal. The latest effort at repeal, sponsored by John McCain and nine other Republicans and Democrats, could get a vote when the Senate reconsiders the trade-promotion bill, then would have to go through the House. Ending catfish protectionism would be a sign that at least some in Washington are serious about free trade.

Mr. MCCAIN. Mr. President, I ask unanimous consent to have printed in the RECORD an article dated June 27, 2014, entitled “U.S. Catfish Program Could Stymie Pacific Trade Pact, 10 Nations Say”; a letter by Jim Bacchus dated May 14, 2015; a letter dated May 13, 2015, from the National Taxpayers Union, Taxpayers for Common Sense, Taxpayers Protection Alliance, and Council for Citizens Against Government Waste, all of them urging Congress to repeal the catfish program in TPA; a letter dated May 14, 2015, from the National Restaurant Association; and a letter dated April 22, 2015, from the Vietnamese Ambassador to the Senate Finance Committee.

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

[From the New York Times, June 27, 2014]  
U.S. CATFISH PROGRAM COULD STYMIE  
PACIFIC TRADE PACT, 10 NATIONS SAY  
(By Ron Nixon)

WASHINGTON.—Ten Asian and Pacific nations have told the Office of the United States Trade Representative that the Agriculture Department’s catfish inspection program violates international law, and their objections could hamper Obama administration efforts to reach a major Pacific trade agreement by the end of next year.

They say that the inspection program is a trade barrier erected under the guise of a food safety measure and that it violates the United States’ obligations under World Trade Organization agreements. Among the countries protesting are Vietnam and Malaysia, which are taking part in talks for the trade agreement—known as the Trans-Pacific Partnership—and have the ability to derail or hold up those negotiations.

The complaints are outlined in a May 28 letter signed by diplomats from the 10 countries. The letter does not threaten retaliation, but it emphasizes that the American catfish program stood in the way of the trade talks.

Vietnam, a major catfish producer, has long complained about the program, but it has never before won international support for its fight. Several of the countries whose representatives signed the letter—including the Philippines, Myanmar, Thailand and Indonesia—do not have catfish industries to protect and are not involved in the trans-Pacific trade talks.

But the letter expresses the concern that the inspection program could lead the Agriculture Department to expand its ability to regulate seafood exports to the United States, catfish or not.

“Many of these countries are looking to see what happens to Vietnam on the catfish

issues, and what precedents it might set for other trade deals in the region,” said Jeffrey J. Schott, a senior fellow at the Peterson Institute for International Economics in Washington and the co-author of a book on the Trans-Pacific Partnership. The United States and 11 countries on both sides of the Pacific—as well as Australia, New Zealand and Brunei—are still negotiating the trade pact, which has been repeatedly delayed over various disputes.

The Vietnam Association of Seafood Exporters and Producers recently hired James Bacchus, a former chairman of the World Trade Organization’s appeals panel, to prepare a possible legal challenge to the catfish inspection program.

Mr. Bacchus said in an interview that only governments have standing to bring a case before the trade organization, but that the export group was working closely with Vietnamese officials to monitor the catfish inspection program.

“I’m confident that Vietnam would have a case before the W.T.O. if they decided to bring one,” said Mr. Bacchus, a former United States House member from Florida who is now a lawyer with Greenberg Traurig in Washington.

The inspection program was inserted into the 2008 farm bill at the urging of catfish farmers, who have been hurt by competition from both Vietnam and China and by the rising cost of catfish feed. The domestic catfish industry has shrunk by about 60 percent since its peak about a decade ago, and in the past few years about 20 percent of American catfish farming operations have closed.

The catfish industry and lawmakers led by Senator Thad Cochran, Republican of Mississippi, fought for the new office, saying it was needed to protect Americans from eating fish raised in unsanitary conditions or contaminated with drugs. The Food and Drug Administration has a similar program, but it inspects less than 2 percent of food imports, and advocates of the Agriculture Department program said that was not good enough.

The Agriculture Department has traditionally inspected meat and poultry, while the F.D.A. has been responsible for all other foods, including seafood.

Agriculture Department inspections are more stringent than those conducted by the F.D.A. The Agriculture Department also requires nations that export beef, pork and poultry to the United States to set up inspections that are equivalent to the agency’s program—an expensive and burdensome regulation that Vietnam says is unnecessary for catfish. A Government Accountability Office report in May 2012 called imported catfish a low-risk food and said an Agriculture Department inspection program would “not enhance the safety of catfish.”

The Agriculture Department said it had spent \$20 million since 2009 to set up its office, which has a staff of four, although it has yet to inspect a single catfish. The department said it expected to spend about \$14 million a year to run the program; the F.D.A., by comparison, spends about \$700,000 annually on its existing seafood inspection office.

Senator John McCain, Republican of Arizona, and other critics say the Agriculture Department program is a waste of money, and Mr. McCain sponsored an amendment in the latest farm bill that would have killed the program. But the measure was never brought up for a vote. The Obama administration has also called for eliminating the Agriculture Department program.

MAY 14, 2015.

Hon. MITCH MCCONNELL,  
Senate Majority Leader.

Hon. HARRY REID,  
Senate Minority Leader.

SENATORS MCCONNELL AND REID: As the Senate considers Trade Promotion Authority, Trade Adjustment Assistance, and related legislation, I wanted to make certain that you have the facts about the USDA Catfish Inspection Program and its implications for the United States in the world trading system. In particular, I want to make sure you are aware that the United States would face a daunting challenge in defending the catfish rule.

As background, I am a former Member of Congress, from Florida; a former international trade negotiator for the United States; and the former Chairman of the Appellate Body—the chief judge—for the World Trade Organization. In nearly a decade of service to the Members of the WTO as one of the seven founding judges on the highest global tribunal for world trade, from 1995 through 2003, I judged many of the most notable WTO trade disputes and wrote the legal opinions in many of the WTO trade judgments on issues relating to numerous aspects of both agricultural trade and food safety. Currently, I chair the global practice of the Greenberg Traurig law firm, for which I am writing in my capacity as counsel to the National Fisheries Institute.

As you will recall, the 2008 and 2014 Farm Bills contained language that would shift inspection of catfish from the Food and Drug Administration (FDA) to the United States Department of Agriculture's Food Safety Inspection Service (FSIS). FDA currently regulates all seafood, and FSIS regulates beef, pork, and poultry. Supporters of the transfer of jurisdiction have reassured Senators that the USDA program would not create a problem for the United States under WTO rules because imported catfish would be subject to the same standards as American catfish.

This is not so. The legal test of whether a measure, as written or as applied, is consistent with WTO obligations is not whether it imposes the same standard on like domestic and imported products. The legal test in the WTO is whether such a measure, as written or as applied, denies an equal competitive opportunity to the like imported products in the domestic marketplace. The catfish measure promises to fail this fundamental legal test under international law.

It is not my intent here to list the entire catalogue of claims that would be likely to be brought against the United States in a case in WTO dispute settlement by Vietnam and possibly by other affected Members of the WTO following implementation of the catfish measure by the USDA. There will be more than ample opportunity for doing so later in Geneva if the catfish measure is not repealed.

Suffice it to say that, if the catfish measure is not repealed, and if it is implemented by USDA as currently contemplated, quite a few strong claims could very likely be made in WTO dispute settlement by the affected trading partners of the United States under both the General Agreement on Tariffs and Trade (the GATT) and the Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement), which are both part of the overall WTO treaty.

Because WTO litigation is intensely fact-specific, and requires painstaking and extensive development and analysis of the measures being challenged, I am always reluctant to express a definitive opinion about a potential WTO case. Having judged so many WTO cases, I am less inclined than others to predict their outcome. This case, however, stands out for the egregiousness of its incon-

sistencies with WTO obligations. Quite rightly, the Congressional Research Service has quoted approvingly a Wall Street Journal opinion article that described the treatment of Vietnamese catfish in this measure as "protectionism at its worst."

Nothing good can result for the United States from applying the catfish measure.

Continuing with the implementation of the catfish measure would further complicate the efforts of US trade negotiators to secure significant concessions from Vietnam and others on other issues of considerable importance to US businesses and workers in the Trans-Pacific Partnership.

Losing a WTO case that challenged the catfish measure would, if the United States chose not to comply with the WTO ruling, give the complaining countries the right to retaliate against American agricultural and other products bound for their markets.

Perhaps worst of all for the United States would be winning a WTO case that challenged the catfish measure.

The United States has a long and contentious history of trying to overcome European and Asian trade barriers to our agricultural and food products that are justified as "food safety" measures but are in fact intended to block entirely safe American food exports. For this reason, the United States has long been the leading advocate for a strong SPS agreement that ensures that food safety measures will be based on real scientific evidence, including a serious risk assessment.

If Congress continues to mandate the transfer of jurisdiction over catfish, it will not only be inviting a WTO challenge to the rule; it will be giving other nations an opening to enact "copycat legislation" which will further disadvantage our exports. Moreover, if the United States somehow prevails in defending the catfish measure in a WTO case, it will truly be "open season" in the rest of the world for new restrictions on US agricultural exports of all kinds.

Sincerely,

JAMES BACCHUS,  
Chair, Global Practice.

MAY 13, 2015.

DEAR SENATOR MCCAIN: The undersigned groups representing millions of taxpayers and allied educational bodies write in support of your efforts to repeal the duplicative catfish inspection program at the United States Department of Agriculture (USDA) in S. 995, the Bipartisan Congressional Trade Priorities and Accountability Act of 2015. The undersigned groups have been vocal critics of the catfish inspection program that has spent \$20 million over four years and not inspected a single fish. The Government Accountability Office has nine times listed the program as "wasteful and duplicative;" and it is one that the former Chief Judge of the highest court of international trade says will result in not just a trade war but also a lawsuit the U.S. will lose. Right now the program is on track to spend \$15 million annually for the USDA to do a job the FDA is already doing.

Specifically on the issue of trade, according to an April 24, 2012 bipartisan letter to Senate Agriculture, Nutrition & Forestry Chairwoman Debbie Stabenow (D-Mich.), "And beyond the fiscal implications, the catfish program has caused considerable concern among trade experts. According to them, the program would create a discriminatory de facto ban on exports from key trading partners and expose us to retaliation. . . . We are aware that no scientific data that catfish, imported or domestic, pose any greater food safety risk than other farmed seafood—all of which will remain under FDA regulation."

Eliminating the duplicative USDA catfish inspection office was agreed to by voice vote in the 2013 Senate farm bill debate, yet inexplicably the Senate was never granted an opportunity to debate the merits of including this program in the 2014 farm bill. But now with Trade Promotion Authority, there is an opportunity to finally implement the will of the Senate and end the duplicative waste that the USDA catfish inspection program has continued to foster. We support your efforts to repeal the program restoring some measure of fiscal discipline and we urge your colleagues in the Senate to do the same.

Sincerely,

Council for Citizens Against Government Waste, National Taxpayers Union, Taxpayers for Common Sense, Taxpayers Protection Alliance.

NATIONAL RESTAURANT ASSOCIATION,  
Washington, DC, May 14, 2015.

DEAR SENATOR: On behalf of the National Restaurant Association, I strongly urge you to support the bipartisan McCain-Shaheen catfish amendment to the Senate's pending trade related legislation. This amendment supports our nation's businesses, farmers, customers and taxpayers by removing funding for the duplicative U.S. Department of Agriculture (USDA) catfish inspection program.

During the 2008 Farm Bill Conference, language was added to transfer the responsibility for catfish inspections from the Food and Drug Administration (FDA) to the USDA.

The USDA has already spent \$20 million drafting regulations and the Government Accountability Office (GAO) estimates that the USDA will spend \$170 million over the next decade implementing the program. The GAO also found that implementation of the USDA catfish program will cost American taxpayers millions annually to provide a duplicative service because the FDA currently inspects all seafood, including catfish. Every U.S. facility that processes, handles, or distributes catfish would now be subject to duplicative regulation by both FDA and USDA.

As members of the foodservice industry, we are committed to food safety. However, this new program would provide no benefit. In fact, the USDA itself has stated that its Food Safety Inspection Service (FSIS) would not provide additional food safety protection. The Agency's cost-benefit analysis also found no significant safety benefit in creating the program.

Finally, implementation of this program could strongly impact U.S. agricultural relations with key trading partners. This program would create a potential trade barrier to catfish imports and could violate the World Trade Organization Sanitary and Phytosanitary agreement. It could also make U.S. agricultural exports susceptible to trade retaliation.

For these reasons, we encourage you to help our nation's businesses, farmers, customers and taxpayers by supporting the bipartisan McCain-Shaheen amendment.

Sincerely,

MATT WALKER,  
Vice President, Gov-  
ernment Affairs, Na-  
tional Restaurant  
Association.

LAURA ABSHIRE,  
Director of Sustain-  
ability & Govern-  
ment Affairs, Na-  
tional Restaurant  
Association.

THE AMBASSADOR,  
EMBASSY OF VIETNAM,  
Washington, DC, April 22, 2015.

Hon. ORRIN G. HATCH,  
Chairman, Senate Finance Committee, Wash-  
ington, DC.

YOUR HONORABLE: As ambassador of Viet-  
nam to the United States, I am writing to  
bring to your attention to the concern of the  
Vietnamese Government related to the dis-  
cussion on the TPA/TPP at the Senate Fi-  
nance Committee under your leadership and  
seek your kind assistance on the matter.

The concern is related to the so-called  
"catfish inspection program" being trans-  
ferred from the FDA to USDA, for the fol-  
lowing reasons:

The USDA program is duplicative with the  
FDA and National Marine Fisheries Service.

It costs much more the U.S. tax payers and  
imposes unnecessary regulatory complexity  
for seafood processors, which in turn adds  
burden to the U.S. customers.

It adds nothing more to ensuring the safe-  
ty of the products.

It creates an inappropriate trade barrier  
that violates the World Trade Organization  
(WTO) rules.

In particular, this provision is not in line  
with what is to be achieved for the TPP,  
which is based on high standards, including  
on trade liberalization.

The Government of Vietnam strongly  
urges that an amendment to be set up to re-  
peal the above-mentioned provision in the  
process of consideration and approval of the  
TPA/TPP.

I count on your support in this regard.  
Please, accept, Your Honorable, the assur-  
ances of my highest consideration.

Yours sincerely,

PHAM QUANG VINH.

Mr. MCCAIN. Mr. President, the Na-  
tional Restaurant Association sent a  
letter:

On behalf of the National Restaurant Asso-  
ciation, I strongly urge you to support the  
bipartisan McCain-Shaheen catfish amend-  
ment to the Senate's pending trade related  
legislation. . . . As members of the  
foodservice industry, we are committed to  
food safety. However, this new program  
would provide no benefit. In fact, the USDA  
itself has stated that its Food Safety Inspec-  
tion Service (FSIS) would not provide addi-  
tional food safety protection.

Finally, implementation of this program  
could strongly impact U.S. agricultural rela-  
tions with key trading partners.

The Taxpayers Protection Alliance:

We support your efforts to repeal the pro-  
gram restoring some measure of fiscal dis-  
cipline and we urge your colleagues in the  
Senate to do the same.

Mr. President, I understand that the  
parliamentary situation is that we  
have a number of pending amendments  
and that probably it is very likely that  
a cloture motion will be filed. That, of  
course, would then mean I would not be  
allowed to have this amendment.

If we do not allow this amendment, I  
have to say that we will be really  
showing a degree of contempt and arro-  
gance for the taxpayers of America. I  
have watched this program and this in-  
credible—I have seen \$14 million wast-  
ed. I have seen an example of protec-  
tionism.

I was told in the last bill on agri-  
culture that I would receive a vote on  
my amendment. All I am asking for is  
a straight up-or-down vote so we can  
save the taxpayers \$14 million, \$20 mil-

lion, \$30 million, \$40 million on a pro-  
gram that is both wasteful and not  
needed.

I understand my colleagues from Mis-  
sissippi and other Southern States  
want to protect their catfish industry,  
which I have enjoyed many samples of  
over the years. I do not understand the  
rationale for continuing—particularly  
under conditions of sequestration—any  
program that costs the taxpayers  
unending millions of dollars per year.

I urge my colleagues to demand a  
vote. All I am asking for is an up-or-  
down vote on an amendment that is  
clearly relevant to the consideration of  
this legislation.

I yield the floor.

The PRESIDING OFFICER. The Sen-  
ator from New Hampshire.

Ms. AYOTTE. Mr. President, I want  
to add my support to the amendment  
Senator McCain has just spoken to and  
my colleague from New Hampshire,  
Senator SHAHEEN.

Absolutely we should have a vote on  
eliminating this duplicative inspection  
of catfish, what the Wall Street Jour-  
nal is calling one of Washington's most  
wasteful programs, calling it the cat-  
fish scam.

In fact, we had testimony before the  
small business committee the other  
day, and I asked the representative of  
the FDA whether we need duplicative  
inspections of catfish because right  
now the FDA is inspecting catfish for  
\$700,000 a year, and this duplicative in-  
spection of it is estimated to cost over  
\$14 million a year. In fact, there was al-  
ready a study done by the National  
Fisheries Institute that the USDA had  
spent more than \$20 million to have a  
duplicative inspection regime. As Sen-  
ator MCCAIN mentioned, there are nine  
GAO reports about the fact that we are  
wasting taxpayer dollars on a duplica-  
tive inspection regime that we should  
eliminate.

The fact that we cannot get a vote on  
the Senate floor on such a wasteful use  
of taxpayer dollars—this is why people  
get frustrated with Washington when it  
is sitting right before us, and it is so  
obvious that we should not waste their  
money when we already have a per-  
fectly good inspection regime that  
costs so much less versus this added in-  
spection regime, which in the end is  
going to hurt jobs across this country,  
including jobs in New Hampshire, be-  
cause it is going to create not only a  
duplicative program that wastes tax-  
payer dollars that common sense would  
tell us we should have a vote to elimi-  
nate, but it is also going to eliminate  
the opportunity for trade. The free-  
trade agreements that are currently  
being negotiated could mean over 8,200  
jobs in my State.

James Bacchus, the former chief  
judge on the highest international tri-  
bunal of world trade and former Mem-  
ber of Congress, said this program will  
result not just in a trade war but also  
a lawsuit, and the United States will  
lose. Not only will we lose taxpayer  
dollars by not having a vote on this

program and wasting money, but we  
will also create an unnecessary trade  
barrier that could impede future trade  
agreements and American jobs that  
can be created.

I offer my support for this amend-  
ment, and I do believe we should have  
a vote on this amendment. Why  
wouldn't we have a vote on a program  
that has demonstrated—by nine GAO  
reports—it has wasted millions of dol-  
lars which could otherwise be used to  
pay down our debt or put to good use in  
programs that are worthwhile. Yet  
here we are. We cannot even get a vote.

I share my colleague's concern. I  
thank Senator MCCAIN and Senator  
SHAHEEN for bringing this important  
amendment forward, and I hope we will  
have a vote to eliminate the wasteful  
money going into the USDA inspection  
regime of catfish.

How many times do we need our cat-  
fish inspected? It is absurd and time to  
end this waste and quit wasting tax-  
payer dollars.

I thank the Presiding Officer.

The PRESIDING OFFICER (Mr.  
ROUNDS). The Senator from Mississippi.

Mr. WICKER. Mr. President, I under-  
stand that Senator WYDEN has priority  
recognition at this time. I have been  
informed he does not object to me en-  
tering into the debate at this moment.

May I proceed on this amendment?

The PRESIDING OFFICER. The Sen-  
ator is recognized.

Mr. WICKER. I thank the Presiding  
Officer.

Mr. President, there are a couple of  
objectives this McCain amendment  
would accomplish. For one thing, it  
was in the 2008 farm bill. The current  
move to change the inspection from  
the FDA to the Department of Agri-  
culture is in the current farm bill, and  
it is about to take place, so it would re-  
visit the last two farm bills. I do not  
think we should be doing that in a  
trade promotion authority piece of leg-  
islation. Also, it is absolutely not du-  
plicative. It can be said on the floor of  
the Senate 100 times, but the fact is  
that the USDA Catfish Inspection Pro-  
gram is not duplicative. It transfers in-  
spection from the FDA to the USDA  
and the USDA has testified before Con-  
gress that when the program is oper-  
ational, as it is about to be, the FDA  
program would be eliminated.

Why move it from the FDA to the  
USDA? Here is the reason: There are a  
few of us—under controlled situa-  
tions—who grow most of the catfish  
that is produced in the United States  
on farms, including the State of Mis-  
sissippi and the State of Arkansas.

My distinguished colleagues from Ar-  
kansas and Mississippi will speak on  
this issue in a few moments, I hope.

This is about food safety for Ameri-  
cans in 50 States who deserve to know  
that the fish they are eating—the prod-  
uct they are eating—is unadulterated.

Here are the facts: Under the current  
FDA program, only about 2 percent of  
the billions of pounds of imported cat-  
fish are inspected—only about 2 per-  
cent. The other 98 percent of this large

quantity come in uninspected. Now, that gives me pause as a consumer. It should give residents of all 50 States pause that 98 percent of the catfish which comes into our country is not inspected.

Here is what we do know about the 2 percent we look at under the FDA program: An alarming volume of the catfish inspected by the FDA already failed to meet standards. They failed to meet consumer safety standards. Many overseas productions are simply not operated under the sanitary conditions that we insist upon in the United States with our farm-raised catfish.

The FDA program does not ensure that trade partners have sufficient health standards nor does it inspect any overseas agriculture operations. They don't go over to Vietnam and look at the operations there and see the safety standards that cause the health risks.

What kind of health risks are we talking about? We are talking about cancer. I have in my hand a page from a draft rule by the Department of Agriculture, dated February 10, 2009. This is a draft rule from the Food Safety and Inspection Service. It turns out—and the GAO has been mentioned here—that the GAO got OMB to ask the FSIS to rework this statement and make it a little softer so we would not go so hard on imported Vietnamese catfish.

Here is what the Department of Agriculture report, which has now been buried, says as to whether or not the Agency used random or risk-based samplings: Applying the Food Safety Inspection Service program to imported catfish yielded a reduction of approximately 175,000 lifetime cancers for Americans—I want that kind of reduction from carcinogens coming into the United States—and 0.79 percent acute toxicities. Using random sampling in the Agency's program yielded a reduction of 91.8 million exposures to antimicrobials and 23.28 million heavy metal exposures. We are talking about carcinogens, we are talking about improper antimicrobials that the USDA program would catch, and over 23 million exposures to heavy metals that we don't need in the United States. Using risk-based sampling yielded a reduction of 95.1 million exposures to antimicrobials.

We are talking about a program that is not going to be duplicative because it is going to move—according to the last two farm bills—from the FDA to the USDA. This excessive government waste we have heard about will not exist, but we will have better safety for the consumers of the United States of America. That is why we do not need to revisit this issue, and that is why the McCain amendment should be rejected. That is why we should take every precaution we can to protect the American consumer, whether in their home kitchens or restaurants.

I yield the floor. Perhaps other of my colleagues would like to address this issue.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senate has made clear the authority of the U.S. Department of Agriculture for imported catfish inspections. It has been debated and resolved in two previous farm bills; first, in 2008 and again in 2014. The USDA catfish inspection is about protecting the health and safety of American consumers. The 2008 and 2014 farm bills required catfish inspection responsibilities to be transferred from the Food and Drug Administration to the USDA Food Safety and Inspection Service upon publication of final regulations.

The need for this regulatory clarification is clear: American consumers could be exposed to dangerous chemicals and unapproved drugs in the imported catfish they eat. According to the Government Accountability Office, about half of the seafood imported into the United States comes from farm-raised fish. Fish grown in confined areas have been shown to contain bacterial infections. The FDA's oversight program to ensure the safety of imported seafood from residues of unapproved drugs is limited, especially as compared with the practices of other developed countries.

According to the Department of Agriculture and other Federal agencies, the Food and Drug Administration inspects only 1 percent of all imported seafood products. This is just not acceptable. The U.S. Department of Agriculture, on the other hand, inspects 100 percent of farm-raised meat products that enter the country, which illustrates why the Department of Agriculture is the appropriate Agency for farm-raised catfish inspections.

Following enactment of the catfish mandate in the 2008 farm bill, the Department of Agriculture conducted risk assessments on the dangers of exposure to foreign agriculture drugs and determined that moving catfish inspections under the USDA inspection system would result in a reduction of 175,000 lifetime cancers, 95 million exposures to antimicrobials, and 23 million heavy metal exposures.

The Catfish Inspection Program will enhance consumer safety but will not result in duplication activities by U.S. government agencies. Upon issuance of final regulations, catfish inspection responsibilities will be transferred to and not shared with the Department of Agriculture.

In order to address perceived concerns regarding duplication, a provision was included in the 2014 farm bill that required the FDA and USDA to enter into a memorandum of understanding to establish clear jurisdictional boundaries.

We consider that this is a time to resolve this issue and put this matter to rest. International equivalence is a concept that originated with the WTO and is regarded as a way to encourage the development of international food safety standards and will help this

issue to be balanced fairly among all Members and facilitate our trade with other countries.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to speak about the Portman-Stabenow amendment.

First, I wish to say a word in support of the efforts by Senator COCHRAN and Senator WICKER. I was a partner with Senator COCHRAN in the 2014 farm bill. I support their position as it relates to the catfish provision. Hopefully, we will be able to retain that provision.

AMENDMENT NO. 1299

Ms. STABENOW. Mr. President, I ask unanimous consent to add Senator HIRONO as a cosponsor of amendment No. 1299.

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

Ms. STABENOW. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated September 23, 2013, signed by 60 U.S. Senators, that calls on the administration to include strong and enforceable currency provisions in all future trade agreements.

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

U.S. SENATE,

Washington, DC, September 23, 2013.  
Secretary JACK LEW,  
Department of the Treasury, Washington, DC.  
Ambassador MICHAEL FROMAN,  
Office of the United States Trade Representative, Washington, DC.

DEAR SECRETARY LEW AND AMBASSADOR FROMAN: We agree with the Administration's stated goal that the Trans-Pacific Partnership (TPP) has "high standards worthy of a 21st century trade agreement." To achieve this, however, we think it is necessary to address one of the 21st century's most serious trade problems: foreign currency manipulation.

Currency is the medium through which trade occurs and exchange rates determine its comparative value. It is as important to trade outcomes as is the quality of the goods or services traded. Currency manipulation can negate or greatly reduce the benefits of a free trade agreement and may have a devastating impact on American companies and workers.

A study by the Peterson Institute for International Economics found that foreign currency manipulation has already cost between one and five million American jobs. A free trade agreement purporting to increase trade, but failing to address foreign currency manipulation, could lead to a permanent unfair trade relationship that further harms the United States economy.

As the United States negotiates TPP and all future free trade agreements, we ask that you include strong and enforceable foreign currency manipulation disciplines to ensure these agreements meet the "high standards" our country, America's companies, and America's workers deserve.

Sincerely,

Lindsey Graham; Rob Portman; Debbie Stabenow; Ron Wyden; Jeff Merkley; Christopher Murphy; John Boozman; Elizabeth Warren; Al Franken; Jay Rockefeller; Barbara A. Mikulski; Benjamin L. Cardin; Tom Udall; Amy Klobuchar; Charles E. Schumer; Joe Manchin III; Robert Menendez; Heidi



Heitkamp; Claire McCaskill; Jeanne Shaheen; Mark Begich; Roy Blunt; Edward J. Markey; James M. Inhofe; Jeff Sessions; Kirsten E. Gillibrand; Saxby Chambliss; Robert P. Casey, Jr.; Christopher A. Coons; Carl Levin; Richard Burr; Jerry Moran; Patrick J. Leahy; Daniel Coats; James E. Risch; John Hoeven; Jack Reed; Tom Harkin; Tammy Baldwin; Joe Donnelly; Mark Pryor; Sheldon Whitehouse; Sherrod Brown; Susan M. Collins; Martin Heinrich; Bill Nelson; Richard Blumenthal; David Vitter; Bernard Sanders; Jon Tester; Angus S. King, Jr.; Richard Durbin; Brian Schatz; Mazie Hirono; Pat Roberts; Kay R. Hagan; Mary L. Landrieu; Chuck Grassley; Barbara Boxer; Tom Coburn.

Ms. STABENOW. Mr. President, before speaking specifically to our amendment, I wish also to indicate that there are a number of very important amendments coming before us in this open debate process. I am pleased we have a number of amendments pending that, hopefully, will be offered and voted on that relate to other very important topics.

One of those topics is an amendment currently pending offered by Senator BROWN. I am pleased to be a cosponsor of that amendment. It will clarify the process for new countries to join the Trans-Pacific Partnership and to ensure that additional countries, including China, cannot join the agreement without congressional approval. So I hope we will get a vote on that amendment, which is certainly part of this whole discussion on currency manipulation when we look at Asia, when we look at Japan now, and when we look at China. This is an important amendment.

I also wish to indicate that I have terrific respect for the chairman of the Finance Committee. I wish to address an amendment that I believe will be offered as a side-by-side to the Portman-Stabenow amendment. I urge colleagues to reject what is essentially nothing more than a rewrite of pretty much the same weak language that exists in the underlying bill. It changes some words around. It basically would not put us on record as 60 Members of the Senate to make sure we have enforceable currency provisions in this trade agreement moving forward.

At this point in time, when we look at currency manipulation, it is the most significant 21st century trade barrier there is. To quote the vice president of international government affairs for Ford Motor Company in the Wall Street Journal:

Currency manipulation is the mother of all trade barriers. We can compete with any car manufacturer in the world, but we can't compete with the Bank of Japan.

We want our businesses and we want our workers to have a level playing field in a global economy. When we are giving instructions—when we are giving up the right to amend the Trans-Pacific Partnership through this fast-track process involving 40 percent of the global economy—we have the right and obligation to make sure we have a negotiating principle in there. We are not mandating exactly what it looks

like. We are just applying a negotiating principle that addresses the No. 1 trade barrier right now to American businesses, which is currency manipulation. By some estimates, it has cost the United States 5 million jobs. If we don't address it in this reasonable way, it will cost us millions more.

Our people, our workers, and our businesses are the best in the world. We know that, but they have to have a level playing field. Currency manipulation is cheating—plain and simple. A strong U.S. dollar against a weak foreign currency, particularly one that is artificially weak due to government manipulation, means that foreign products are cheaper here and U.S. products are more expensive there.

One U.S. automaker estimates the weak yen gives Japanese competitors an advantage of anywhere from \$6,000 to \$11,000 in the price of a car, not because of anything they are doing other than cheating by manipulating their currency. It is hard to compete with those kinds of numbers: \$6,000 to \$11,000 difference in the price of an automobile. At one point it was calculated that one of the Japanese company's entire profit on a vehicle was coming from currency manipulation.

Frankly, this is not about competing between—the U.S. going into Japan—that has also been a red herring. It is about the United States and Japan competing against each other in a global economy for the business of the developing countries. For instance, we are talking about Brazil having 200 million people. We are competing for that business. India has a population of 1.2 billion people. We are competing—Japan and the United States—for everything in between, everything else. That is what this is about, and it is about whether they are going to continue to be able to cheat.

Also, it is not just the auto industry. It is other manufacturers, as well. This is also about companies that are making washing machines or all kinds of equipment or refrigerators and all of the other products that we make and create using good middle-class jobs here in America.

It also affects agriculture. Anything that impacts the distortions in the economy affects agriculture and every other part of the economy.

So what we are asking for is something very simple and straightforward—very simple—which is that just as we have negotiating objectives in the TPA fast-track for the environment, for labor standards, and for intellectual property rights, we should have a negotiating objective that is enforceable regarding currency manipulation. We are not suggesting what that would look like in a trade agreement, any more than we are specifying exactly what the other provisions would look like. We are saying it is important enough that if we are giving up our right to amend a trade agreement—we are giving fast-track authority—currency manipulation is the No. 1 trade

distortion, trade barrier right now in terms of the global marketplace, so we should make sure there is a negotiating principle there. We also say that it is consistent with existing International Monetary Fund commitments and it does not affect domestic monetary policy.

I have heard over and over that somehow what we do through the Fed is impacted. That is not accurate. We are looking, in fact, at over 180 countries that signed up under the International Monetary Fund, saying: We won't manipulate our currency. Yet, even though that has happened—we have seen, in fact, in the case of Japan, for the last 25 years, they have manipulated their currency 376 times. We should say enough is enough.

Now, I also understand we are hearing from the administration. By the way, I am very supportive of their efforts, this current administration's time on trade enforcement efforts. They have won a lot of excellent cases. I wish to commend them for that. I disagree with them on this one position, because they are saying, first of all, that Japan is no longer manipulating their currency—the Bank of Japan. OK, fine. The administration says if we put a negotiating objective into fast-track authority, Japan will walk away. Why would they walk away if they are not doing it anymore? Maybe they want to do it again right after we sign the TPP. Maybe they will do it again, and it will be 377 times. If they aren't doing it anymore, why should they care? It makes no sense.

Either we can trust them and they are no longer manipulating their currency or we can't trust them and we need this provision. It can't be both. Right now, what they are talking about makes no sense. Again, we are not talking about domestic policy; we are talking about direct intervention in foreign currency markets, and that if there is direct intervention in foreign currency markets, we would like to see meaningful consequences that fit with the IMF definitions that countries have all signed up for saying they will not manipulate their currency and that it should comply with WTO enforcement, as we do for every other trade distorting policy, every other trade barrier.

This is actually very straightforward. I am very surprised that it has not been accepted. Frankly, I would have gone further. In the Finance Committee I had an amendment I would love to do which says that TPP doesn't get fast-track authority unless it is clear that there are strong, enforceable provisions on currency in the agreement. This doesn't say that. This is a reasonable middle ground to say, for the first time, that currency manipulation is important, it is a negotiating principle, and we leave flexibility in terms of how that is designed, just as we do with other provisions.

We have strong bipartisan support for this amendment. I wish to thank

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 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 the people who work there 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 to 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 HETKAMP 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 we 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 al-

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 renewing 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 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 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 Wisconsinites, 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, Wisconsinites 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:

(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.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### VOTE EXPLANATION

Mrs. MURRAY. Mr. President, due to inclement weather causing a flight delay, I was unavoidably detained during consideration of Brown amendment No. 1242 and missed the rollcall vote that occurred on Monday, May 18. As a cosponsor of S. 568, the Trade Adjustment Assistance Act of 2015, and supporter of trade adjustment assistance for workers here at home, had I been present I would have voted yea.

#### BADGER ARMY AMMUNITION PLANT LAND PARCEL

Ms. BALDWIN. Mr. President, in the closing days of last Congress, I was proud to see this body include a provision in the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act, P.L. 113-291, to transfer a parcel of land at the former Badger Army Ammunition Plant near Baraboo, WI, from the Department of Defense to the Department of the Interior. I worked throughout the drafting of this legislation to include this provision, which is of great importance to Wisconsin.

During discussions on the specific legislative text to be included in the bill, a question was raised as to how the language might apply to Department of Defense contractors, particularly any Badger Army Ammunition Plant operators. I understand the legislative language that refers to "activities of the Department of Defense" to include activities undertaken by the officers and agents employed or contracted by the Department of Defense, meaning that under the terms of this provision, the Army retains responsibility for remediation of environmental contamination resulting from activities undertaken by the Department of Defense and its contractors. This clarification is critical because Badger Army Ammunition Plant was operated by the Department of Defense contractors, and contamination at the site was caused as a direct result of their activities.

I wrote to the Department of Defense to request their clarification on this matter, and I ask unanimous consent that my letter and their response be printed in the CONGRESSIONAL RECORD.

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

U.S. SENATE,

Washington, DC, January 12, 2015.

Mr. JOHN CONGER,  
Deputy Under Secretary of Defense, Installations & Environment, Department of Defense, Washington, DC.

DEAR MR. CONGER: The National Defense Authorization Act for Fiscal Year 2015 (PL 113-291) includes a provision (Section 3078) transferring administrative jurisdiction, from the Secretary of the Army to the Secretary of the Interior, of property located on the site of the former Badger Army Ammunition Plant (BAAP) near Baraboo, Wisconsin. I worked throughout the drafting of this legislation to include this provision, and would like to thank you for the assistance provided by your staff in drafting the legislative language that became part of the final bill.

During discussions on the specific legislative text to be included in the bill, a question was raised as to how the language might apply to Department of Defense contractors, particularly any BAAP operators. I understand the legislative language that refers to "activities of the Department of Defense" to include activities undertaken by the officers and agents employed or contracted by the Department of Defense, meaning that under the terms of this provision, the Army retains responsibility for remediation of environmental contamination resulting from activities undertaken by DOD and its contractors. This clarification is critical because BAAP was operated by DOD contractors, and contamination at the site was caused as a direct result of their activities. I would appreciate your views on this matter.

I have worked on this project for 16 years, and I am extremely grateful for the assistance provided by DOD and the Army to help craft a legislative solution. Thank you for your consideration of this request and for all that you do in support of the men and women of our Armed Forces.

Sincerely,

TAMMY BALDWIN,  
United States Senator.

OFFICE OF THE ASSISTANT  
SECRETARY OF DEFENSE,  
Washington, DC.

Hon. TAMMY BALDWIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR BALDWIN: Thank you for your January 12, 2015, letter requesting clarification of section 3078 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Pub. L. 113-291), transfer of administrative jurisdiction, from the Secretary of the Army to the Secretary of the Interior, of the property at the former Badger Army Ammunition Plant (BAAP) near Baraboo, Wisconsin. You asked how the act applies to the former Department of Defense operating contractors at BAAP.

The operating contractor for BAAP would have been responsible for operating the plant in accordance with the terms of the contract. Such an operating status would not change the underlying responsibility of the United States Army for the activities at the plant simply because they were performed by its contractor. This is not to say that the contractor would be absolved of responsibility for its activities while performing under the contract, but that responsibility would be governed by the terms of the contract as between the contractor and the United States Army.

To the extent that the contractor's activities were performed pursuant to and in accordance with the contract, the United States Army would retain responsibility for the activities that occurred in the operation of the plant. During those periods you appear

to be most interested in, the Army was the owner of the plant for purposes of the environmental laws. We cannot prejudice any actual issue relating to who would be responsible for actions that occurred at the plant. Such responsibility would be determined after a careful review of the law and its application to the specific facts.

I hope you find this information helpful, please let me know if I can be of any further assistance in this matter.

Sincerely,

JOHN CONGER,  
Performing the Duties of the  
Assistant Secretary of Defense.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO MAJOR GENERAL R. MARTIN UMBARGER

• Mr. DONNELLY. Mr. President, today I recognize and honor the extraordinary service of MG R. Martin Umbarger, the Adjutant General of Indiana, and to wish him well upon his retirement. A dedicated and loyal public servant, Major General Umbarger has served the people of Indiana and the United States in the Indiana Army National Guard for more than 45 years.

A native of Bargersville, IN, Major General Umbarger enlisted in the Indiana Army National Guard in 1969 after graduating from the University of Evansville. Shortly thereafter, in June 1971, he was commissioned as a second lieutenant, Infantry Branch, following his graduation from the Indiana Military Academy as a Distinguished Military Graduate. Since then, he has dedicated more than four decades to serving his State and his country. Some of his notable assignments include serving as Commanding General of the 76th Infantry Brigade; the Assistant Division Commander for Training, 38th Infantry Division; and the Deputy Commanding General, Reserve Component, U.S. Forces Command. On March 11, 2004, Gov. Joseph Kernan appointed Major General Umbarger to lead the Nation's fourth-largest National Guard contingent as the Adjutant General of Indiana, a position he was reappointed to by Gov. Mitch Daniels on December 1, 2004, and further reappointed by Gov. Mike Pence on December 13, 2012.

During the past 11 years as the Adjutant General, Major General Umbarger has led the Indiana Army and Air National Guard, as well as the more than 15,800 Indiana Guard, Reserve, and State employees, challenging them to embody the National Guard's motto, "Always Ready, Always There." He has directed the training and deployment of nearly every unit of the Indiana Army and Air National Guard in support of the global war on terror and helped establish and oversee the well-respected J9 Resilience Program to support Guard members and their families during predeployment, deployment, and postdeployment. He also served as a member of the Secretary of the Army's Reserve Forces Policy Committee and the Secretary of Defense's Reserve Forces Policy Board.

Major General Umbarger has earned numerous awards and decorations, including: the Legion of Merit, Oak Leaf Cluster; Meritorious Service Medal, Oak Leaf Cluster; Army Commendation Medal; Achievement Medal; Armed Forces Reserve Medal, with two gold hourglass devices; Indiana Long Service Medal, and Indiana Distinguished Service Medal, Bronze Oak Leaf Cluster.

In addition to his service in the Indiana National Guard, Major General Umbarger has given his time and efforts to serving his community through many local and national organizations, including the Indiana Feed and Grain Association, the board of trustees of Johnson Memorial Hospital, the board of trustees of Franklin College, the Johnson County Animal Shelter, the Bargersville Masonic Lodge, the National Guard Association of the United States, the National Guard Association of Indiana, and the Association of the United States Army.

We thank Major General Umbarger for his service, dedication, and commitment to protecting Hoosiers and our Nation. Indiana has a long and proud tradition of serving our country, and Major General Umbarger's leadership has played a critical role in ensuring that our brave men and women have the training and support they need. General Umbarger has made the Indiana National Guard a national model and has left a strong Indiana National Guard. On behalf of Hoosiers, we wish Major General Umbarger and his wife Rowana the best in the years ahead.●

#### REMEMBERING A. ALFRED TAUBMAN

● Mr. PETERS. Mr. President, I wish to recognize the remarkable legacy of A. Alfred Taubman, an innovator whose work shaped the modern retail process for Americans and whose philanthropic endeavors have made an immeasurable impact across metro Detroit.

Mr. Taubman's story is an embodiment of the American dream. A first generation American, and the son of immigrants who fled Europe in the Great Depression looking for a chance to build a better life, Mr. Taubman came from humble beginnings. From this foundation, Mr. Taubman sought to follow his father into a career as a builder and quickly became a visionary by setting new trends in the retail shopping industry, which made him one of the most successful businessmen in the State of Michigan.

Despite entering the building trade without much formal higher education, he quickly honed his skills and by the age of 25 started his own business. In the wake of World War II, as the construction industry focused on suburban homes and industrial facilities, Mr. Taubman saw another dimension to America's burgeoning middle class, the opportunity for a new type of retail

hub for suburban America: the shopping mall.

Mr. Taubman was a student of life, and took to heart the adage that learning is a lifelong experience; a principle which was integrated into his work. When he saw the opportunity to change and improve the retail shopping experience, he delved into understanding every facet and physiological component. This was a body of knowledge that he built into a formidable retail acumen. With this knowledge, he became a trendsetter, identifying untapped potential in developing communities and he led many successful endeavors.

While renowned for his groundbreaking work in the retail shopping industry, Mr. Taubman was an equally avid and passionate philanthropist, with a deep appreciation for the State of Michigan and the arts. His own work as a watercolorist inspired him to make gifts and donations to the Detroit Institute of Arts worth hundreds of millions of dollars. His charitable giving also extended to the University of Michigan's School of Medicine, where his donations have been used to fund stem cell research, holding the promise to cure degenerative diseases including ALS, as well as the College for Creative Studies and Lawrence Technological University, which are shaping the next generation of artists and innovators. Having suffered from the effects of dyslexia, he also generously supported programs to promote adult literacy, which led to him being recognized as an honorary chair for Reading Works.

A. Alfred Taubman's reach was both deep and broad in every endeavor he pursued. From his work in the commercial retail industry to his philanthropic endeavors, Mr. Taubman has left a legacy that will last for generations. His passion, knowledge, and leadership will be greatly missed, but I know they will inspire future entrepreneurs, creative thinkers, and community activists to succeed and make a difference in their communities.●

#### TRIBUTE TO DURWARD "BUTCH" WADDILL

● Mr. TESTER. Mr. President, today I wish to honor Durward C. "Butch" Waddill, a veteran of the Vietnam war. On behalf of all Montanans and all Americans, I say "thank you" to Butch for his service to our Nation.

It is my honor to share the story of Butch's service in Vietnam, because no story of bravery should ever be forgotten. Butch was born on November 20, 1946 in Battle Creek, MI. Butch's parents were both in the Army: his mother was an Army nurse and his father was in the Medical Service Corps. Butch spent most of his childhood traveling among Army bases before settling in California.

In 1964, Butch enlisted in the Marine Corps during his senior year of high school. Butch joined the infantry and

attended training at the Marine Corps Recruit Depot in San Diego and Camp Pendleton. Butch was assigned to the 1st Battalion, 5th Marine Regiment and was deployed to Okinawa for a 13-month assignment. After 1 month of training, Butch was sent as one of the first units to Vietnam in July 1965. His unit made a tactical landing on the beach in Da Nang.

Butch spent the next 13 months in Vietnam before he was reassigned to Camp Lejeune in North Carolina. Butch joined the 2nd Reconnaissance Battalion for a Caribbean cruise until he volunteered to return to Vietnam for a second tour. Back in Vietnam, Butch served with Company D, 3rd Reconnaissance Battalion, 3rd Marine Division.

On November 9, 1967, Butch was monitoring his battalion's radio net from a base at Phu Bai when he heard his reconnaissance team had been ambushed and was having trouble evacuating casualties. Butch hadn't been assigned to patrol because he was preparing to attend Navy diving school in the Philippines. Butch rushed to board a helicopter that was going to attempt to extract the team and insisted on joining the rescue effort. At the team's location, the thick jungle extended for miles and there were no available clearings that were suitable for the helicopter to land. Butch requested to be lowered by cable through the jungle canopy. Without regard for his own safety, Butch immediately organized the evacuation of the two most seriously wounded. Then continuing his brave mission he helped rescue the remaining team members. He administered first aid while directing fire to protect the team's escape.

Butch was left on the ground because there was no additional room for him on the chopper. Alone in the jungle, Butch gathered the team's rifles and radios. Butch didn't know if they would be able to return for him because it was getting dark and he might have to stay the night and risk getting shot or taken prisoner. When a helicopter returned to hoist him out, Butch was dragged through heavy underbrush for hundreds of yards which caused multiple injuries. Once inside the helicopter, Butch had blood on his face, hat, and all the way to his boots. Butch had 3 rifles slung over each shoulder and a giant load of radio and other gear. Maj. Bobby Thatcher says he will never forget the look on Butch's bloody face—a huge smile and big white teeth.

Butch's unmatched bravery resulted in the rescue of all the members of the reconnaissance team while under extreme combat conditions. Maj. Bobby Thatcher says Butch's actions were the single bravest thing he has ever seen, before or since. Butch's bold initiative, undaunted courage, and complete dedication to duty display the true meaning of selfless service.

Butch finished his second tour of Vietnam in August 1968 and returned to

the U.S. where he was promoted to second lieutenant while stationed in Hawaii. After 9 months in Hawaii, Butch volunteered, yet again, to return to Vietnam. Butch began his third tour of Vietnam in August 1969 and was assigned to the 1st Reconnaissance Battalion. Butch was eventually reassigned to the 3rd battalion, 5th Marine Regiment as platoon commander and promoted to company commander. After his third tour, Butch continued his service until August 1988. His distinguished 24 years of military service included serving as an instructor at Quantico, to the staff of the Joint Chiefs of Staff at the Pentagon.

Butch retired to Nice, France for 7 years where he served as a body guard for a Saudi Arabian Princess and as security officer for the American International School. In 1995, Butch returned to the United States and lived in Colorado for a year. After visiting a friend Montana, Butch decided to move there in 1996. Butch served in the Montana Legislature in the early 2000s. Butch and his life partner Marilyn Wolff are members of the Montana Wilderness Association where they work to protect our state's public lands.

It is my privilege to honor Butch Waddill's true heroism, sacrifice, and dedication to service by presenting him with the Silver Star Medal. Thank you, Butch.●

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting nominations which were referred to the Committee on Armed Services.

(The message received today is printed at the end of the Senate proceedings.)

#### PRESIDENTIAL MESSAGE

#### REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13303 OF MAY 22, 2003, WITH RESPECT TO THE STABILIZATION OF IRAQ—PM 18

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides

for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003, is to continue in effect beyond May 22, 2015.

Obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, I have determined that it is necessary to continue the national emergency with respect to the stabilization of Iraq.

BARACK OBAMA.

THE WHITE HOUSE, May 19, 2015.

#### MESSAGES FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 91. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to issue, upon request, veteran identification cards to certain veterans.

H.R. 474. An act to amend title 38, United States Code, to provide for a five-year extension to the homeless veterans reintegration programs and to provide clarification regarding eligibility for services under such programs.

H.R. 1038. An act to amend title 38, United States Code, to require the Secretary of Veterans Affairs to retain a copy of any reprimand or admonishment received by an employee of the Department in the permanent record of the employee.

H.R. 1313. An act to amend title 38, United States Code, to enhance the treatment of certain small business concerns for purposes of the Department of Veterans Affairs contracting goals and preferences.

H.R. 1382. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs, in awarding a contract for the procurement of goods or services, to give a preference to offerors that employ veterans.

H.R. 1816. An act to exclude from consideration as income under the United States Housing Act of 1937 payments of pension made under section 1521 of title 38, United States Code, to veterans who are in need of regular aid and attendance.

H.R. 1987. An act to authorize appropriations for the Coast Guard for fiscal years 2016 and 2017, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution:

S. Con. Res. 3. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha I.

The message further announced that pursuant to 22 U.S.C. 3003, and the order of the House of January 6, 2015, the Speaker appoints the following Members on the part of the House of Representatives to the Commission on Security and Cooperation in Europe: Mr. ADERHOLT of Alabama, Mr. PITTS of Pennsylvania, Mr. HULTGREN of Illinois, and Mr. BURGESS of Texas.

The message also announced that pursuant to 22 U.S.C. 6913, and the order of the House of January 6, 2015, the Speaker appoints the following Members on the part of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Mr. FRANKS of Arizona, Mr. PITTENGER of North Carolina, and Mr. HULTGREN of Illinois.

#### ENROLLED BILL SIGNED

At 3:18 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2252. An act to clarify the effective date of certain provisions of the Border Patrol Agent Pay Reform Act of 2014, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 91. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to issue, upon request, veteran identification cards to certain veterans; to the Committee on Veterans' Affairs.

H.R. 474. An act to amend title 38, United States Code, to provide for a five-year extension to the homeless veterans reintegration programs and to provide clarification regarding eligibility for services under such programs; to the Committee on Veterans' Affairs.

H.R. 1038. An act to amend title 38, United States Code, to require the Secretary of Veterans Affairs to retain a copy of any reprimand or admonishment received by an employee of the Department in the permanent record of the employee; to the Committee on Veterans' Affairs.

H.R. 1313. An act to amend title 38, United States Code, to enhance the treatment of certain small business concerns for purposes of Department of Veterans Affairs contracting goals and preferences; to the Committee on Veterans' Affairs.

H.R. 1382. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs, in awarding a contract for the procurement of goods or services, to give a preference to offerors that employ veterans; to the Committee on Veterans' Affairs.

H.R. 1816. An act to exclude from consideration as income under the United States Housing Act of 1937 payments of pension made under section 1521 of title 38, United States Code, to veterans who are in need of regular aid and attendance; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1987. An act to authorize appropriations for the Coast Guard for fiscal years 2016 and 2017, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER  
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1606. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from October 1, 2014 through March 31, 2015, received in the Office of the President of the Senate on May 14, 2015; ordered to lie on the table.

EC-1607. A communication from the Assistant Secretary of Defense (Logistics and Materiel Readiness), transmitting, pursuant to law, a report relative to the percentage of funds that was expended during the preceding fiscal year and is projected to be expended during the current and ensuing fiscal year for the Department's depot maintenance and repair workloads by the public and private sectors; to the Committee on Armed Services.

EC-1608. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary (Terrorism and Financial Intelligence), Department of the Treasury, received in the Office of the President of the Senate on May 13, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-1609. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC-1610. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the foreign aviation authorities to which the Administration provided services during fiscal year 2014; to the Committee on Commerce, Science, and Transportation.

EC-1611. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the foreign aviation authorities to which the Administration provided services during fiscal year 2013; to the Committee on Commerce, Science, and Transportation.

EC-1612. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy in the position of Member, IRS Oversight Board, received in the Office of the President of the Senate on May 13, 2015; to the Committee on Finance.

EC-1613. A communication from the Lead Regulations Writer, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Revised Medical Criteria for Evaluating Cancer (Malignant Neoplastic Diseases)" (RIN0960-AH43) received in the Office of the President of the Senate on May 14, 2015; to the Committee on Finance.

EC-1614. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15-020); to the Committee on Foreign Relations.

EC-1615. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15-007); to the Committee on Foreign Relations.

EC-1616. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15-003); to the Committee on Foreign Relations.

EC-1617. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14-145); to the Committee on Foreign Relations.

EC-1618. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14-144); to the Committee on Foreign Relations.

EC-1619. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2015-39) received in the Office of the President of the Senate on May 14, 2015; to the Committee on Finance.

EC-1620. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Triple Drop and Check" (Rev. Rul. 2015-10) received in the Office of the President of the Senate on May 14, 2015; to the Committee on Finance.

EC-1621. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Eligibility for Minimum Essential Coverage for Purposes of the Premium Tax Credit" (Notice 2015-37) received in the Office of the President of the Senate on May 14, 2015; to the Committee on Finance.

EC-1622. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revocation of Rev. Rul. 78-130" (Rev. Rul. 2015-9) received in the Office of the President of the Senate on May 14, 2015; to the Committee on Finance.

EC-1623. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual Price Inflation Adjustments for Contribution Limitations Made to a Health Savings Account Pursuant to Section 223 of the Internal Revenue Code" (Rev. Proc. 2015-30) received in the Office of the President of the Senate on May 14, 2015; to the Committee on Finance.

EC-1624. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notional Principal Contracts; Swaps with Nonperiodic Payments" ((RIN1545-BM62) (TD 9719)) received in the Office of the President of the Senate on May 14, 2015; to the Committee on Finance.

EC-1625. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the quarterly exception Selected Acquisition Reports (SARs) as of December 31, 2014 (DCN OSS 2015-0656); to the Committee on Armed Services.

EC-1626. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Admiral Samuel J. Locklear III, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC-1627. A joint communication from the Secretary of Defense and the Secretary of Energy, transmitting, pursuant to law, the fiscal year 2016 report on the plan for the nuclear weapons stockpile, complex, delivery systems, and command and control systems; to the Committee on Armed Services.

EC-1628. A communication from the Under Secretary of Defense (Intelligence), transmitting, pursuant to law, a report relative to the Department's plans to adopt continuous evaluation (CE) and Insider Threat capabilities within the Department of Defense (DoD); to the Committee on Armed Services.

EC-1629. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trinexapac-ethyl; Pesticide Tolerances" (FRL No. 9926-62) received during adjournment of the Senate in the Office of the President of the Senate on May 15, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1630. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trichoderma asperelloides strain JM41R; Exemption from the Requirement of a Tolerance" (FRL No. 9926-87) received during adjournment of the Senate in the Office of the President of the Senate on May 15, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1631. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fragrance Components; Exemption from the Requirement of a Tolerance" (FRL No. 9927-38) received during adjournment of the Senate in the Office of the President of the Senate on May 15, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1632. A communication from the Under Secretary for Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Strategic Economic and Community Development" (RIN0570-AA94) received in the Office of the President of the Senate on May 14, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1633. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2015-0001)) received in the Office of the President of the Senate on May 14, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-1634. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2014-0002)) received in the Office of the President of the Senate on May 14, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-1635. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13405 of June 16, 2006, with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC-1636. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 on November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-1637. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-1638. A communication from the Regulatory Specialist of the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Integration of National Bank and Federal Savings Association Regulations: Licensing Rules; Final Rule" (RIN1557-AD80) received in the Office of the President of the Senate on May 19, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-1639. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's annual report concerning military assistance and military exports; to the Committee on Foreign Relations.

EC-1640. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a Determination and Certification under Section 40A of the Arms Export Control Act relative to countries not cooperating fully with United States antiterrorism efforts; to the Committee on Foreign Relations.

EC-1641. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a section of the Arms Export Control Act (RSAT 15-004); to the Committee on Foreign Relations.

EC-1642. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15-036); to the Committee on Foreign Relations.

EC-1643. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the issuance of a determination to waive certain restrictions on maintaining a Palestine Liberation Organization (PLO) Office in Washington and on the receipt and expenditure of PLO funds for a period of six months; to the Committee on Foreign Relations.

EC-1644. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the issuance of a determination to waive certain restrictions on maintaining a Palestine Liberation Organization (PLO) Office in Washington and on the receipt and expenditure of PLO funds for a period of six months; to the Committee on Foreign Relations.

EC-1645. A communication from the Chief of Staff, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules with Regard to Commercial Operation in the 3550-3650 MHz Band, Report and Order and Second Further Notice of Proposed Rulemaking" ((GN Docket No. 12-354) (FCC 15-47)) received during adjournment of the Senate in the Office of the President of the Senate on May 15, 2015; to the Committee on Commerce, Science, and Transportation.

EC-1646. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois; NAAQS Update" (FRL No. 9927-48-Region 5)

received during adjournment of the Senate in the Office of the President of the Senate on May 15, 2015; to the Committee on Environment and Public Works.

EC-1647. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Revision to Control Volatile Organic Compound Emissions from Storage Tanks and Transport Vessels" (FRL No. 9927-59-Region 6) received in the Office of the President of the Senate on May 13, 2015; to the Committee on Environment and Public Works.

EC-1648. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Utah County—Trading of Motor Vehicle Emission Budgets for PM10 Transportation Conformity" (FRL No. 9927-68-Region 8) received in the Office of the President of the Senate on May 13, 2015; to the Committee on Environment and Public Works.

EC-1649. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, and Virginia; 2011 Base Year Emissions Inventories for the Washington DC-MD-VA Nonattainment Area for the 2008 Ozone National Ambient Air Quality Standard" (FRL No. 9927-70-Region 3) received in the Office of the President of the Senate on May 13, 2015; to the Committee on Environment and Public Works.

EC-1650. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, two (2) reports relative to vacancies in the Department of Justice, received in the Office of the President of the Senate on May 14, 2015; to the Committee on the Judiciary.

EC-1651. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances; Extension of Temporary Placement of UR-144, XLR11, and AKB48 in Schedule I of the Controlled Substances Act" (Docket No. DEA-414) received in the Office of the President of the Senate on May 18, 2015; to the Committee on the Judiciary.

EC-1652. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Rules of Practice for Trials Before the Patent Trial and Appeal Board" (RIN0651-AD00) received in the Office of the President of the Senate on May 18, 2015; to the Committee on the Judiciary.

EC-1653. A communication from the Project Manager, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Employment Authorization for Certain H-4 Dependent Spouses; Final Rule" (RIN1615-AB92) received in the Office of the President of the Senate on May 12, 2015; to the Committee on the Judiciary.

EC-1654. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the third quarter of fiscal year 2014 quarterly report of the Department of Justice's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

EC-1655. A communication from the Acting Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Chairman's Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports for the period from October 1, 2014 through March 31, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC-1656. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's Semiannual Report of the Inspector General for the period from October 1, 2014 through March 31, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC-1657. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "What is Due Process in Federal Civil Service Employment?"; to the Committee on Homeland Security and Governmental Affairs.

EC-1658. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's Semiannual Report of the Inspector General for the period from October 1, 2014 through March 31, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC-1659. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the Office's Federal Activities Inventory Reform Act Inventory for fiscal years 2012 and 2013; to the Committee on Homeland Security and Governmental Affairs.

EC-1660. A communication from the Director of the Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Leasing of Osage Reservation Lands for Oil and Gas Mining" (RIN1076-AF17) received in the Office of the President of the Senate on May 14, 2015; to the Committee on Indian Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Armed Services, without amendment:

S. 1376. An original bill to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. No. 114-49).

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. McCAIN for the Committee on Armed Services.

\*Jessie Hill Roberson, of Alabama, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2018.

\*Monica C. Regalbuto, of Illinois, to be an Assistant Secretary of Energy (Environmental Management).

Navy nominations beginning with Rear Adm. (lh) John D. Alexander and ending with Rear Adm. (lh) Ricky L. Williamson, which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2015.



Navy nominations beginning with Capt. Eugene H. Black III and ending with Capt. William W. Wheeler III, which nominations were received by the Senate and appeared in the Congressional Record on April 13, 2015.

Air Force nomination of Maj. Gen. Jeffrey G. Lofgren, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Michael G. Dana, to be Lieutenant General.

Army nomination of Brig. Gen. Matthew P. Beevers, to be Major General.

Navy nomination of Rear Adm. John N. Christenson, to be Vice Admiral.

Navy nomination of Capt. Shoshana S. Chatfield, to be Rear Admiral (lower half).

Navy nomination of Rear Adm. James W. Crawford III, to be Vice Admiral.

Mr. McCAIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Rhys William Hunt, to be Colonel.

Air Force nominations beginning with James D. Brantingham and ending with George T. Youstra, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2015.

Air Force nominations beginning with Randall E. Ackerman and ending with Clinton R. Zumbrunnen, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2015.

Air Force nominations beginning with Joshua D. Burgess and ending with James R. Cantu, which nominations were received by the Senate and appeared in the Congressional Record on April 30, 2015.

Air Force nomination of Michael I. Etan, to be Lieutenant Colonel.

Army nomination of Erik D. Masick, to be Major.

Army nominations beginning with Muhammad R. Khawaja and ending with Nikalesh Reddy, which nominations were received by the Senate and appeared in the Congressional Record on April 30, 2015.

Marine Corps nomination of Henry C. Bodden, to be Lieutenant Colonel.

Marine Corps nomination of William E. Lanham, to be Lieutenant Colonel.

Marine Corps nomination of Rebecca L. Wilkinson, to be Major.

Marine Corps nominations beginning with Matthew F. Amidon and ending with John A. Wright, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2015.

Marine Corps nominations beginning with Michael J. Corrado and ending with Craig C. Ullman, which nominations were received by the Senate and appeared in the Congressional Record on January 29, 2015.

Marine Corps nominations beginning with Rory L. Aldridge and ending with Mark D. Zimmer, which nominations were received by the Senate and appeared in the Congressional Record on January 29, 2015.

Navy nomination of Miriam Behpour, to be Lieutenant Commander.

Navy nomination of Thomas P. Murphy, to be Captain.

Navy nomination of Todd S. Levant, to be Commander.

Navy nomination of Jennifer L. Borstelmann, to be Lieutenant Commander.

Navy nomination of Robert S. Thompson, to be Captain.

Navy nomination of Melissa C. Austin, to be Commander.

Navy nominations beginning with Anthony S. Ardito and ending with Roderick D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on April 30, 2015.

Navy nomination of Garrett T. Pankow, to be Lieutenant Commander.

Navy nomination of William M. Walker, to be Lieutenant Commander.

Navy nomination of Christopher C. Meyer, to be Lieutenant Commander.

Navy nominations beginning with Jeffrey G. Bentson and ending with Paul N. Porensky, which nominations were received by the Senate and appeared in the Congressional Record on April 30, 2015.

Navy nomination of Kevin D. Clarida, to be Lieutenant Commander.

Navy nomination of Brianna E. Jackson, to be Lieutenant Commander.

Navy nomination of Jared M. Spilka, to be Lieutenant Commander.

Navy nomination of Francine Segovia, to be Lieutenant Commander.

Navy nomination of Todd W. Mallory, to be Lieutenant Commander.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROBERTS (for himself and Mr. PORTMAN):

S. 1368. A bill to establish the Office of the Special Inspector General for Monitoring the Affordable Care Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself and Mr. BLUNT):

S. 1369. A bill to allow funds under title II of the Elementary and Secondary Education Act of 1965 to be used to provide training to school personnel regarding how to recognize child sexual abuse; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUNT (for himself and Mr. CASEY):

S. 1370. A bill to amend title 23, United States Code, to adequately fund bridges in the United States; to the Committee on Environment and Public Works.

By Mr. SANDERS (for himself and Mr. SCHATZ):

S. 1371. A bill to impose a tax on certain trading transactions to invest in our families and communities, improve our infrastructure and our environment, strengthen our financial security, expand opportunity and reduce market volatility; to the Committee on Finance.

By Ms. HEITKAMP (for herself, Ms. MURKOWSKI, Mr. MANCHIN, and Mr. CORKER):

S. 1372. A bill to repeal the crude oil export ban, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANDERS:

S. 1373. A bill to amend the Higher Education Act to improve higher education pro-

grams, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. CASSIDY):

S. 1374. A bill to amend the Higher Education Act of 1965 to establish fair and consistent eligibility requirements for graduate medical schools operating outside the United States and Canada; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Ms. BALDWIN, Mrs. BOXER, Mr. FRANKEN, Mr. HEINRICH, Mr. MARKEY, Mr. MENENDEZ, Mr. MURPHY, Mrs. MURRAY, Mr. REED, Mr. SANDERS, Ms. WARREN, Mr. WHITEHOUSE, Mr. LEAHY, and Mr. BLUMENTHAL):

S. 1375. A bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States; to the Committee on Energy and Natural Resources.

By Mr. McCAIN:

S. 1376. An original bill to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEAHY (for himself, Mr. SCHUMER, Mrs. McCASKILL, Mrs. SHAHEEN, and Mr. SANDERS):

S. 1377. A bill to amend title 18, United States Code, to clarify and expand Federal criminal jurisdiction over Federal contractors and employees outside the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. PAUL (for himself, Mr. WARNER, Mr. ENZI, Mr. GARDNER, and Mr. TOOMEY):

S. 1378. A bill to strengthen employee cost savings suggestions programs within the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

By Mr. INHOFE (for himself and Mr. COONS):

S. 1379. A bill to amend the African Growth and Opportunity Act to require the development of a plan for each sub-Saharan African country for negotiating and entering into free trade agreements and for other purposes; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. CASEY, Ms. HIRONO, Mr. FRANKEN, Mr. MARKEY, Mr. SCHATZ, Mr. UDALL, Mr. KAINE, Ms. MIKULSKI, Mr. MURPHY, Mr. DURBIN, Mr. COONS, Mr. HEINRICH, Mr. WHITEHOUSE, Ms. BALDWIN, Ms. CANTWELL, Mrs. GILLIBRAND, Mr. WYDEN, Mr. BOOKER, Ms. WARREN, Mr. SANDERS, and Ms. KLOBUCHAR):

S. 1380. A bill to support early learning; to the Committee on Health, Education, Labor, and Pensions.

By Ms. WARREN (for herself and Mr. MANCHIN):

S. 1381. A bill to require the President to make the text of trade agreements available to the public in order for those agreements to receive expedited consideration from Congress; to the Committee on Finance.

By Mrs. GILLIBRAND (for herself, Mrs. MURRAY, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. FRANKEN, Ms. HIRONO, Mrs. SHAHEEN, Mr. SANDERS, Mr. MARKEY, Mr. SCHUMER, Ms. CANTWELL, and Ms. WARREN):

S. 1382. A bill to prohibit discrimination in adoption or foster care placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or

foster parent, or the sexual orientation or gender identity of the child involved; to the Committee on Finance.

By Mr. PERDUE:

S. 1383. A bill to amend the Consumer Financial Protection Act of 2010 to subject the Bureau of Consumer Financial Protection to the regular appropriations process, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER:

S. 1384. A bill to amend the Truth in Lending Act to provide for the discharge of student loan obligations upon the death of the student borrower, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUNT (for himself, Mr. MANCHIN, and Mr. ENZI):

S. 1385. A bill to prohibit the Federal Government from requiring race or ethnicity to be disclosed in connection with the transfer of a firearm; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself, Ms. MURKOWSKI, and Mr. SULLIVAN):

S. 1386. A bill to provide multiyear procurement authority for the procurement of up to six polar icebreakers to be owned and operated by the Coast Guard; to the Committee on Armed Services.

By Mr. BROWN (for himself, Ms. WARREN, Mr. SANDERS, Mr. CASEY, Mr. WHITEHOUSE, and Ms. HIRONO):

S. 1387. A bill to amend title XVI of the Social Security Act to update eligibility for the supplemental security income program, and for other purposes; to the Committee on Finance.

By Mr. VITTER (for himself and Mr. RUBIO):

S. 1388. A bill to require the President to submit a plan for resolving all outstanding claims relating to property confiscated by the Government of Cuba before taking action to ease restrictions on travel to or trade with Cuba, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. UDALL (for himself, Mr. FLAKE, Mr. DURBIN, and Mr. ENZI):

S. 1389. A bill to authorize exportation of consumer communications devices to Cuba and the provision of telecommunications services to Cuba, and for other purposes; to the Committee on Foreign Relations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GARDNER:

S. Res. 180. A resolution urging additional sanctions against the Democratic People's Republic of Korea, and for other purposes; to the Committee on Foreign Relations.

By Mr. HOEVEN (for himself and Ms. HEITKAMP):

S. Res. 181. A resolution designating May 19, 2015, as "National Schizencephaly Awareness Day"; considered and agreed to.

By Mr. BROWN (for himself, Mr. REED, Mr. DURBIN, Mr. KIRK, Mr. HEINRICH, Mr. MARKEY, Mr. UDALL, Mr. DONNELLY, and Mr. SCHUMER):

S. Res. 182. A resolution expressing the sense of the Senate that Defense laboratories have been, and continue to be, on the cutting edge of scientific and technological advancement and supporting the designation of May 14, 2015, as the "Department of Defense Laboratory Day"; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 141

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 141, a bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board.

S. 275

At the request of Mr. ISAKSON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 275, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home as a site of care for infusion therapy under the Medicare program.

S. 299

At the request of Mr. FLAKE, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 299, a bill to allow travel between the United States and Cuba.

S. 313

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 313, a bill to amend title XVIII of the Social Security Act to add physical therapists to the list of providers allowed to utilize locum tenens arrangements under Medicare.

S. 314

At the request of Mr. GRASSLEY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 314, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 375

At the request of Mr. CARDIN, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 375, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain qualifying producers.

S. 405

At the request of Ms. MURKOWSKI, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Virginia (Mr. WARNER), the Senator from Georgia (Mr. ISAKSON) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 405, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

S. 439

At the request of Mr. FRANKEN, the names of the Senator from Hawaii (Ms. HIRONO) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 439, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 497

At the request of Mrs. MURRAY, the name of the Senator from California

(Mrs. BOXER) was added as a cosponsor of S. 497, a bill to allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families.

S. 571

At the request of Mr. INHOFE, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 571, a bill to amend the Pilot's Bill of Rights to facilitate appeals and to apply to other certificates issued by the Federal Aviation Administration, to require the revision of the third class medical certification regulations issued by the Federal Aviation Administration, and for other purposes.

S. 578

At the request of Mr. SCHUMER, the names of the Senator from New Mexico (Mr. HEINRICH) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 578, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 624

At the request of Mr. BROWN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 624, a bill to amend title XVIII of the Social Security Act to waive coinsurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening.

S. 739

At the request of Mr. HOEVEN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 739, a bill to modify the treatment of agreements entered into by the Secretary of Veterans Affairs to furnish nursing home care, adult day health care, or other extended care services, and for other purposes.

S. 743

At the request of Mr. BOOZMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 743, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 799

At the request of Mr. MCCONNELL, the names of the Senator from Delaware (Mr. COONS) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 799, a bill to combat the rise of prenatal opioid abuse and neonatal abstinence syndrome.

S. 804

At the request of Mrs. SHAHEEN, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 804, a bill to amend title XVIII of the Social Security Act to specify coverage of continuous glucose monitoring devices, and for other purposes.

S. 806

At the request of Mr. BOOZMAN, the name of the Senator from Kansas (Mr.

MORAN) was added as a cosponsor of S. 806, a bill to amend section 31306 of title 49, United States Code, to recognize hair as an alternative specimen for preemployment and random controlled substances testing of commercial motor vehicle drivers and for other purposes.

S. 807

At the request of Mr. BLUNT, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 807, a bill to amend the Internal Revenue Code of 1986 to reform and reset the excise tax on beer, and for other purposes.

S. 836

At the request of Mr. BARRASSO, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 836, a bill to amend the Internal Revenue Code of 1986 to repeal certain limitations on health care benefits enacted by the Patient Protection and Affordable Care Act.

S. 925

At the request of Mrs. SHAHEEN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Maine (Mr. KING) were added as cosponsors of S. 925, a bill to require the Secretary of the Treasury to convene a panel of citizens to make a recommendation to the Secretary regarding the likeness of a woman on the twenty dollar bill, and for other purposes.

S. 1002

At the request of Mr. ENZI, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1002, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1049

At the request of Ms. HEITKAMP, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1049, a bill to allow the financing by United States persons of sales of agricultural commodities to Cuba.

S. 1088

At the request of Mrs. GILLIBRAND, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 1088, a bill to amend the National Voter Registration Act of 1993 to provide for voter registration through the Internet, and for other purposes.

S. 1121

At the request of Ms. AYOTTE, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1121, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

S. 1123

At the request of Mr. LEE, the names of the Senator from New Mexico (Mr. HEINRICH), the Senator from Massachu-

setts (Mr. MARKEY), the Senator from Hawaii (Ms. HIRONO), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. BOOKER), the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. BROWN) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 1123, a bill to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes.

S. 1140

At the request of Mr. BARRASSO, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 1140, a bill to require the Secretary of the Army and the Administrator of the Environmental Protection Agency to propose a regulation revising the definition of the term "waters of the United States", and for other purposes.

S. 1169

At the request of Mr. GRASSLEY, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 1169, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 1300

At the request of Mrs. FEINSTEIN, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Indiana (Mr. DONNELLY) were added as cosponsors of S. 1300, a bill to amend the section 221 of the Immigration and Nationality Act to provide relief for adoptive families from immigrant visa feeds in certain situations.

S. 1324

At the request of Mrs. CAPITO, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Alaska (Mr. SULLIVAN) were added as cosponsors of S. 1324, a bill to require the Administrator of the Environmental Protection Agency to fulfill certain requirements before regulating standards of performance for new, modified, and reconstructed fossil fuel-fired electric utility generating units, and for other purposes.

S. 1360

At the request of Mr. NELSON, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1360, a bill to amend the limitation on liability for passenger rail accidents or incidents under section 28103 of title 49, United States Code, and for other purposes.

S. RES. 148

At the request of Mr. KIRK, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 148, a resolution condemning the Government of Iran's

state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

AMENDMENT NO. 1226

At the request of Mr. MCCAIN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Washington (Ms. CANTWELL), the Senator from Virginia (Mr. WARNER), the Senator from Missouri (Mrs. MCCASKILL), the Senator from New York (Mr. SCHUMER), the Senator from Maryland (Mr. CARDIN), the Senator from Massachusetts (Ms. WARREN) and the Senator from Arizona (Mr. FLAKE) were added as cosponsors of amendment No. 1226 proposed to H.R. 1314, a bill to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

AMENDMENT NO. 1227

At the request of Mrs. SHAHEEN, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Michigan (Mr. PETERS), the Senator from Delaware (Mr. COONS), the Senator from Massachusetts (Mr. MARKEY) and the Senator from Hawaii (Ms. HIRONO) were added as cosponsors of amendment No. 1227 proposed to H.R. 1314, a bill to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

AMENDMENT NO. 1251

At the request of Mr. BROWN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 1251 proposed to H.R. 1314, a bill to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

AMENDMENT NO. 1252

At the request of Mr. BROWN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 1252 intended to be proposed to H.R. 1314, a bill to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

AMENDMENT NO. 1273

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 1273 intended to be proposed to H.R. 1314, a bill to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

AMENDMENT NO. 1297

At the request of Mr. BLUMENTHAL, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 1297 intended to be proposed to H.R. 1314, a bill to amend the Internal Revenue

Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

## AMENDMENT NO. 1299

At the request of Mr. PORTMAN, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Oregon (Mr. MERKLEY), the Senator from Michigan (Mr. PETERS) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 1299 proposed to H.R. 1314, a bill to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

At the request of Ms. STABENOW, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of amendment No. 1299 proposed to H.R. 1314, *supra*.

## AMENDMENT NO. 1317

At the request of Ms. BALDWIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 1317 intended to be proposed to H.R. 1314, a bill to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

## AMENDMENT NO. 1319

At the request of Ms. BALDWIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 1319 intended to be proposed to H.R. 1314, a bill to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

## AMENDMENT NO. 1334

At the request of Mr. CASEY, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of amendment No. 1334 intended to be proposed to H.R. 1314, a bill to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

## AMENDMENT NO. 1335

At the request of Mr. CASEY, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from New Mexico (Mr. UDALL) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of amendment No. 1335 intended to be proposed to H.R. 1314, a bill to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

## AMENDMENT NO. 1336

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 1336 intended to be proposed to H.R. 1314, a bill to

amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

## AMENDMENT NO. 1337

At the request of Mr. CASEY, the names of the Senator from Ohio (Mr. BROWN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of amendment No. 1337 intended to be proposed to H.R. 1314, a bill to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

## AMENDMENT NO. 1365

At the request of Ms. BALDWIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 1365 intended to be proposed to H.R. 1314, a bill to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. BLUNT):

S. 1369. A bill to allow funds under title II of the Elementary and Secondary Education Act of 1965 to be used to provide training to school personnel regarding how to recognize child sexual abuse; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and Senator BLUNT, to introduce bipartisan legislation that would expand approved uses for the Elementary and Secondary Education Acts professional development funding to include training for teachers and school personnel on how to recognize signs of sexual abuse in students.

According to the National Child Abuse and Neglect Data System, 865,643 children were victims of maltreatment in 2013. Approximately 7 percent, or 60,956 children, were victims of sexual abuse.

The vast majority of States require that teachers report suspicions of child abuse, but most teachers do not receive any training on how to see the signs.

According to the National Child Abuse and Neglect Data System, 61 percent of all reports of child abuse and neglect are made by professionals, yet only 17.5 percent of abuse and neglect is reported by education personnel.

Given the amount of time teachers and school personnel spend with children, it is critical that the warning signs of child sexual abuse are identified and reported and that action is taken. Students must also be provided appropriate resources and support if they have been abused.

The Helping Schools Protect Our Children Act of 2015 expands the list of

allowable uses for Elementary and Secondary Education Act, ESEA, Title II funding to permit States to use this funding to provide training for teachers, principals, Specialized Instructional Support Personnel and paraprofessionals on how to recognize the signs of sexual abuse and handle the situation if sexual abuse is identified. Under current law, Title II provides grants to states for a variety of purposes related to recruitment, retention, and professional development of K-12 teachers and principals. Our bill would simply allow professional development funds to be used to provide school personnel with this important training.

I am proud that Senator ROY BLUNT has joined me as original cosponsor on this bill.

It is essential that as mandated reporters, school personnel have access to the proper training to recognize abuse. When no one steps in to stop abuse, children can be scarred for their entire lives. If we learn to recognize the signs of abuse or neglect, we will be better able to foster a safe environment for young people to learn and grow.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

## S. 1369

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Helping Schools Protect Our Children Act of 2015".

## SEC. 2. TRAINING TEACHERS TO RECOGNIZE CHILD SEXUAL ABUSE.

(a) STATE ACTIVITIES.—Section 2113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)) is amended by adding at the end the following:

"(19) Providing training for all school personnel, including teachers, principals, specialized instructional support personnel, and paraprofessionals, regarding how to recognize child sexual abuse."

(b) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—Section 2123(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6623(a)) is amended by inserting after paragraph (8) the following:

"(9) Providing training for all school personnel, including teachers, principals, specialized instructional support personnel, and paraprofessionals, regarding how to recognize child sexual abuse."

(c) ELIGIBLE PARTNERSHIP ACTIVITIES.—Section 2134(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6634(a)) is amended—

(1) in paragraph (1)(B), by striking "and" after the semicolon;

(2) in paragraph (2)(C), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) providing training for school personnel, including teachers, principals, specialized instructional support personnel, and paraprofessionals, regarding how to recognize child sexual abuse."

By Ms. HEITKAMP (for herself, Ms. MURKOWSKI, Mr. MANCHIN, and Mr. CORKER):

S. 1372. A bill to repeal the crude oil export ban, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. HEITKAMP. Mr. President, I am proud to introduce today, with my good friend from Alaska, Senator MURKOWSKI, a bill that will wipe an outdated policy from our books while providing a boost to our domestic oil development and production industry. I am also pleased to have my great friends from West Virginia, Senator MANCHIN, and Tennessee, Senator CORKER, join us in introducing this bill today. This bill would allow U.S. crude oil producers to compete on equal footing with most other major oil producing nations, helping to remove current barriers that prevent U.S. producers from receiving a fair price for their commodity on the world market.

Just last week, I joined Senator MURKOWSKI as she introduced her bill, The Energy Supply and Distribution Act, that looks to address the build-out of critical energy infrastructure and opening up access to new markets for our energy commodities, while also looking to make it easier to distribute our energy to our neighbors in Mexico and Canada. A provision in that bill also looks to repeal the current crude oil export ban. I will continue to advocate for that bill as well, and look forward to Senator MURKOWSKI bringing that bill before her Senate Committee on Energy and Natural Resources. I view this bill as not only complimentary to the bill introduced last week, but also a way to keep the conversation going as I look to bring this bill up for debate in another Committee, before a different audience. Senator MURKOWSKI and I have been working on this effort for some time and we both felt it was time to show our cards and let our colleagues and others see where we are in this process. The language may be different, but the goal is the same.

Some people may wonder how we even got here, and why would we want to remove a policy that has brought little public or Congressional scrutiny for almost forty years. Well, in 1973, President Richard Nixon placed crude oil under price controls after the price of oil continued to rise. He created a ban on oil exports as an enforcement tool for his price controls, restricting sales outside the U.S. When President Ronald Reagan lifted those price controls, the accompanying export ban was retained. So basically, the current restricted trade environment for U.S. crude oil is an unintended consequence of a 1970's price control policy.

While certain exemptions were added over the years allowing for the export of some U.S. oil from California and Alaska, repeal of the overall prohibition on U.S. crude oil exports was never really seen as a major policy priority. All of that changed with the new oil production renaissance in the U.S., brought about by technological innovations that have allowed for pin-point

accurate horizontal drilling and continued advances in hydraulic fracturing. These, and other advances, have allowed for exploration and production of shale in places like North Dakota, Montana, Wyoming, Texas, Colorado, and New Mexico. These shale oil and natural gas plays across the country have made the U.S. the number one combined crude oil and natural gas producer in the world. The situation on the ground has certainly changed and it is time to make sure our export policies are finally updated to reflect those changes.

This issue is of particular importance to North Dakota. Due to transportation and infrastructure constraints, producers in the Bakken are already selling their crude oil at an even steeper discount than U.S. producers in other plays. Combined with the recent downturn in the price of a barrel of oil, static or declining current global demand, and stable production from OPEC nations—U.S. crude producers in North Dakota and elsewhere have begun to feel the pinch. While other nations, including Iran and Russia, are able to sell their crude oil into the world market for the best price and can continue to maintain or pick up market share during this downturn, U.S. producers are constrained from competing on equal footing.

As recently as 2007, North Dakota ranked eight among U.S. oil producing states. However, due to the shale oil boom in the Bakken, North Dakota has been the number two oil producing state in the country since 2012—behind only Texas. While North Dakota continues to remain in that spot, there has been a steep downturn since September 2014. The state has over one hundred less drilling rigs then at the same time in September 2014, the number of wells awaiting completion are at near historic highs, capital expenditures in the U.S. are way down for oil companies, and we continue to see layoffs and reduced hours in the oil and oilfield services industries. North Dakota crude oil producers need access to the world market to maintain and continue to develop the valuable natural resource in the State.

Numerous studies in the past year including one by the non-partisan U.S. Government Accountability Office have found that repealing the ban on crude oil exports will lower U.S. gasoline prices. These studies concluded that we should export crude oil in the same manner that we export millions of barrels of gasoline and diesel every day. As a matter of fact, while some people continue to say that we need to keep our crude oil locked in or retail gasoline prices will rise—they fail to mention the fact that the U.S. is the number exporter in the world of refined petroleum products, including gasoline. So the facts just do not add up for their argument. Additionally, at a time of growing threats to international security, hardworking Americans in the energy sector are helping our nation

become more secure, prosperous, and resilient to crises overseas. The administration's own National Security Strategy recognizes that energy abundance at home can translate to a strengthened geopolitical position on the global stage.

Unrestricted exports of U.S. crude oil is key to the long-term stability of consumer prices, continued investment and growth in U.S. development and production, resumption of job growth in the energy sector and supporting industries, and continued reduction in the U.S. trade deficit, while also providing national energy security. I hope our colleagues will join us in supporting this important effort to remove an outdated policy and put our U.S. crude oil on equal footing with crude oil from around the world.

By Mr. DURBIN (for himself and Mr. CASSIDY):

S. 1374. A bill to amend the Higher Education Act of 1965 to establish fair and consistent eligibility requirements for graduate medical schools operating outside the United States and Canada; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1374

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Medical School Accountability Fairness Act of 2015".

#### SEC. 2. PURPOSE.

To establish consistent eligibility requirements for graduate medical schools operating outside of the United States and Canada in order to increase accountability and protect American students and taxpayer dollars.

#### SEC. 3. FINDINGS.

Congress finds the following:

(1) Three for-profit schools in the Caribbean receive more than two-thirds of all Federal funding under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) that goes to students enrolled at foreign graduate medical schools, despite those three schools being exempt from meeting the same eligibility requirements as the majority of graduate medical schools located outside of the United States and Canada.

(2) The National Committee on Foreign Medical Education and Accreditation and the Department of Education recommend that all foreign graduate medical schools should be required to meet the same eligibility requirements to participate in Federal funding under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) and see no rationale for excluding certain schools.

(3) The attrition rate at United States medical schools averaged 3 percent for the class beginning in 2009 while rates at for-profit Caribbean schools have reached 26 percent or higher.

(4) In 2013, residency match rates for foreign trained graduates averaged 53 percent compared to 94 percent for graduates of medical schools in the United States.



(5) On average, students at for-profit medical schools operating outside of the United States and Canada amass more student debt than those at medical schools in the United States.

#### SEC. 4. REPEAL GRANDFATHER PROVISIONS.

Section 102(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(2)) is amended—

(1) in subparagraph (A), by striking clause (i) and inserting the following:

“(i) in the case of a graduate medical school located outside the United States—

“(I) at least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 484(a)(5) in the year preceding the year for which a student is seeking a loan under part D of title IV; and

“(II) at least 75 percent of the individuals who were students or graduates of the graduate medical school outside the United States or Canada (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part D of title IV;”;

(2) in subparagraph (B)(iii), by adding at the end the following:

“(V) EXPIRATION OF AUTHORITY.—The authority of a graduate medical school described in subclause (I) to qualify for participation in the loan programs under part D of title IV pursuant to this clause shall expire beginning on the first July 1 following the date of enactment of the Foreign Medical School Accountability Fairness Act of 2015.”.

#### SEC. 5. LOSS OF ELIGIBILITY.

If a graduate medical school loses eligibility to participate in the loan programs under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) due to the enactment of the amendments made by section 4, then a student enrolled at such graduate medical school on or before the date of enactment of this Act may, notwithstanding such loss of eligibility, continue to be eligible to receive a loan under such part D while attending such graduate medical school in which the student was enrolled upon the date of enactment of this Act, subject to the student continuing to meet all applicable requirements for satisfactory academic progress, until the earliest of—

(1) withdrawal by the student from the graduate medical school;

(2) completion of the program of study by the student at the graduate medical school; or

(3) the fourth June 30 after such loss of eligibility.

By Mr. DURBIN (for himself, Ms. BALDWIN, Mrs. BOXER, Mr. FRANKEN, Mr. HEINRICH, Mr. MARKEY, Mr. MENENDEZ, Mr. MURPHY, Mrs. MURRAY, Mr. REED, Mr. SANDERS, Ms. WARREN, Mr. WHITEHOUSE, Mr. LEAHY, and Mr. BLUMENTHAL):

S. 1375. A bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1375

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “America’s Red Rock Wilderness Act of 2015”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

#### TITLE I—DESIGNATION OF WILDERNESS AREAS

Sec. 101. Great Basin Wilderness Areas.

Sec. 102. Grand Staircase-Escalante Wilderness Areas.

Sec. 103. Moab-La Sal Canyons Wilderness Areas.

Sec. 104. Henry Mountains Wilderness Areas.

Sec. 105. Glen Canyon Wilderness Areas.

Sec. 106. San Juan-Anasazi Wilderness Areas.

Sec. 107. Canyonlands Basin Wilderness Areas.

Sec. 108. San Rafael Swell Wilderness Areas.

Sec. 109. Book Cliffs and Uinta Basin Wilderness Areas.

#### TITLE II—ADMINISTRATIVE PROVISIONS

Sec. 201. General provisions.

Sec. 202. Administration.

Sec. 203. State school trust land within wilderness areas.

Sec. 204. Water.

Sec. 205. Roads.

Sec. 206. Livestock.

Sec. 207. Fish and wildlife.

Sec. 208. Management of newly acquired land.

Sec. 209. Withdrawal.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Land Management.

(2) STATE.—The term “State” means the State of Utah.

#### TITLE I—DESIGNATION OF WILDERNESS AREAS

##### SEC. 101. GREAT BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the Great Basin region of western Utah is comprised of starkly beautiful mountain ranges that rise as islands from the desert floor;

(2) the Wah Wah Mountains in the Great Basin region are arid and austere, with massive cliff faces and leathery slopes speckled with piñon and juniper;

(3) the Pilot Range and Stansbury Mountains in the Great Basin region are high enough to draw moisture from passing clouds and support ecosystems found nowhere else on earth;

(4) from bristlecone pine, the world’s oldest living organism, to newly flowered mountain meadows, mountains of the Great Basin region are islands of nature that—

(A) support remarkable biological diversity; and

(B) provide opportunities to experience the colossal silence of the Great Basin; and

(5) the Great Basin region of western Utah should be protected and managed to ensure the preservation of the natural conditions of the region.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Antelope Range (approximately 17,000 acres).

(2) Barn Hills (approximately 20,000 acres).

(3) Black Hills (approximately 9,000 acres).

(4) Bullgrass Knoll (approximately 15,000 acres).

(5) Burbank Hills/Tunnel Spring (approximately 92,000 acres).

(6) Conger Mountains (approximately 21,000 acres).

(7) Crater Bench (approximately 35,000 acres).

(8) Crater and Silver Island Mountains (approximately 121,000 acres).

(9) Cricket Mountains Cluster (approximately 62,000 acres).

(10) Deep Creek Mountains (approximately 126,000 acres).

(11) Drum Mountains (approximately 39,000 acres).

(12) Dugway Mountains (approximately 24,000 acres).

(13) Essex Canyon (approximately 1,300 acres).

(14) Fish Springs Range (approximately 64,000 acres).

(15) Granite Peak (approximately 19,000 acres).

(16) Grassy Mountains (approximately 23,000 acres).

(17) Grouse Creek Mountains (approximately 15,000 acres).

(18) House Range (approximately 201,000 acres).

(19) Keg Mountains (approximately 38,000 acres).

(20) Kern Mountains (approximately 15,000 acres).

(21) King Top (approximately 110,000 acres).

(22) Ledger Canyon (approximately 9,000 acres).

(23) Little Goose Creek (approximately 1,200 acres).

(24) Middle/Granite Mountains (approximately 80,000 acres).

(25) Mount Escalante (approximately 18,000 acres).

(26) Mountain Home Range (approximately 90,000 acres).

(27) Newfoundland Mountains (approximately 22,000 acres).

(28) Ochre Mountain (approximately 13,000 acres).

(29) Oquirrh Mountains (approximately 9,000 acres).

(30) Painted Rock Mountain (approximately 26,000 acres).

(31) Paradise/Steamboat Mountains (approximately 144,000 acres).

(32) Pilot Range (approximately 45,000 acres).

(33) Red Tops (approximately 28,000 acres).

(34) Rockwell-Little Sahara (approximately 21,000 acres).

(35) San Francisco Mountains (approximately 39,000 acres).

(36) Sand Ridge (approximately 73,000 acres).

(37) Simpson Mountains (approximately 42,000 acres).

(38) Snake Valley (approximately 100,000 acres).

(39) Spring Creek Canyon (approximately 4,000 acres).

(40) Stansbury Island (approximately 10,000 acres).

(41) Stansbury Mountains (approximately 24,000 acres).

(42) Thomas Range (approximately 36,000 acres).

(43) Tule Valley (approximately 159,000 acres).

(44) Wah Wah Mountains (approximately 167,000 acres).

(45) Wasatch/Sevier Plateaus (approximately 29,000 acres).

(46) White Rock Range (approximately 5,200 acres).

#### SEC. 102. GRAND STAIRCASE-ESCALANTE WILDERNESS AREAS.

(a) GRAND STAIRCASE AREA.—

(1) FINDINGS.—Congress finds that—



(A) the area known as the Grand Staircase rises more than 6,000 feet in a series of great cliffs and plateaus from the depths of the Grand Canyon to the forested rim of Bryce Canyon;

(B) the Grand Staircase—

(i) spans 6 major life zones, from the lower Sonoran Desert to the alpine forest; and

(ii) encompasses geologic formations that display 3,000,000,000 years of Earth's history;

(C) land managed by the Secretary lines the intricate canyon system of the Paria River and forms a vital natural corridor connection to the deserts and forests of those national parks;

(D) land described in paragraph (2) (other than East of Bryce, Upper Kanab Creek, Moquith Mountain, Bunting Point, and Vermillion Cliffs) is located within the Grand Staircase-Escalante National Monument; and

(E) the Grand Staircase in Utah should be protected and managed as a wilderness area.

(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) Bryce View (approximately 4,500 acres).

(B) Bunting Point (approximately 11,000 acres).

(C) Canaan Mountain (approximately 16,000 acres in Kane County).

(D) Canaan Peak Slopes (approximately 2,300 acres).

(E) East of Bryce (approximately 750 acres).

(F) Glass Eye Canyon (approximately 24,000 acres).

(G) Ladder Canyon (approximately 14,000 acres).

(H) Moquith Mountain (approximately 16,000 acres).

(I) Nephi Point (approximately 14,000 acres).

(J) Orderville Canyon (approximately 9,200 acres).

(K) Paria-Hackberry (approximately 188,000 acres).

(L) Paria Wilderness Expansion (approximately 3,300 acres).

(M) Parunuweap Canyon (approximately 43,000 acres).

(N) Pine Hollow (approximately 11,000 acres).

(O) Slopes of Bryce (approximately 2,600 acres).

(P) Timber Mountain (approximately 51,000 acres).

(Q) Upper Kanab Creek (approximately 49,000 acres).

(R) Vermillion Cliffs (approximately 26,000 acres).

(S) Willis Creek (approximately 21,000 acres).

(b) KAIPAROWITS PLATEAU.—

(1) FINDINGS.—Congress finds that—

(A) the Kaiparowits Plateau east of the Paria River is one of the most rugged and isolated wilderness regions in the United States;

(B) the Kaiparowits Plateau, a windswept land of harsh beauty, contains distant vistas and a remarkable variety of plant and animal species;

(C) ancient forests, an abundance of big game animals, and 22 species of raptors thrive undisturbed on the grassland mesa tops of the Kaiparowits Plateau;

(D) each of the areas described in paragraph (2) (other than Heaps Canyon, Little Valley, and Wide Hollow) is located within the Grand Staircase-Escalante National Monument; and

(E) the Kaiparowits Plateau should be protected and managed as a wilderness area.

(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the

following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) Andalex Not (approximately 18,000 acres).

(B) The Blues (approximately 21,000 acres).

(C) Box Canyon (approximately 2,800 acres).

(D) Burning Hills (approximately 80,000 acres).

(E) Carcass Canyon (approximately 83,000 acres).

(F) The Cockscomb (approximately 11,000 acres).

(G) Fiftymile Bench (approximately 12,000 acres).

(H) Fiftymile Mountain (approximately 203,000 acres).

(I) Heaps Canyon (approximately 4,000 acres).

(J) Horse Spring Canyon (approximately 31,000 acres).

(K) Kodachrome Headlands (approximately 10,000 acres).

(L) Little Valley Canyon (approximately 4,000 acres).

(M) Mud Spring Canyon (approximately 65,000 acres).

(N) Nipple Bench (approximately 32,000 acres).

(O) Paradise Canyon-Wahweap (approximately 262,000 acres).

(P) Rock Cove (approximately 16,000 acres).

(Q) Warm Creek (approximately 23,000 acres).

(R) Wide Hollow (approximately 6,800 acres).

(c) ESCALANTE CANYONS.—

(1) FINDINGS.—Congress finds that—

(A) glens and coves carved in massive sandstone cliffs, spring-watered hanging gardens, and the silence of ancient Anasazi ruins are examples of the unique features that entice hikers, campers, and sightseers from around the world to Escalante Canyon;

(B) Escalante Canyon links the spruce fir forests of the 11,000-foot Aquarius Plateau with winding slickrock canyons that flow into Glen Canyon;

(C) Escalante Canyon, one of Utah's most popular natural areas, contains critical habitat for deer, elk, and wild bighorn sheep that also enhances the scenic integrity of the area;

(D) each of the areas described in paragraph (2) is located within the Grand Staircase-Escalante National Monument; and

(E) Escalante Canyon should be protected and managed as a wilderness area.

(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) Brinkerhof Flats (approximately 3,000 acres).

(B) Colt Mesa (approximately 28,000 acres).

(C) Death Hollow (approximately 49,000 acres).

(D) Forty Mile Gulch (approximately 6,600 acres).

(E) Hurricane Wash (approximately 9,000 acres).

(F) Lampstand (approximately 7,900 acres).

(G) Muley Twist Flank (approximately 3,600 acres).

(H) North Escalante Canyons (approximately 176,000 acres).

(I) Pioneer Mesa (approximately 11,000 acres).

(J) Scorpion (approximately 53,000 acres).

(K) Sooner Bench (approximately 390 acres).

(L) Steep Creek (approximately 35,000 acres).

(M) Studhorse Peaks (approximately 24,000 acres).

### SEC. 103. MOAB-LA SAL CANYONS WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the canyons surrounding the La Sal Mountains and the town of Moab offer a variety of extraordinary landscapes;

(2) outstanding examples of natural formations and landscapes in the Moab-La Sal area include the huge sandstone fins of Behind the Rocks, the mysterious Fisher Towers, and the whitewater rapids of Westwater Canyon; and

(3) the Moab-La Sal area should be protected and managed as a wilderness area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Arches Adjacent (approximately 12,000 acres).

(2) Beaver Creek (approximately 41,000 acres).

(3) Behind the Rocks and Hunters Canyon (approximately 22,000 acres).

(4) Big Triangle (approximately 20,000 acres).

(5) Coyote Wash (approximately 28,000 acres).

(6) Dome Plateau-Professor Valley (approximately 35,000 acres).

(7) Fisher Towers (approximately 18,000 acres).

(8) Goldbar Canyon (approximately 9,000 acres).

(9) Granite Creek (approximately 5,000 acres).

(10) Mary Jane Canyon (approximately 25,000 acres).

(11) Mill Creek (approximately 14,000 acres).

(12) Porcupine Rim and Morning Glory (approximately 20,000 acres).

(13) Renegade Point (approximately 6,600 acres).

(14) Westwater Canyon (approximately 37,000 acres).

(15) Yellow Bird (approximately 4,200 acres).

### SEC. 104. HENRY MOUNTAINS WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the Henry Mountain Range, the last mountain range to be discovered and named by early explorers in the contiguous United States, still retains a wild and undiscovered quality;

(2) fluted badlands that surround the flanks of 11,000-foot Mounts Ellen and Pennell contain areas of critical habitat for mule deer and for the largest herd of free-roaming buffalo in the United States;

(3) despite their relative accessibility, the Henry Mountain Range remains one of the wildest, least-known ranges in the United States; and

(4) the Henry Mountain range should be protected and managed to ensure the preservation of the range as a wilderness area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Bull Mountain (approximately 16,000 acres).

(2) Bullfrog Creek (approximately 35,000 acres).

(3) Dogwater Creek (approximately 3,400 acres).

(4) Fremont Gorge (approximately 20,000 acres).

(5) Long Canyon (approximately 16,000 acres).

(6) Mount Ellen-Blue Hills (approximately 140,000 acres).

(7) Mount Hillers (approximately 21,000 acres).

(8) Mount Pennell (approximately 147,000 acres).

(9) Notom Bench (approximately 6,200 acres).

(10) Oak Creek (approximately 1,700 acres).

(11) Ragged Mountain (approximately 28,000 acres).

#### SEC. 105. GLEN CANYON WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the side canyons of Glen Canyon, including the Dirty Devil River and the Red, White and Blue Canyons, contain some of the most remote and outstanding landscapes in southern Utah;

(2) the Dirty Devil River, once the fortress hideout of outlaw Butch Cassidy's Wild Bunch, has sculpted a maze of slickrock canyons through an imposing landscape of monoliths and inaccessible mesas;

(3) the Red and Blue Canyons contain colorful Chinle/Moenkopi badlands found nowhere else in the region; and

(4) the canyons of Glen Canyon in the State should be protected and managed as wilderness areas.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Cane Spring Desert (approximately 18,000 acres).

(2) Dark Canyon (approximately 134,000 acres).

(3) Dirty Devil (approximately 242,000 acres).

(4) Fiddler Butte (approximately 92,000 acres).

(5) Flat Tops (approximately 30,000 acres).

(6) Little Rockies (approximately 64,000 acres).

(7) The Needle (approximately 11,000 acres).

(8) Red Rock Plateau (approximately 213,000 acres).

(9) White Canyon (approximately 98,000 acres).

#### SEC. 106. SAN JUAN-ANASAZI WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) more than 1,000 years ago, the Anasazi Indian culture flourished in the slickrock canyons and on the piñon-covered mesas of southeastern Utah;

(2) evidence of the ancient presence of the Anasazi pervades the Cedar Mesa area of the San Juan-Anasazi area where cliff dwellings, rock art, and ceremonial kivas embellish sandstone overhangs and isolated benchlands;

(3) the Cedar Mesa area is in need of protection from the vandalism and theft of its unique cultural resources;

(4) the Cedar Mesa wilderness areas should be created to protect both the archaeological heritage and the extraordinary wilderness, scenic, and ecological values of the United States; and

(5) the San Juan-Anasazi area should be protected and managed as a wilderness area to ensure the preservation of the unique and valuable resources of that area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Allen Canyon (approximately 5,900 acres).

(2) Arch Canyon (approximately 30,000 acres).

(3) Comb Ridge (approximately 15,000 acres).

(4) East Montezuma (approximately 45,000 acres).

(5) Fish and Owl Creek Canyons (approximately 73,000 acres).

(6) Grand Gulch (approximately 159,000 acres).

(7) Hammond Canyon (approximately 4,400 acres).

(8) Nokai Dome (approximately 93,000 acres).

(9) Road Canyon (approximately 63,000 acres).

(10) San Juan River (Sugarloaf) (approximately 15,000 acres).

(11) The Tabernacle (approximately 7,000 acres).

(12) Valley of the Gods (approximately 21,000 acres).

#### SEC. 107. CANYONLANDS BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) Canyonlands National Park safeguards only a small portion of the extraordinary red-hued, cliff-walled canyonland region of the Colorado Plateau;

(2) areas near Arches National Park and Canyonlands National Park contain canyons with rushing perennial streams, natural arches, bridges, and towers;

(3) the gorges of the Green and Colorado Rivers lie on adjacent land managed by the Secretary;

(4) popular overlooks in Canyonlands National Park and Dead Horse Point State Park have views directly into adjacent areas, including Lockhart Basin and Indian Creek; and

(5) designation of those areas as wilderness would ensure the protection of this erosional masterpiece of nature and of the rich pockets of wildlife found within its expanded boundaries.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Bridger Jack Mesa (approximately 33,000 acres).

(2) Butler Wash (approximately 27,000 acres).

(3) Dead Horse Cliffs (approximately 5,300 acres).

(4) Demon's Playground (approximately 3,700 acres).

(5) Duma Point (approximately 14,000 acres).

(6) Gooseneck (approximately 9,000 acres).

(7) Hatch Point Canyons/Lockhart Basin (approximately 149,000 acres).

(8) Horsethief Point (approximately 15,000 acres).

(9) Indian Creek (approximately 28,000 acres).

(10) Labyrinth Canyon (approximately 150,000 acres).

(11) San Rafael River (approximately 101,000 acres).

(12) Shay Mountain (approximately 14,000 acres).

(13) Sweetwater Reef (approximately 69,000 acres).

(14) Upper Horseshoe Canyon (approximately 60,000 acres).

#### SEC. 108. SAN RAFAEL SWELL WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the San Rafael Swell towers above the desert like a castle, ringed by 1,000-foot ramparts of Navajo Sandstone;

(2) the highlands of the San Rafael Swell have been fractured by uplift and rendered hollow by erosion over countless millennia, leaving a tremendous basin punctuated by mesas, buttes, and canyons and traversed by sediment-laden desert streams;

(3) among other places, the San Rafael wilderness offers exceptional back country opportunities in the colorful Wild Horse Badlands, the monoliths of North Caineville Mesa, the rock towers of Cliff Wash, and colorful cliffs of Humbug Canyon;

(4) the mountains within these areas are among Utah's most valuable habitat for desert bighorn sheep; and

(5) the San Rafael Swell area should be protected and managed to ensure its preservation as a wilderness area.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Cedar Mountain (approximately 15,000 acres).

(2) Devils Canyon (approximately 23,000 acres).

(3) Eagle Canyon (approximately 38,000 acres).

(4) Factory Butte (approximately 22,000 acres).

(5) Hondu Country (approximately 20,000 acres).

(6) Jones Bench (approximately 2,800 acres).

(7) Limestone Cliffs (approximately 25,000 acres).

(8) Lost Spring Wash (approximately 37,000 acres).

(9) Mexican Mountain (approximately 100,000 acres).

(10) Molen Reef (approximately 33,000 acres).

(11) Muddy Creek (approximately 240,000 acres).

(12) Mussentuchit Badlands (approximately 25,000 acres).

(13) Pleasant Creek Bench (approximately 1,100 acres).

(14) Price River-Humbug (approximately 120,000 acres).

(15) Red Desert (approximately 40,000 acres).

(16) Rock Canyon (approximately 18,000 acres).

(17) San Rafael Knob (approximately 15,000 acres).

(18) San Rafael Reef (approximately 114,000 acres).

(19) Sids Mountain (approximately 107,000 acres).

(20) Upper Muddy Creek (approximately 19,000 acres).

(21) Wild Horse Mesa (approximately 92,000 acres).

#### SEC. 109. BOOK CLIFFS AND UINTA BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the Book Cliffs and Uinta Basin wilderness areas offer—

(A) unique big game hunting opportunities in verdant high-plateau forests;

(B) the opportunity for float trips of several days duration down the Green River in Desolation Canyon; and

(C) the opportunity for calm water canoe weekends on the White River;

(2) the long rampart of the Book Cliffs bounds the area on the south, while seldom-visited uplands, dissected by the rivers and streams, slope away to the north into the Uinta Basin;

(3) bears, bighorn sheep, cougars, elk, and mule deer flourish in the back country of the Book Cliffs; and

(4) the Book Cliffs and Uinta Basin areas should be protected and managed to ensure the protection of the areas as wilderness.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System.

(1) Bourdette Draw (approximately 15,000 acres).

(2) Bull Canyon (approximately 2,800 acres).

(3) Chipeta (approximately 95,000 acres).

(4) Dead Horse Pass (approximately 8,000 acres).

(5) Desbrough Canyon (approximately 13,000 acres).

(6) Desolation Canyon (approximately 555,000 acres).

(7) Diamond Breaks (approximately 9,000 acres).

(8) Diamond Canyon (approximately 166,000 acres).

(9) Diamond Mountain (also known as "Wild Mountain") (approximately 27,000 acres).

(10) Dinosaur Adjacent (approximately 10,000 acres).

(11) Goslin Mountain (approximately 4,900 acres).

(12) Hideout Canyon (approximately 12,000 acres).

(13) Lower Bitter Creek (approximately 14,000 acres).

(14) Lower Flaming Gorge (approximately 21,000 acres).

(15) Mexico Point (approximately 15,000 acres).

(16) Moonshine Draw (also known as "Daniels Canyon") (approximately 10,000 acres).

(17) Mountain Home (approximately 9,000 acres).

(18) O-Wi-Yu-Kuts (approximately 13,000 acres).

(19) Red Creek Badlands (approximately 3,600 acres).

(20) Seep Canyon (approximately 21,000 acres).

(21) Sunday School Canyon (approximately 18,000 acres).

(22) Survey Point (approximately 8,000 acres).

(23) Turtle Canyon (approximately 39,000 acres).

(24) White River (approximately 23,000 acres).

(25) Winter Ridge (approximately 38,000 acres).

(26) Wolf Point (approximately 15,000 acres).

## TITLE II—ADMINISTRATIVE PROVISIONS

### SEC. 201. GENERAL PROVISIONS.

(a) NAMES OF WILDERNESS AREAS.—Each wilderness area named in title I shall—

(1) consist of the quantity of land referenced with respect to that named area, as generally depicted on the map entitled "Utah BLM Wilderness"; and

(2) be known by the name given to it in title I.

(b) MAP AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by this Act with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the Office of the Director of the Bureau of Land Management.

### SEC. 202. ADMINISTRATION.

Subject to valid rights in existence on the date of enactment of this Act, each wilderness area designated under this Act shall be administered by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

### SEC. 203. STATE SCHOOL TRUST LAND WITHIN WILDERNESS AREAS.

(a) IN GENERAL.—Subject to subsection (b), if State-owned land is included in an area designated by this Act as a wilderness area, the Secretary shall offer to exchange land owned by the United States in the State of approximately equal value in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) and section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)).

(b) MINERAL INTERESTS.—The Secretary shall not transfer any mineral interests under subsection (a) unless the State transfers to the Secretary any mineral interests in land designated by this Act as a wilderness area.

### SEC. 204. WATER.

(a) RESERVATION.—

(1) WATER FOR WILDERNESS AREAS.—

(A) IN GENERAL.—With respect to each wilderness area designated by this Act, Congress reserves a quantity of water determined by the Secretary to be sufficient for the wilderness area.

(B) PRIORITY DATE.—The priority date of a right reserved under subparagraph (A) shall be the date of enactment of this Act.

(2) PROTECTION OF RIGHTS.—The Secretary and other officers and employees of the United States shall take any steps necessary to protect the rights reserved by paragraph (1)(A), including the filing of a claim for the quantification of the rights in any present or future appropriate stream adjudication in the courts of the State—

(A) in which the United States is or may be joined; and

(B) that is conducted in accordance with section 208 of the Department of Justice Appropriation Act, 1953 (66 Stat. 560, chapter 651).

(b) PRIOR RIGHTS NOT AFFECTED.—Nothing in this Act relinquishes or reduces any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) SPECIFICATION OF RIGHTS.—The Federal water rights reserved by this Act are specific to the wilderness areas designated by this Act.

(2) NO PRECEDENT ESTABLISHED.—Nothing in this Act related to reserved Federal water rights—

(A) shall establish a precedent with regard to any future designation of water rights; or

(B) shall affect the interpretation of any other Act or any designation made under any other Act.

### SEC. 205. ROADS.

(a) SETBACKS.—

(1) MEASUREMENT IN GENERAL.—A setback under this section shall be measured from the center line of the road.

(2) WILDERNESS ON 1 SIDE OF ROADS.—Except as provided in subsection (b), a setback for a road with wilderness on only 1 side shall be set at—

(A) 300 feet from a paved Federal or State highway;

(B) 100 feet from any other paved road or high standard dirt or gravel road; and

(C) 30 feet from any other road.

(3) WILDERNESS ON BOTH SIDES OF ROADS.—Except as provided in subsection (b), a setback for a road with wilderness on both sides (including cherry-stems or roads separating 2 wilderness units) shall be set at—

(A) 200 feet from a paved Federal or State highway;

(B) 40 feet from any other paved road or high standard dirt or gravel road; and

(C) 10 feet from any other roads.

(b) SETBACK EXCEPTIONS.—

(1) WELL-DEFINED TOPOGRAPHICAL BARRIERS.—If, between the road and the bound-

ary of a setback area described in paragraph (2) or (3) of subsection (a), there is a well-defined cliff edge, stream bank, or other topographical barrier, the Secretary shall use the barrier as the wilderness boundary.

(2) FENCES.—If, between the road and the boundary of a setback area specified in paragraph (2) or (3) of subsection (a), there is a fence running parallel to a road, the Secretary shall use the fence as the wilderness boundary if, in the opinion of the Secretary, doing so would result in a more manageable boundary.

(3) DEVIATIONS FROM SETBACK AREAS.—

(A) EXCLUSION OF DISTURBANCES FROM WILDERNESS BOUNDARIES.—In cases where there is an existing livestock development, dispersed camping area, borrow pit, or similar disturbance within 100 feet of a road that forms part of a wilderness boundary, the Secretary may delineate the boundary so as to exclude the disturbance from the wilderness area.

(B) LIMITATION ON EXCLUSION OF DISTURBANCES.—The Secretary shall make a boundary adjustment under subparagraph (A) only if the Secretary determines that doing so is consistent with wilderness management goals.

(C) DEVIATIONS RESTRICTED TO MINIMUM NECESSARY.—Any deviation under this paragraph from the setbacks required under in paragraph (2) or (3) of subsection (a) shall be the minimum necessary to exclude the disturbance.

(c) DELINEATION WITHIN SETBACK AREA.—The Secretary may delineate a wilderness boundary at a location within a setback under paragraph (2) or (3) of subsection (a) if, as determined by the Secretary, the delineation would enhance wilderness management goals.

### SEC. 206. LIVESTOCK.

Within the wilderness areas designated under title I, the grazing of livestock authorized on the date of enactment of this Act shall be permitted to continue subject to such reasonable regulations and procedures as the Secretary considers necessary, as long as the regulations and procedures are consistent with—

(1) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(2) section 101(f) of the Arizona Desert Wilderness Act of 1990 (Public Law 101-628; 104 Stat. 4469).

### SEC. 207. FISH AND WILDLIFE.

Nothing in this Act affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State.

### SEC. 208. MANAGEMENT OF NEWLY ACQUIRED LAND.

Any land within the boundaries of a wilderness area designated under this Act that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this Act and other laws applicable to wilderness areas.

### SEC. 209. WITHDRAWAL.

Subject to valid rights existing on the date of enactment of this Act, the Federal land referred to in title I is withdrawn from all forms of—

(1) entry, appropriation, or disposal under public law;

(2) location, entry, and patent under mining law; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

By Mr. LEAHY (for himself, Mr. SCHUMER, Mrs. MCCASKILL, Mrs. SHAHEEN, and Mr. SANDERS):

S. 1377. A bill to amend title 18, United States Code, to clarify and expand Federal criminal jurisdiction over Federal contractors and employees outside the United States, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I reintroduce the Civilian Extraterritorial Jurisdiction Act, CEJA. The U.S. has huge numbers of Government employees and contractors working overseas, but the legal framework governing them is unclear and outdated. To promote accountability, Congress must make sure that our criminal laws reach serious misconduct by U.S. Government employees and contractors wherever they act. The Civilian Extraterritorial Jurisdiction Act accomplishes this important and common sense goal by allowing U.S. contractors and employees working overseas who commit specific crimes to be tried and sentenced under U.S. law.

Tragic events in Iraq and Afghanistan highlight the need to strengthen the laws providing for jurisdiction over American government employees and contractors working abroad. In September 2007, Blackwater security contractors working for the State Department shot more than 20 unarmed civilians on the streets of Baghdad, killing at least 14 of them, and causing a rift in our relations with the Iraqi government. Efforts to prosecute those responsible for these shootings were fraught with difficulties. The Blackwater trial has now concluded, eight years after this tragedy, with one former security contractor receiving a life sentence and three others receiving sentences of 30 years for their role. The trial was significantly delayed, however, as defendants argued in court that the U.S. Government did not have jurisdiction to prosecute them.

I worked with Senator SESSIONS and others in 2000 to pass the Military Extraterritorial Jurisdiction Act, MEJA, and then, again, to amend it in 2004, so that U.S. criminal laws would extend to all members of the U.S. military, to those who accompany them, and to contractors who work with the military. That law provides criminal jurisdiction over Defense Department employees and contractors, but it does not cover people working for other Federal agencies unless they are supporting a Defense Department mission. Although prosecutors were able to demonstrate that the Blackwater contractors met this criteria, had jurisdiction in that tragic incident been clear from the outset, it could have prevented some of the problems that delayed the case.

Other incidents have made it all too clear that the Blackwater case was not an isolated incident. Private security contractors have been involved in violent incidents and serious misconduct in Iraq and Afghanistan, including other shooting incidents in which civilians have been seriously injured or

killed. MEJA does not cover many of the thousands of U.S. contractors and employees who are working abroad. The legislation I introduce today fills this gap.

Ensuring criminal accountability will also improve our national security and protect Americans overseas. Importantly, in those instances where the local justice system may be less than fair, this explicit jurisdiction will also protect Americans by providing the option of prosecuting them in the United States, rather than leaving them subject to potentially hostile and unpredictable local courts. Our allies, including those countries most essential to our counterterrorism and national security efforts, work best with us when we hold our own accountable.

The legislation I propose today has been carefully crafted to ensure that the intelligence community can continue its authorized activities unimpeded. This bill would also provide greater protection to American victims of crime, as it would lead to more accountability for crimes committed by U.S. Government contractors and employees against Americans working abroad.

This legislation provides another important benefit: It will lay the groundwork to expand U.S. preclearance operations in Canada—thereby enhancing national security and facilitating commerce and tourism with our largest trading partner. The U.S. currently stations U.S. Customs and Border Protection, CBP, Officers in select locations in Canada to inspect passengers and cargo bound for the United States before they leave Canada. These operations relieve congestion at U.S. airports, improve commerce, save money, and provide national security benefits. Earlier this year, Secretary Johnson was joined in Washington by Canada's Minister of Public Safety, Steven Blaney, for the signing of a new preclearance agreement that was negotiated under the Beyond the Border Action Plan. That agreement sets the stage for expansion of preclearance capacity for traffic in the marine, land, air and rail sectors between the United States and Canada. But one barrier in these discussions is that the United States lacks legal authority to prosecute U.S. officials engaged in preclearance operations if they commit crimes while stationed in Canada. CEJA would ensure that the U.S. has legal authority to hold our own officials accountable if they engage in wrongdoing, and thereby help pave the way to fully implementing the expanded Canada preclearance agreement.

In the past, legislation in this area has been bipartisan. I hope Senators of both parties will work together to pass this important reform.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1377

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. SHORT TITLE.

This Act may be cited as the “Civilian Extraterritorial Jurisdiction Act of 2015” or the “CEJA”.

## SEC. 2. CLARIFICATION AND EXPANSION OF FEDERAL JURISDICTION OVER FEDERAL CONTRACTORS AND EMPLOYEES.

(a) EXTRATERRITORIAL JURISDICTION OVER FEDERAL CONTRACTORS AND EMPLOYEES.—

(1) IN GENERAL.—Chapter 212A of title 18, United States Code, is amended—

(A) by transferring the text of section 3272 to the end of section 3271, redesignating such text as subsection (c) of section 3271, and, in such text, as so redesignated, by striking “this chapter” and inserting “this section”;

(B) by striking the heading of section 3272; and

(C) by adding after section 3271, as amended by this paragraph, the following new sections:

### “§ 3272. Offenses committed by Federal contractors and employees outside the United States

“(a)(1) Whoever, while employed by any department or agency of the United States other than the Department of Defense or accompanying any department or agency of the United States other than the Department of Defense, knowingly engages in conduct (or conspires or attempts to engage in conduct) outside the United States that would constitute an offense enumerated in paragraph (3) had the conduct been engaged in within the special maritime and territorial jurisdiction of the United States shall be punished as provided for that offense.

“(2) A prosecution may not be commenced against a person under this subsection if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting the offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

“(3) The offenses covered by paragraph (1) are the following:

“(A) Any offense under chapter 5 (arson) of this title.

“(B) Any offense under section 111 (assaulting, resisting, or impeding certain officers or employees), 113 (assault within maritime and territorial jurisdiction), or 114 (maiming within maritime and territorial jurisdiction) of this title, but only if the offense is subject to a maximum sentence of imprisonment of one year or more.

“(C) Any offense under section 201 (bribery of public officials and witnesses) of this title.

“(D) Any offense under section 499 (military, naval, or official passes) of this title.

“(E) Any offense under section 701 (official badges, identifications cards, and other insignia), 702 (uniform of armed forces and Public Health Service), 703 (uniform of friendly nation), or 704 (military medals or decorations) of this title.

“(F) Any offense under chapter 41 (extortion and threats) of this title, but only if the offense is subject to a maximum sentence of imprisonment of three years or more.

“(G) Any offense under chapter 42 (extortionate credit transactions) of this title.

“(H) Any offense under section 924(c) (use of firearm in violent or drug trafficking crime) or 924(o) (conspiracy to violate section 924(c)) of this title.

“(I) Any offense under chapter 50A (genocide) of this title.

“(J) Any offense under section 1111 (murder), 1112 (manslaughter), 1113 (attempt to

commit murder or manslaughter), 1114 (protection of officers and employees of the United States), 1116 (murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1117 (conspiracy to commit murder), or 1119 (foreign murder of United States nationals) of this title.

“(K) Any offense under chapter 55 (kidnapping) of this title.

“(L) Any offense under section 1503 (influencing or injuring officer or juror generally), 1505 (obstruction of proceedings before departments, agencies, and committees), 1510 (obstruction of criminal investigations), 1512 (tampering with a witness, victim, or informant), or 1513 (retaliating against a witness, victim, or an informant) of this title.

“(M) Any offense under section 1951 (interference with commerce by threats or violence), 1952 (interstate and foreign travel or transportation in aid of racketeering enterprises), 1956 (laundering of monetary instruments), 1957 (engaging in monetary transactions in property derived from specified unlawful activity), 1958 (use of interstate commerce facilities in the commission of murder for hire), or 1959 (violent crimes in aid of racketeering activity) of this title.

“(N) Any offense under section 2111 (robbery or burglary within special maritime and territorial jurisdiction) of this title.

“(O) Any offense under chapter 109A (sexual abuse) of this title.

“(P) Any offense under chapter 113B (terrorism) of this title.

“(Q) Any offense under chapter 113C (torture) of this title.

“(R) Any offense under chapter 115 (treason, sedition, and subversive activities) of this title.

“(S) Any offense under section 2442 (child soldiers) of this title.

“(T) Any offense under section 401 (manufacture, distribution, or possession with intent to distribute a controlled substance) or 408 (continuing criminal enterprise) of the Controlled Substances Act (21 U.S.C. 841, 848), or under section 1002 (importation of controlled substances), 1003 (exportation of controlled substances), or 1010 (import or export of a controlled substance) of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 960), but only if the offense is subject to a maximum sentence of imprisonment of 20 years or more.

“(b) In addition to the jurisdiction under subsection (a), whoever, while employed by any department or agency of the United States other than the Department of Defense and stationed or deployed in a country outside of the United States pursuant to a treaty or executive agreement in furtherance of a border security initiative with that country, engages in conduct (or conspires or attempts to engage in conduct) outside the United States that would constitute an offense for which a person may be prosecuted in a court of the United States had the conduct been engaged in within the special maritime and territorial jurisdiction of the United States shall be punished as provided for that offense.

“(c) In this section:

“(1) The term ‘employed by any department or agency of the United States other than the Department of Defense’ means—

“(A) being employed as a civilian employee, a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), a grantee (including a contractor of a grantee or a subgrantee or subcontractor at any tier), or an employee of a grantee (or a contractor of a grantee or a subgrantee or subcontractor at any tier) of any department or agency of the United States other than the Department of Defense;

“(B) being present or residing outside the United States in connection with such employment;

“(C) not being a national of or ordinarily resident in the host nation; and

“(D) in the case of such a contractor, contractor employee, grantee, or grantee employee, that such employment supports a program, project, or activity for a department or agency of the United States.

“(2) The term ‘accompanying any department or agency of the United States other than the Department of Defense’ means—

“(A) being a dependant, family member, or member of household of—

“(i) a civilian employee of any department or agency of the United States other than the Department of Defense; or

“(ii) a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), a grantee (including a contractor of a grantee or a subgrantee or subcontractor at any tier), or an employee of a grantee (or a contractor of a grantee or a subgrantee or subcontractor at any tier) of any department or agency of the United States other than the Department of Defense, which contractor, contractor employee, grantee, or grantee employee is supporting a program, project, or activity for a department or agency of the United States other than the Department of Defense;

“(B) residing with such civilian employee, contractor, contractor employee, grantee, or grantee employee outside the United States; and

“(C) not being a national of or ordinarily resident in the host nation.

“(3) The term ‘grant agreement’ means a legal instrument described in section 6304 or 6305 of title 31, other than an agreement between the United States and a State, local, or foreign government or an international organization.

“(4) The term ‘grantee’ means a party, other than the United States, to a grant agreement.

“(5) The term ‘host nation’ means the country outside of the United States where the employee or contractor resides, the country where the employee or contractor commits the alleged offense at issue, or both.

#### “§ 3273. Regulations

“The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence, shall prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3271 and 3272 of this title.”

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 3267(1) of title 18, United States Code, is amended to read as follows:

“(A) employed as a civilian employee, a contractor (including a subcontractor at any tier), or an employee of a contractor (or a subcontractor at any tier) of the Department of Defense (including a nonappropriated fund instrumentality of the Department);”

(b) VENUE.—Chapter 211 of title 18, United States Code, is amended by adding at the end the following new section:

#### “§ 3245. Optional venue for offenses involving Federal employees and contractors overseas

“In addition to any venue otherwise provided in this chapter, the trial of any offense involving a violation of section 3261, 3271, or 3272 of this title may be brought—

“(1) in the district in which is headquartered the department or agency of the United States that employs the offender, or any 1 of 2 or more joint offenders; or

“(2) in the district in which is headquartered the department or agency of the United States that the offender is accompanying, or that any 1 of 2 or more joint offenders is accompanying.”

(c) SUSPENSION OF STATUTE OF LIMITATIONS.—Chapter 213 of title 18, United States Code, is amended by inserting after section 3287 the following new section:

#### “§ 3287A. Suspension of limitations for offenses involving Federal employees and contractors overseas

“The statute of limitations for an offense under section 3272 of this title shall be suspended for the period during which the person is outside the United States or is a fugitive from justice within the meaning of section 3290 of this title.”

(d) TECHNICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of chapter 212A of title 18, United States Code, is amended to read as follows:

#### “CHAPTER 212A—EXTRATERRITORIAL JURISDICTION OVER OFFENSES OF CONTRACTORS AND CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT”

(2) TABLES OF SECTIONS.—(A) The table of sections for chapter 211 of title 18, United States Code, is amended by adding at the end the following new item:

“3245. Optional venue for offenses involving Federal employees and contractors overseas.”

(B) The table of sections for chapter 212A of title 18, United States Code, is amended by striking the item relating to section 3272 and inserting the following new items:

“3272. Offenses committed by Federal contractors and employees outside the United States.

“3273. Regulations.”

(C) The table of sections for chapter 213 of title 18, United States Code, is amended by inserting after the item relating to section 3287 the following new item:

“3287A. Suspension of limitations for offenses involving Federal employees and contractors overseas.”

(3) TABLE OF CHAPTERS.—The item relating to chapter 212A in the table of chapters for part II of title 18, United States Code, is amended to read as follows:

#### “212A. Extraterritorial Jurisdiction Over Offenses of Contractors and Civilian Employees of the Federal Government ..... 3271”

#### SEC. 3. INVESTIGATIVE TASK FORCES FOR CONTRACTOR AND EMPLOYEE OVERSIGHT.

(a) ESTABLISHMENT OF INVESTIGATIVE TASK FORCES FOR CONTRACTOR AND EMPLOYEE OVERSIGHT.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the head of any other department or agency of the Federal Government responsible for employing contractors or persons overseas, shall assign adequate personnel and resources, including through the creation of task forces, to investigate allegations of criminal offenses under chapter 212A of title 18, United States Code (as amended by section 2(a) of this Act), and may authorize the overseas deployment of law enforcement agents and other employees of the Federal Government for that purpose.

(b) RESPONSIBILITIES OF ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have principal authority for the enforcement of this Act and the amendments made by this Act, and shall have the authority to initiate, conduct, and supervise investigations of any alleged offense under this Act or an amendment made by this Act.

(2) **LAW ENFORCEMENT AUTHORITY.**—With respect to violations of sections 3271 and 3272 of title 18, United States Code (as amended by section 2(a) of this Act), the Attorney General may authorize any person serving in a law enforcement position in any other department or agency of the Federal Government, including a member of the Diplomatic Security Service of the Department of State or a military police officer of the Armed Forces, to exercise investigative and law enforcement authority, including those powers that may be exercised under section 3052 of title 18, United States Code, subject to such guidelines or policies as the Attorney General considers appropriate for the exercise of such powers.

(3) **PROSECUTION.**—The Attorney General may establish such procedures the Attorney General considers appropriate to ensure that Federal law enforcement agencies refer offenses under section 3271 or 3272 of title 18, United States Code (as amended by section 2(a) of this Act), to the Attorney General for prosecution in a uniform and timely manner.

(4) **ASSISTANCE ON REQUEST OF ATTORNEY GENERAL.**—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other department or agency of the Federal Government to enforce section 3271 or 3272 of title 18, United States Code (as so amended). The assistance requested may include the following:

(A) The assignment of additional employees and resources to task forces established by the Attorney General under subsection (a).

(B) An investigation into alleged misconduct or arrest of an individual suspected of alleged misconduct by agents of the Diplomatic Security Service of the Department of State present in the nation in which the alleged misconduct occurs.

(5) **ANNUAL REPORT.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 5 years, the Attorney General shall, in consultation with the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security, submit to Congress a report containing the following:

(A) The number of prosecutions under chapter 212A of title 18, United States Code (as amended by section 2(a) of this Act), including the nature of the offenses and any dispositions reached, during the previous year.

(B) The actions taken to implement subsection (a), including the organization and training of employees and the use of task forces, during the previous year.

(C) Such recommendations for legislative or administrative action as the President considers appropriate to enforce chapter 212A of title 18, United States Code (as amended by section 2(a) of this Act), and the provisions of this section.

(c) **DEFINITIONS.**—In this section, the terms “agency” and “department” have the meanings given such terms in section 6 of title 18, United States Code.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to limit any authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy employees overseas.

#### SEC. 4. EFFECTIVE DATE.

(a) **IMMEDIATE EFFECTIVENESS.**—This Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) **IMPLEMENTATION.**—The Attorney General and the head of any other department or agency of the Federal Government to which

this Act or an amendment made by this Act applies shall have 90 days after the date of enactment of this Act to ensure compliance with this Act and the amendments made by this Act.

#### SEC. 5. RULES OF CONSTRUCTION.

(a) **IN GENERAL.**—Nothing in this Act or any amendment made by this Act shall be construed—

(1) to limit or affect the application of extraterritorial jurisdiction related to any other Federal law; or

(2) to limit or affect any authority or responsibility of a Chief of Mission as provided in section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

(b) **INTELLIGENCE ACTIVITIES.**—Nothing in this Act or any amendment made by this Act shall apply to the authorized intelligence activities of the United States Government.

#### SEC. 6. FUNDING.

If any amounts are appropriated to carry out this Act or an amendment made by this Act, the amounts shall be from amounts which would have otherwise been made available or appropriated to the Department of Justice.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 180—URGING ADDITIONAL SANCTIONS AGAINST THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, AND FOR OTHER PURPOSES

Mr. GARDNER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 180

Whereas the Democratic People's Republic of Korea (DPRK) tested nuclear weapons on three separate occasions, in October 2006, in May 2009, and in February 2013;

Whereas nuclear experts have reported that the DPRK may currently have as many as 20 nuclear warheads and has the potential to possess as many as 100 warheads within the next 5 years;

Whereas, according to the 2014 Department of Defense (DoD) report, “Military and Security Developments Involving the Democratic People's Republic of Korea”, the DPRK has proliferated nuclear technology to Libya via the proliferation network of Pakistani scientist A.Q. Khan;

Whereas, according to the 2014 DoD report, “North Korea also provided Syria with nuclear reactor technology until 2007.”;

Whereas, on September 6, 2007, as part of “Operation Orchard”, the Israeli Air Force destroyed the suspected nuclear facility in Syria;

Whereas, according to the 2014 DoD report, “North Korea has exported conventional and ballistic missile-related equipment, components, materials, and technical assistance to countries in Africa, Asia, and the Middle East.”;

Whereas, on November 29, 1987, DPRK agents planted explosive devices onboard Korean Air flight 858, which killed all 115 passengers and crew on board;

Whereas, on March 26, 2010, the DPRK fired upon and sank the South Korean warship Cheonan, killing 46 of her crew;

Whereas, on November 23, 2010, the DPRK shelled South Korea's Yeonpyeong Island, killing 4 South Korean citizens;

Whereas, on February 7, 2014, the United Nations “Commission of Inquiry on human rights in DPRK (‘Commission of Inquiry’)” released a report detailing the atrocious human rights record of the DPRK;

Whereas Dr. Michael Kirby, Chair of the Commission, stated on March 17, 2014, “The Commission of Inquiry has found systematic, widespread, and grave human rights violations occurring in the Democratic People's Republic of Korea. It has also found a disturbing array of crimes against humanity. These crimes are committed against inmates of political and other prison camps; against starving populations; against religious believers; against persons who try to flee the country—including those forcibly repatriated by China.”;

Whereas Dr. Michael Kirby also stated, “These crimes arise from policies established at the highest level of the State. They have been committed, and continue to take place in the Democratic People's Republic of Korea, because the policies, institutions, and patterns of impunity that lie at their heart remain in place. The gravity, scale, duration, and nature of the unspeakable atrocities committed in the country reveal a totalitarian State that does not have any parallel in the contemporary world.”;

Whereas the Commission of Inquiry also notes, “Since 1950, the Democratic People's Republic of Korea has engaged in the systematic abduction, denial of repatriation, and subsequent enforced disappearance of persons from other countries on a large scale and as a matter of State policy. Well over 200,000 persons, including children, who were brought from other countries to the Democratic People's Republic of Korea may have become victims of enforced disappearance,” and states that the DPRK has failed to account or address this injustice in any way;

Whereas, according to reports and analysis from organizations such as the International Network for the Human Rights of North Korean Overseas Labor, the Korea Policy Research Center, NK Watch, the Asan Institute for Policy Studies, the Center for International and Strategic Studies (CSIS), and the George W. Bush Institute, there may currently be as many as 100,000 North Korean overseas laborers in various nations around the world;

Whereas these forced North Korean laborers are often subjected to harsh working conditions under the direct supervision of DPRK officials, and their salaries contribute to anywhere from \$150,000,000 to \$230,000,000 a year to the DPRK state coffers;

Whereas, according to the Director of National Intelligence's (DNI) 2015 Worldwide Threat Assessment, “North Korea's nuclear weapons and missile programs pose a serious threat to the United States and to the security environment in East Asia.”;

Whereas the 2015 DNI report states, “North Korea has also expanded the size and sophistication of its ballistic missile forces, ranging from close-range ballistic missiles to ICBMs, while continuing to conduct test launches. In 2014, North Korea launched an unprecedented number of ballistic missiles.”;

Whereas, on December 19, 2015, the Federal Bureau of Investigation (FBI) declared that the DPRK was responsible for a cyberattack on Sony Pictures conducted on November 24, 2014;

Whereas, from 1998 to 2008, the DPRK was designated by the United States Government as a state sponsor of terrorism;

Whereas the DPRK is currently in violation of United Nations Security Council Resolutions 1695 (2006), 1718 (2006), 1874 (2009), 2087 (2013), and 2094 (2013);

Whereas the DPRK repeatedly violated agreements with the United States and the other so-called Six-Party Talks partners (the Republic of Korea, Japan, the Russian Federation, and the People's Republic of China) designed to halt its nuclear weapons program, while receiving significant concessions, including fuel, oil, and food aid;



Whereas the Six Party talks have not been held since December 2008; and

Whereas, on May 9, 2015, the DPRK claimed that it has test-fired a ballistic missile from a submarine; Now, therefore, be it

*Resolved*, That the Senate—

(1) finds that the DPRK represents a serious threat to the national security of the United States and United States allies in East Asia and to international peace and stability, and grossly violates the human rights of its own people;

(2) urges the Secretary of State and the Secretary of the Treasury to impose additional sanctions against the DPRK, including targeting its financial assets around the world, specific designations relating to human rights abuses, and a redesignation of the DPRK as a state sponsor of terror; and

(3) warns the President against resuming the negotiations with the DPRK, either bilaterally or as part of the Six Party talks, without strict pre-conditions, including that the DPRK—

(A) adhere to its denuclearization commitments outlined in the 2005 Joint Statement of the Six-Party talks;

(B) commit to halting its ballistic missile programs and its proliferation activities;

(C) cease military provocations; and

(D) measurably and significantly improve its human rights record.

#### SENATE RESOLUTION 181—DESIGNATING MAY 19, 2015, AS “NATIONAL SCHIZENCEPHALY AWARENESS DAY”

Mr. HOEVEN (for himself and Ms. HEITKAMP) submitted the following resolution; which was considered and agreed to:

S. RES. 181

Whereas schizencephaly is an extremely rare developmental birth defect characterized by abnormal slits, or clefts, in the brain;

Whereas individuals with bilateral schizencephaly, the more severe case, commonly have developmental delays, delays in speech and language skills, problems with brain-spinal cord communication, limited mobility, and shorter lifespans;

Whereas schizencephaly is the second rarest brain malformation, and only approximately 7,000 cases have ever been reported;

Whereas promoting education and increasing awareness among health professionals and families will lead to early intervention and treatment options for individuals with schizencephaly; and

Whereas continued Federal support for medical research will help identify causes, improve diagnostics, and develop promising treatments for schizencephaly: Now, therefore, be it

*Resolved*, That the Senate designates May 19, 2015, as “National Schizencephaly Awareness Day”.

#### SENATE RESOLUTION 182—EXPRESSING THE SENSE OF THE SENATE THAT DEFENSE LABORATORIES HAVE BEEN, AND CONTINUE TO BE, ON THE CUTTING EDGE OF SCIENTIFIC AND TECHNOLOGICAL ADVANCEMENT AND SUPPORTING THE DESIGNATION OF MAY 14, 2015, AS THE “DEPARTMENT OF DEFENSE LABORATORY DAY”

Mr. BROWN (for himself, Mr. REED of Rhode Island, Mr. DURBIN, Mr. KIRK, Mr. HEINRICH, Mr. MARKEY, Mr. UDALL,

Mr. DONNELLY, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 182

Whereas a Defense laboratory is defined as any laboratory, Department of Defense-funded research and development center, or engineering center that is owned by a military service and funded by the Federal Government;

Whereas Defense laboratories should be commended for the unique role the laboratories have played in numerous innovations and advances in the areas of defense and national security;

Whereas technological progress is responsible for up to half the growth of the United States economy and is the principal driving force behind long-term economic growth and increases in the standard of living in the United States;

Whereas defense-supported research and development has led to new products and processes for state-of-the-art military weapons and technology, as well as for the public good;

Whereas Defense laboratories frequently partner with State and local governments and regional organizations to transfer technology to the private sector;

Whereas Defense laboratories are at the forefront of cutting-edge science and technology, earning prestigious national and international awards for research and technology transfer efforts;

Whereas the innovations produced at the Defense laboratories of the United States fuel economic growth by creating new industries, companies, and jobs;

Whereas the work of the Defense laboratories is essential to the continued prosperity of the United States; and

Whereas May 14, 2015, would be an appropriate day to designate as the “Department of Defense Laboratory Day”: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of May 14, 2015, as the “Department of Defense Laboratory Day” in recognition of the work and accomplishments of the national network of Defense laboratories;

(2) recognizes that supporting research and development, including federally sponsored work performed at the Defense laboratories, is key to maintaining United States innovation and competitiveness in a global economy;

(3) acknowledges that the knowledge base, technologies, and techniques generated in the Defense laboratory system serve as a foundation for the defense industrial base;

(4) reaffirms the importance of robust investment in Defense laboratories to preserving the technological superiority of the Armed Forces in the 21st century; and

(5) encourages the Defense laboratories, the executive branch agencies, and Congress to hold an outreach event on May 14, 2015, “Department of Defense Laboratory Day”, to raise public awareness of the work of the Defense laboratories.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1366. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table.

SA 1367. Mr. MERKLEY submitted an amendment intended to be proposed to

amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1368. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1369. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1370. Mr. MERKLEY (for himself, Mr. SCHATZ, Ms. BALDWIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1371. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1372. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1373. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1374. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1375. Mr. BLUMENTHAL (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1376. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1377. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1378. Ms. STABENOW (for herself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1379. Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1380. Ms. STABENOW (for herself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1381. Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1382. Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1383. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1384. Mr. HATCH (for Mr. CRUZ (for himself, Mr. GRASSLEY, Mr. SULLIVAN, Mr. COTTON, Mr. ISAKSON, Mr. BOOZMAN, and Mr. INHOFE)) submitted an amendment intended

to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1385. Mr. HATCH (for himself, Mr. WYDEN, Mr. CORNYN, Mr. CARPER, Mr. ALEXANDER, Mr. CORKER, Mr. WARNER, Mrs. McCASKILL, Mr. BENNET, and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1386. Mr. FRANKEN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1387. Mr. WHITEHOUSE (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1388. Ms. WARREN (for herself, Ms. BALDWIN, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1389. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1390. Mr. FRANKEN (for himself, Mr. BROWN, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1391. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1392. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1393. Mr. FLAKE (for himself, Mr. MCCAIN, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. TILLIS, Mr. VITTER, and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1394. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1395. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1396. Mr. COONS (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1397. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1398. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1399. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1400. Mr. MERKLEY submitted an amendment intended to be proposed to

amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1401. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1402. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1403. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1404. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1405. Mr. DONNELLY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1406. Mr. DONNELLY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1407. Mr. DONNELLY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1408. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1409. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1410. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, supra; which was ordered to lie on the table.

SA 1411. Mr. HATCH proposed an amendment to the bill H.R. 1314, supra.

#### TEXT OF AMENDMENTS

**SA 1366.** Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

In section 103(b), strike paragraph (2) and insert the following:

##### (2) CONDITIONS.—

(A) IN GENERAL.—A trade agreement may be entered into under this subsection only if such agreement makes progress in meeting the applicable objectives described in subsections (a) and (b) of section 102 and the President satisfies the conditions set forth in sections 104 and 105.

(B) PROHIBITION ON CERTAIN AGREEMENTS.—A trade agreement may not be entered into under this subsection if such agreement could subject policies of the United States Government or any State or local government in the United States to claims by foreign investors that would be decided outside the United States legal system.

**SA 1367.** Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

In section 103(b), strike paragraph (2) and insert the following:

##### (2) CONDITIONS.—

(A) IN GENERAL.—A trade agreement may be entered into under this subsection only if such agreement makes progress in meeting the applicable objectives described in subsections (a) and (b) of section 102 and the President satisfies the conditions set forth in sections 104 and 105.

(B) PROHIBITION ON CERTAIN AGREEMENTS.—A trade agreement may not be entered into under this subsection if such agreement could subject policies of State or local governments in the United States to claims by foreign investors that would be decided outside the United States legal system.

**SA 1368.** Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

In section 103(b), strike paragraph (2) and insert the following:

##### (2) CONDITIONS.—

(A) IN GENERAL.—A trade agreement may be entered into under this subsection only if such agreement makes progress in meeting the applicable objectives described in subsections (a) and (b) of section 102 and the President satisfies the conditions set forth in sections 104 and 105.

(B) PROTECTION OF THE ENVIRONMENT, PUBLIC HEALTH, AND CONSUMERS.—A trade agreement may be entered into under this subsection only if such agreement exempts policies for protecting the environment, public health, and consumers from any investor-state dispute settlement provisions included in the agreement.

**SA 1369.** Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

On page 44, line 6, strike “makes progress in meeting” and insert “achieves”.

On page 88, line 10, strike “makes progress in achieving” and insert “achieves”.

On page 88, lines 15 through 17, strike “and to what extent the agreement makes progress in achieving” and insert “the agreement achieves”.

On page 92, line 24, strike “make progress in achieving” and insert “achieve”.

**SA 1370.** Mr. MERKLEY (for himself, Mr. SCHATZ, Ms. BALDWIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the

bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

Beginning on page 44, strike line 4, and all that follows through page 93, line 2, and insert the following:

(2) **CONDITIONS.**—A trade agreement may be entered into under this subsection only if such agreement achieves the applicable objectives described in subsections (a) and (b) of section 102 and the President satisfies the conditions set forth in sections 104 and 105.

(3) **BILLS QUALIFYING FOR TRADE AUTHORITIES PROCEDURES.**—(A) The provisions of section 151 of the Trade Act of 1974 (in this title referred to as “trade authorities procedures”) apply to a bill of either House of Congress which contains provisions described in subparagraph (B) to the same extent as such section 151 applies to implementing bills under that section. A bill to which this paragraph applies shall hereafter in this title be referred to as an “implementing bill”.

(B) The provisions referred to in subparagraph (A) are—

(i) a provision approving a trade agreement entered into under this subsection and approving the statement of administrative action, if any, proposed to implement such trade agreement; and

(ii) if changes in existing laws or new statutory authority are required to implement such trade agreement or agreements, only such provisions as are strictly necessary or appropriate to implement such trade agreement or agreements, either repealing or amending existing laws or providing new statutory authority.

(c) **EXTENSION DISAPPROVAL PROCESS FOR CONGRESSIONAL TRADE AUTHORITIES PROCEDURES.**—

(1) **IN GENERAL.**—Except as provided in section 106(b)—

(A) the trade authorities procedures apply to implementing bills submitted with respect to trade agreements entered into under subsection (b) before July 1, 2018; and

(B) the trade authorities procedures shall be extended to implementing bills submitted with respect to trade agreements entered into under subsection (b) after June 30, 2018, and before July 1, 2021, if (and only if)—

(i) the President requests such extension under paragraph (2); and

(ii) neither House of Congress adopts an extension disapproval resolution under paragraph (5) before July 1, 2018.

(2) **REPORT TO CONGRESS BY THE PRESIDENT.**—If the President is of the opinion that the trade authorities procedures should be extended to implementing bills described in paragraph (1)(B), the President shall submit to Congress, not later than April 1, 2018, a written report that contains a request for such extension, together with—

(A) a description of all trade agreements that have been negotiated under subsection (b) and the anticipated schedule for submitting such agreements to Congress for approval;

(B) a description of the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this title, and a statement that such progress justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) **OTHER REPORTS TO CONGRESS.**—

(A) **REPORT BY THE ADVISORY COMMITTEE.**—The President shall promptly inform the Advisory Committee for Trade Policy and Ne-

gotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of the decision of the President to submit a report to Congress under paragraph (2). The Advisory Committee shall submit to Congress as soon as practicable, but not later than June 1, 2018, a written report that contains—

(i) its views regarding the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this title; and

(ii) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(B) **REPORT BY INTERNATIONAL TRADE COMMISSION.**—The President shall promptly inform the United States International Trade Commission of the decision of the President to submit a report to Congress under paragraph (2). The International Trade Commission shall submit to Congress as soon as practicable, but not later than June 1, 2018, a written report that contains a review and analysis of the economic impact on the United States of all trade agreements implemented between the date of the enactment of this Act and the date on which the President decides to seek an extension requested under paragraph (2).

(4) **STATUS OF REPORTS.**—The reports submitted to Congress under paragraphs (2) and (3), or any portion of such reports, may be classified to the extent the President determines appropriate.

(5) **EXTENSION DISAPPROVAL RESOLUTIONS.**—(A) For purposes of paragraph (1), the term “extension disapproval resolution” means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: “That the \_\_\_\_\_ disapproves the request of the President for the extension, under section 103(c)(1)(B)(i) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015, of the trade authorities procedures under that Act to any implementing bill submitted with respect to any trade agreement entered into under section 103(b) of that Act after June 30, 2018.”, with the blank space being filled with the name of the resolving House of Congress.

(B) Extension disapproval resolutions—

(i) may be introduced in either House of Congress by any member of such House; and

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and, in addition, to the Committee on Rules.

(C) The provisions of subsections (d) and (e) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions.

(D) It is not in order for—

(i) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules;

(ii) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance; or

(iii) either House of Congress to consider an extension disapproval resolution after June 30, 2018.

(d) **COMMENCEMENT OF NEGOTIATIONS.**—In order to contribute to the continued economic expansion of the United States, the President shall commence negotiations covering tariff and nontariff barriers affecting any industry, product, or service sector, and expand existing sectoral agreements to countries that are not parties to those agreements, in cases where the President determines that such negotiations are feasible and timely and would benefit the United States. Such sectors include agriculture,

commercial services, intellectual property rights, industrial and capital goods, government procurement, information technology products, environmental technology and services, medical equipment and services, civil aircraft, and infrastructure products. In so doing, the President shall take into account all of the negotiating objectives set forth in section 102.

#### **SEC. 104. CONGRESSIONAL OVERSIGHT, CONSULTATIONS, AND ACCESS TO INFORMATION.**

(a) **CONSULTATIONS WITH MEMBERS OF CONGRESS.**—

(1) **CONSULTATIONS DURING NEGOTIATIONS.**—In the course of negotiations conducted under this title, the United States Trade Representative shall—

(A) meet upon request with any Member of Congress regarding negotiating objectives, the status of negotiations in progress, and the nature of any changes in the laws of the United States or the administration of those laws that may be recommended to Congress to carry out any trade agreement or any requirement of, amendment to, or recommendation under, that agreement;

(B) upon request of any Member of Congress, provide access to pertinent documents relating to the negotiations, including classified materials;

(C) consult closely and on a timely basis with, and keep fully apprised of the negotiations, the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(D) consult closely and on a timely basis with, and keep fully apprised of the negotiations, the House Advisory Group on Negotiations and the Senate Advisory Group on Negotiations convened under subsection (c) and all committees of the House of Representatives and the Senate with jurisdiction over laws that could be affected by a trade agreement resulting from the negotiations; and

(E) with regard to any negotiations and agreement relating to agricultural trade, also consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(2) **CONSULTATIONS PRIOR TO ENTRY INTO FORCE.**—Prior to exchanging notes providing for the entry into force of a trade agreement, the United States Trade Representative shall consult closely and on a timely basis with Members of Congress and committees as specified in paragraph (1), and keep them fully apprised of the measures a trading partner has taken to comply with those provisions of the agreement that are to take effect on the date that the agreement enters into force.

(3) **ENHANCED COORDINATION WITH CONGRESS.**—

(A) **WRITTEN GUIDELINES.**—The United States Trade Representative, in consultation with the chairmen and the ranking members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, respectively—

(i) shall, not later than 120 days after the date of the enactment of this Act, develop written guidelines on enhanced coordination with Congress, including coordination with designated congressional advisers under subsection (b), regarding negotiations conducted under this title; and

(ii) may make such revisions to the guidelines as may be necessary from time to time.

(B) **CONTENT OF GUIDELINES.**—The guidelines developed under subparagraph (A) shall enhance coordination with Congress through procedures to ensure—

(i) timely briefings upon request of any Member of Congress regarding negotiating objectives, the status of negotiations in progress conducted under this title, and the nature of any changes in the laws of the United States or the administration of those laws that may be recommended to Congress to carry out any trade agreement or any requirement of, amendment to, or recommendation under, that agreement; and

(ii) the sharing of detailed and timely information with Members of Congress, and their staff with proper security clearances as appropriate, regarding those negotiations and pertinent documents related to those negotiations (including classified information), and with committee staff with proper security clearances as would be appropriate in the light of the responsibilities of that committee over the trade agreements programs affected by those negotiations.

(C) DISSEMINATION.—The United States Trade Representative shall disseminate the guidelines developed under subparagraph (A) to all Federal agencies that could have jurisdiction over laws affected by trade negotiations.

(b) DESIGNATED CONGRESSIONAL ADVISERS.—

(1) DESIGNATION.—

(A) HOUSE OF REPRESENTATIVES.—In each Congress, any Member of the House of Representatives may be designated as a congressional adviser on trade policy and negotiations by the Speaker of the House of Representatives, after consulting with the chairman and ranking member of the Committee on Ways and Means and the chairman and ranking member of the committee from which the Member will be selected.

(B) SENATE.—In each Congress, any Member of the Senate may be designated as a congressional adviser on trade policy and negotiations by the President pro tempore of the Senate, after consultation with the chairman and ranking member of the Committee on Finance and the chairman and ranking member of the committee from which the Member will be selected.

(2) CONSULTATIONS WITH DESIGNATED CONGRESSIONAL ADVISERS.—In the course of negotiations conducted under this title, the United States Trade Representative shall consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the congressional advisers for trade policy and negotiations designated under paragraph (1).

(3) ACCREDITATION.—Each Member of Congress designated as a congressional adviser under paragraph (1) shall be accredited by the United States Trade Representative on behalf of the President as an official adviser to the United States delegations to international conferences, meetings, and negotiating sessions relating to trade agreements.

(c) CONGRESSIONAL ADVISORY GROUPS ON NEGOTIATIONS.—

(1) IN GENERAL.—By not later than 60 days after the date of the enactment of this Act, and not later than 30 days after the convening of each Congress, the chairman of the Committee on Ways and Means of the House of Representatives shall convene the House Advisory Group on Negotiations and the chairman of the Committee on Finance of the Senate shall convene the Senate Advisory Group on Negotiations (in this subsection referred to collectively as the “congressional advisory groups”).

(2) MEMBERS AND FUNCTIONS.—

(A) MEMBERSHIP OF THE HOUSE ADVISORY GROUP ON NEGOTIATIONS.—In each Congress, the House Advisory Group on Negotiations shall be comprised of the following Members of the House of Representatives:

(i) The chairman and ranking member of the Committee on Ways and Means, and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(ii) The chairman and ranking member, or their designees, of the committees of the House of Representatives that would have, under the Rules of the House of Representatives, jurisdiction over provisions of law affected by a trade agreement negotiation conducted at any time during that Congress and to which this title would apply.

(B) MEMBERSHIP OF THE SENATE ADVISORY GROUP ON NEGOTIATIONS.—In each Congress, the Senate Advisory Group on Negotiations shall be comprised of the following Members of the Senate:

(i) The chairman and ranking member of the Committee on Finance and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(ii) The chairman and ranking member, or their designees, of the committees of the Senate that would have, under the Rules of the Senate, jurisdiction over provisions of law affected by a trade agreement negotiation conducted at any time during that Congress and to which this title would apply.

(C) ACCREDITATION.—Each member of the congressional advisory groups described in subparagraphs (A)(i) and (B)(i) shall be accredited by the United States Trade Representative on behalf of the President as an official adviser to the United States delegation in negotiations for any trade agreement to which this title applies. Each member of the congressional advisory groups described in subparagraphs (A)(ii) and (B)(ii) shall be accredited by the United States Trade Representative on behalf of the President as an official adviser to the United States delegation in the negotiations by reason of which the member is in one of the congressional advisory groups.

(D) CONSULTATION AND ADVICE.—The congressional advisory groups shall consult with and provide advice to the Trade Representative regarding the formulation of specific objectives, negotiating strategies and positions, the development of the applicable trade agreement, and compliance and enforcement of the negotiated commitments under the trade agreement.

(E) CHAIR.—The House Advisory Group on Negotiations shall be chaired by the Chairman of the Committee on Ways and Means of the House of Representatives and the Senate Advisory Group on Negotiations shall be chaired by the Chairman of the Committee on Finance of the Senate.

(F) COORDINATION WITH OTHER COMMITTEES.—Members of any committee represented on one of the congressional advisory groups may submit comments to the member of the appropriate congressional advisory group from that committee regarding any matter related to a negotiation for any trade agreement to which this title applies.

(3) GUIDELINES.—

(A) PURPOSE AND REVISION.—The United States Trade Representative, in consultation with the chairmen and the ranking members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, respectively—

(i) shall, not later than 120 days after the date of the enactment of this Act, develop written guidelines to facilitate the useful and timely exchange of information between the Trade Representative and the congressional advisory groups; and

(ii) may make such revisions to the guidelines as may be necessary from time to time.

(B) CONTENT.—The guidelines developed under subparagraph (A) shall provide for, among other things—

(i) detailed briefings on a fixed timetable to be specified in the guidelines of the congressional advisory groups regarding negotiating objectives and positions and the status of the applicable negotiations, beginning as soon as practicable after the congressional advisory groups are convened, with more frequent briefings as trade negotiations enter the final stage;

(ii) access by members of the congressional advisory groups, and staff with proper security clearances, to pertinent documents relating to the negotiations, including classified materials;

(iii) the closest practicable coordination between the Trade Representative and the congressional advisory groups at all critical periods during the negotiations, including at negotiation sites;

(iv) after the applicable trade agreement is concluded, consultation regarding ongoing compliance and enforcement of negotiated commitments under the trade agreement; and

(v) the timeframe for submitting the report required under section 105(d)(3).

(4) REQUEST FOR MEETING.—Upon the request of a majority of either of the congressional advisory groups, the President shall meet with that congressional advisory group before initiating negotiations with respect to a trade agreement, or at any other time concerning the negotiations.

(d) CONSULTATIONS WITH THE PUBLIC.—

(1) GUIDELINES FOR PUBLIC ENGAGEMENT.—The United States Trade Representative, in consultation with the chairmen and the ranking members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, respectively—

(A) shall, not later than 120 days after the date of the enactment of this Act, develop written guidelines on public access to information regarding negotiations conducted under this title; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

(2) PURPOSES.—The guidelines developed under paragraph (1) shall—

(A) facilitate transparency;

(B) encourage public participation; and

(C) promote collaboration in the negotiation process.

(3) CONTENT.—The guidelines developed under paragraph (1) shall include procedures that—

(A) provide for rapid disclosure of information in forms that the public can readily find and use; and

(B) provide frequent opportunities for public input through Federal Register requests for comment and other means.

(4) DISSEMINATION.—The United States Trade Representative shall disseminate the guidelines developed under paragraph (1) to all Federal agencies that could have jurisdiction over laws affected by trade negotiations.

(e) CONSULTATIONS WITH ADVISORY COMMITTEES.—

(1) GUIDELINES FOR ENGAGEMENT WITH ADVISORY COMMITTEES.—The United States Trade Representative, in consultation with the chairmen and the ranking members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, respectively—

(A) shall, not later than 120 days after the date of the enactment of this Act, develop written guidelines on enhanced coordination with advisory committees established pursuant to section 135 of the Trade Act of 1974 (19 U.S.C. 2155) regarding negotiations conducted under this title; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

(2) **CONTENT.**—The guidelines developed under paragraph (1) shall enhance coordination with advisory committees described in that paragraph through procedures to ensure—

(A) timely briefings of advisory committees and regular opportunities for advisory committees to provide input throughout the negotiation process on matters relevant to the sectors or functional areas represented by those committees; and

(B) the sharing of detailed and timely information with each member of an advisory committee regarding negotiations and pertinent documents related to the negotiation (including classified information) on matters relevant to the sectors or functional areas the member represents, and with a designee with proper security clearances of each such member as appropriate.

(3) **DISSEMINATION.**—The United States Trade Representative shall disseminate the guidelines developed under paragraph (1) to all Federal agencies that could have jurisdiction over laws affected by trade negotiations.

(f) **ESTABLISHMENT OF POSITION OF CHIEF TRANSPARENCY OFFICER IN THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.**—Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) There shall be in the Office one Chief Transparency Officer. The Chief Transparency Officer shall consult with Congress on transparency policy, coordinate transparency in trade negotiations, engage and assist the public, and advise the United States Trade Representative on transparency policy.”

#### **SEC. 105. NOTICE, CONSULTATIONS, AND REPORTS.**

(a) **NOTICE, CONSULTATIONS, AND REPORTS BEFORE NEGOTIATION.**—

(1) **NOTICE.**—The President, with respect to any agreement that is subject to the provisions of section 103(b), shall—

(A) provide, at least 90 calendar days before initiating negotiations with a country, written notice to Congress of the President's intention to enter into the negotiations with that country and set forth in the notice the date on which the President intends to initiate those negotiations, the specific United States objectives for the negotiations with that country, and whether the President intends to seek an agreement, or changes to an existing agreement;

(B) before and after submission of the notice, consult regarding the negotiations with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, such other committees of the House and Senate as the President deems appropriate, and the House Advisory Group on Negotiations and the Senate Advisory Group on Negotiations convened under section 104(c);

(C) upon the request of a majority of the members of either the House Advisory Group on Negotiations or the Senate Advisory Group on Negotiations convened under section 104(c), meet with the requesting congressional advisory group before initiating the negotiations or at any other time concerning the negotiations; and

(D) after consulting with the Committee on Ways and Means and the Committee on Finance, and at least 30 calendar days before initiating negotiations with a country, publish on a publicly available Internet website of the Office of the United States Trade Representative, and regularly update thereafter, a detailed and comprehensive summary of the specific objectives with respect to the

negotiations, and a description of how the agreement, if successfully concluded, will further those objectives and benefit the United States.

#### **(2) NEGOTIATIONS REGARDING AGRICULTURE.**—

(A) **ASSESSMENT AND CONSULTATIONS FOLLOWING ASSESSMENT.**—Before initiating or continuing negotiations the subject matter of which is directly related to the subject matter under section 102(b)(3)(B) with any country, the President shall—

(i) assess whether United States tariffs on agricultural products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country;

(ii) consider whether the tariff levels bound and applied throughout the world with respect to imports from the United States are higher than United States tariffs and whether the negotiation provides an opportunity to address any such disparity; and

(iii) consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(B) **SPECIAL CONSULTATIONS ON IMPORT SENSITIVE PRODUCTS.**—(i) Before initiating negotiations with regard to agriculture and, with respect to agreements described in paragraphs (2) and (3) of section 107(a), as soon as practicable after the date of the enactment of this Act, the United States Trade Representative shall—

(I) identify those agricultural products subject to tariff rate quotas on the date of enactment of this Act, and agricultural products subject to tariff reductions by the United States as a result of the Uruguay Round Agreements, for which the rate of duty was reduced on January 1, 1995, to a rate which was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994;

(II) consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning—

(aa) whether any further tariff reductions on the products identified under subclause (I) should be appropriate, taking into account the impact of any such tariff reduction on the United States industry producing the product concerned;

(bb) whether the products so identified face unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements; and

(cc) whether the countries participating in the negotiations maintain export subsidies or other programs, policies, or practices that distort world trade in such products and the impact of such programs, policies, and practices on United States producers of the products;

(III) request that the International Trade Commission prepare an assessment of the probable economic effects of any such tariff reduction on the United States industry producing the product concerned and on the United States economy as a whole; and

(IV) upon complying with subclauses (I), (II), and (III), notify the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate of those products identi-

fied under subclause (I) for which the Trade Representative intends to seek tariff liberalization in the negotiations and the reasons for seeking such tariff liberalization.

(ii) If, after negotiations described in clause (i) are commenced—

(I) the United States Trade Representative identifies any additional agricultural product described in clause (i)(I) for tariff reductions which were not the subject of a notification under clause (i)(IV), or

(II) any additional agricultural product described in clause (i)(I) is the subject of a request for tariff reductions by a party to the negotiations,

the Trade Representative shall, as soon as practicable, notify the committees referred to in clause (i)(IV) of those products and the reasons for seeking such tariff reductions.

(3) **NEGOTIATIONS REGARDING THE FISHING INDUSTRY.**—Before initiating, or continuing, negotiations that directly relate to fish or shellfish trade with any country, the President shall consult with the Committee on Ways and Means and the Committee on Natural Resources of the House of Representatives, and the Committee on Finance and the Committee on Commerce, Science, and Transportation of the Senate, and shall keep the Committees apprised of the negotiations on an ongoing and timely basis.

(4) **NEGOTIATIONS REGARDING TEXTILES.**—Before initiating or continuing negotiations the subject matter of which is directly related to textiles and apparel products with any country, the President shall—

(A) assess whether United States tariffs on textile and apparel products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country and whether the negotiation provides an opportunity to address any such disparity; and

(B) consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(5) **ADHERENCE TO EXISTING INTERNATIONAL TRADE AND INVESTMENT AGREEMENT OBLIGATIONS.**—In determining whether to enter into negotiations with a particular country, the President shall take into account the extent to which that country has implemented, or has accelerated the implementation of, its international trade and investment commitments to the United States, including pursuant to the WTO Agreement.

(b) **CONSULTATION WITH CONGRESS BEFORE ENTRY INTO AGREEMENT.**—

(1) **CONSULTATION.**—Before entering into any trade agreement under section 103(b), the President shall consult with—

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(B) each other committee of the House and the Senate, and each joint committee of Congress, which has jurisdiction over legislation involving subject matters which would be affected by the trade agreement; and

(C) the House Advisory Group on Negotiations and the Senate Advisory Group on Negotiations convened under section 104(c).

(2) **SCOPE.**—The consultation described in paragraph (1) shall include consultation with respect to—

(A) the nature of the agreement;

(B) how and to what extent the agreement will achieve the applicable purposes, policies, priorities, and objectives of this title; and

(C) the implementation of the agreement under section 106, including the general effect of the agreement on existing laws.



(3) REPORT REGARDING UNITED STATES TRADE REMEDY LAWS.—

(A) CHANGES IN CERTAIN TRADE LAWS.—The President, not less than 180 calendar days before the day on which the President enters into a trade agreement under section 103(b), shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

(i) the range of proposals advanced in the negotiations with respect to that agreement, that may be in the final agreement, and that could require amendments to title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) or to chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); and

(ii) how these proposals relate to the objectives described in section 102(b)(16).

(B) RESOLUTIONS.—(i) At any time after the transmission of the report under subparagraph (A), if a resolution is introduced with respect to that report in either House of Congress, the procedures set forth in clauses (iii) through (vii) shall apply to that resolution if—

(I) no other resolution with respect to that report has previously been reported in that House of Congress by the Committee on Ways and Means or the Committee on Finance, as the case may be, pursuant to those procedures; and

(II) no procedural disapproval resolution under section 106(b) introduced with respect to a trade agreement entered into pursuant to the negotiations to which the report under subparagraph (A) relates has previously been reported in that House of Congress by the Committee on Ways and Means or the Committee on Finance, as the case may be.

(ii) For purposes of this subparagraph, the term “resolution” means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: “That the \_\_\_\_\_ finds that the proposed changes to United States trade remedy laws contained in the report of the President transmitted to Congress on \_\_\_\_\_ under section 105(b)(3) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 with respect to \_\_\_\_\_, are inconsistent with the negotiating objectives described in section 102(b)(16) of that Act.”, with the first blank space being filled with the name of the resolving House of Congress, the second blank space being filled with the appropriate date of the report, and the third blank space being filled with the name of the country or countries involved.

(iii) Resolutions in the House of Representatives—

(I) may be introduced by any Member of the House;

(II) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(III) may not be amended by either Committee.

(iv) Resolutions in the Senate—

(I) may be introduced by any Member of the Senate;

(II) shall be referred to the Committee on Finance; and

(III) may not be amended.

(v) It is not in order for the House of Representatives to consider any resolution that is not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(vi) It is not in order for the Senate to consider any resolution that is not reported by the Committee on Finance.

(vii) The provisions of subsections (d) and (e) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192) (relating to floor consideration of certain resolutions in the House and Senate) shall apply to resolutions.

(4) ADVISORY COMMITTEE REPORTS.—The report required under section 135(e)(1) of the Trade Act of 1974 (19 U.S.C. 2155(e)(1)) regarding any trade agreement entered into under subsection (a) or (b) of section 103 shall be provided to the President, Congress, and the United States Trade Representative not later than 30 days after the date on which the President notifies Congress under section 103(a)(2) or 106(a)(1)(A) of the intention of the President to enter into the agreement.

(C) INTERNATIONAL TRADE COMMISSION ASSESSMENT.—

(1) SUBMISSION OF INFORMATION TO COMMISSION.—The President, not later than 90 calendar days before the day on which the President enters into a trade agreement under section 103(b), shall provide the International Trade Commission (referred to in this subsection as the “Commission”) with the details of the agreement as it exists at that time and request the Commission to prepare and submit an assessment of the agreement as described in paragraph (2). Between the time the President makes the request under this paragraph and the time the Commission submits the assessment, the President shall keep the Commission current with respect to the details of the agreement.

(2) ASSESSMENT.—Not later than 105 calendar days after the President enters into a trade agreement under section 103(b), the Commission shall submit to the President and Congress a report assessing the likely impact of the agreement on the United States economy as a whole and on specific industry sectors, including the impact the agreement will have on the gross domestic product, exports and imports, aggregate employment and employment opportunities, the production, employment, and competitive position of industries likely to be significantly affected by the agreement, and the interests of United States consumers.

(3) REVIEW OF EMPIRICAL LITERATURE.—In preparing the assessment under paragraph (2), the Commission shall review available economic assessments regarding the agreement, including literature regarding any substantially equivalent proposed agreement, and shall provide in its assessment a description of the analyses used and conclusions drawn in such literature, and a discussion of areas of consensus and divergence between the various analyses and conclusions, including those of the Commission regarding the agreement.

(4) PUBLIC AVAILABILITY.—The President shall make each assessment under paragraph (2) available to the public.

(D) REPORTS SUBMITTED TO COMMITTEES WITH AGREEMENT.—

(1) ENVIRONMENTAL REVIEWS AND REPORTS.—The President shall—

(A) conduct environmental reviews of future trade and investment agreements, consistent with Executive Order 13141 (64 Fed. Reg. 63169), dated November 16, 1999, and its relevant guidelines; and

(B) submit a report on those reviews and on the content and operation of consultative mechanisms established pursuant to section 102(c) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate at the time the President submits to Congress a copy of the final legal text of an agreement pursuant to section 106(a)(1)(E).

(2) EMPLOYMENT IMPACT REVIEWS AND REPORTS.—The President shall—

(A) review the impact of future trade agreements on United States employment, including labor markets, modeled after Executive Order 13141 (64 Fed. Reg. 63169) to the extent appropriate in establishing procedures and criteria; and

(B) submit a report on such reviews to the Committee on Ways and Means of the House

of Representatives and the Committee on Finance of the Senate at the time the President submits to Congress a copy of the final legal text of an agreement pursuant to section 106(a)(1)(E).

(3) REPORT ON LABOR RIGHTS.—The President shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, on a timeframe determined in accordance with section 104(c)(3)(B)(v)—

(A) a meaningful labor rights report of the country, or countries, with respect to which the President is negotiating; and

(B) a description of any provisions that would require changes to the labor laws and labor practices of the United States.

(4) PUBLIC AVAILABILITY.—The President shall make all reports required under this subsection available to the public.

(E) IMPLEMENTATION AND ENFORCEMENT PLAN.—

(1) IN GENERAL.—At the time the President submits to Congress a copy of the final legal text of an agreement pursuant to section 106(a)(1)(E), the President shall also submit to Congress a plan for implementing and enforcing the agreement.

(2) ELEMENTS.—The implementation and enforcement plan required by paragraph (1) shall include the following:

(A) BORDER PERSONNEL REQUIREMENTS.—A description of additional personnel required at border entry points, including a list of additional customs and agricultural inspectors.

(B) AGENCY STAFFING REQUIREMENTS.—A description of additional personnel required by Federal agencies responsible for monitoring and implementing the trade agreement, including personnel required by the Office of the United States Trade Representative, the Department of Commerce, the Department of Agriculture (including additional personnel required to implement sanitary and phytosanitary measures in order to obtain market access for United States exports), the Department of Homeland Security, the Department of the Treasury, and such other agencies as may be necessary.

(C) CUSTOMS INFRASTRUCTURE REQUIREMENTS.—A description of the additional equipment and facilities needed by U.S. Customs and Border Protection.

(D) IMPACT ON STATE AND LOCAL GOVERNMENTS.—A description of the impact the trade agreement will have on State and local governments as a result of increases in trade.

(E) COST ANALYSIS.—An analysis of the costs associated with each of the items listed in subparagraphs (A) through (D).

(3) BUDGET SUBMISSION.—The President shall include a request for the resources necessary to support the plan required by paragraph (1) in the first budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, after the date of the submission of the plan.

(4) PUBLIC AVAILABILITY.—The President shall make the plan required under this subsection available to the public.

(F) OTHER REPORTS.—

(1) REPORT ON PENALTIES.—Not later than one year after the imposition by the United States of a penalty or remedy permitted by a trade agreement to which this title applies, the President shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the effectiveness of the penalty or remedy applied under United States law in enforcing United States rights under the trade agreement, which shall address whether the penalty or remedy was effective in changing the behavior of the targeted party and whether the penalty or remedy had any adverse impact on parties or interests not party to the dispute.



(2) **REPORT ON IMPACT OF TRADE PROMOTION AUTHORITY.**—Not later than one year after the date of the enactment of this Act, and not later than 5 years thereafter, the United States International Trade Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the economic impact on the United States of all trade agreements with respect to which Congress has enacted an implementing bill under trade authorities procedures since January 1, 1984.

(3) **ENFORCEMENT CONSULTATIONS AND REPORTS.**—(A) The United States Trade Representative shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate after acceptance of a petition for review or taking an enforcement action in regard to an obligation under a trade agreement, including a labor or environmental obligation. During such consultations, the United States Trade Representative shall describe the matter, including the basis for such action and the application of any relevant legal obligations.

(B) As part of the report required pursuant to section 163 of the Trade Act of 1974 (19 U.S.C. 2213), the President shall report annually to Congress on enforcement actions taken pursuant to a trade agreement to which the United States is a party, as well as on any public reports issued by Federal agencies on enforcement matters relating to a trade agreement.

(g) **ADDITIONAL COORDINATION WITH MEMBERS.**—Any Member of the House of Representatives may submit to the Committee on Ways and Means of the House of Representatives and any Member of the Senate may submit to the Committee on Finance of the Senate the views of that Member on any matter relevant to a proposed trade agreement, and the relevant Committee shall receive those views for consideration.

#### **SEC. 106. IMPLEMENTATION OF TRADE AGREEMENTS.**

(a) **IN GENERAL.**—

(1) **NOTIFICATION AND SUBMISSION.**—Any agreement entered into under section 103(b) shall enter into force with respect to the United States if (and only if)—

(A) the President, at least 90 calendar days before the day on which the President enters into the trade agreement, notifies the House of Representatives and the Senate of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(B) the President, at least 60 days before the day on which the President enters into the agreement, publishes the text of the agreement on a publicly available Internet website of the Office of the United States Trade Representative;

(C) within 60 days after entering into the agreement, the President submits to Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the agreement;

(D) the President, at least 30 days before submitting to Congress the materials under subparagraph (E), submits to Congress—

(i) a draft statement of any administrative action proposed to implement the agreement; and

(ii) a copy of the final legal text of the agreement;

(E) after entering into the agreement, the President submits to Congress, on a day on which both Houses of Congress are in session, a copy of the final legal text of the agreement, together with—

(i) a draft of an implementing bill described in section 103(b)(3);

(ii) a statement of any administrative action proposed to implement the trade agreement; and

(iii) the supporting information described in paragraph (2)(A);

(F) the implementing bill is enacted into law; and

(G) the President, not later than 30 days before the date on which the agreement enters into force with respect to a party to the agreement, submits written notice to Congress that the President has determined that the party has taken measures necessary to comply with those provisions of the agreement that are to take effect on the date on which the agreement enters into force.

(2) **SUPPORTING INFORMATION.**—

(A) **IN GENERAL.**—The supporting information required under paragraph (1)(E)(iii) consists of—

(i) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(ii) a statement—

(I) asserting that the agreement achieves the applicable purposes, policies, priorities, and objectives of this title; and

(II) setting forth the reasons of the President regarding—

(aa) how the agreement achieves the applicable purposes, policies, and objectives referred to in subclause (I);

(bb) whether and how the agreement changes provisions of an agreement previously negotiated;

(cc) how the agreement serves the interests of United States commerce; and

(dd) how the implementing bill meets the standards set forth in section 103(b)(3).

(B) **PUBLIC AVAILABILITY.**—The President shall make the supporting information described in subparagraph (A) available to the public.

(3) **RECIPROCAL BENEFITS.**—In order to ensure that a foreign country that is not a party to a trade agreement entered into under section 103(b) does not receive benefits under the agreement unless the country is also subject to the obligations under the agreement, the implementing bill submitted with respect to the agreement shall provide that the benefits and obligations under the agreement apply only to the parties to the agreement, if such application is consistent with the terms of the agreement. The implementing bill may also provide that the benefits and obligations under the agreement do not apply uniformly to all parties to the agreement, if such application is consistent with the terms of the agreement.

(4) **DISCLOSURE OF COMMITMENTS.**—Any agreement or other understanding with a foreign government or governments (whether oral or in writing) that—

(A) relates to a trade agreement with respect to which Congress enacts an implementing bill under trade authorities procedures; and

(B) is not disclosed to Congress before an implementing bill with respect to that agreement is introduced in either House of Congress, shall not be considered to be part of the agreement approved by Congress and shall have no force and effect under United States law or in any dispute settlement body.

(b) **LIMITATIONS ON TRADE AUTHORITIES PROCEDURES.**—

(1) **FOR LACK OF NOTICE OR CONSULTATIONS.**—

(A) **IN GENERAL.**—The trade authorities procedures shall not apply to any implementing bill submitted with respect to a trade agreement or trade agreements entered into under section 103(b) if during the 60-day period beginning on the date that one House of Congress agrees to a procedural disapproval resolution for lack of notice or con-

sultations with respect to such trade agreement or agreements, the other House separately agrees to a procedural disapproval resolution with respect to such trade agreement or agreements.

(B) **PROCEDURAL DISAPPROVAL RESOLUTION.**—(i) For purposes of this paragraph, the term “procedural disapproval resolution” means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: “That the President has failed or refused to notify or consult in accordance with the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 on negotiations with respect to \_\_\_\_\_ and, therefore, the trade authorities procedures under that Act shall not apply to any implementing bill submitted with respect to such trade agreement or agreements.”, with the blank space being filled with a description of the trade agreement or agreements with respect to which the President is considered to have failed or refused to notify or consult.

(ii) For purposes of clause (i) and paragraphs (3)(C) and (4)(C), the President has “failed or refused to notify or consult in accordance with the Bipartisan Congressional Trade Priorities and Accountability Act of 2015” on negotiations with respect to a trade agreement or trade agreements if—

(I) the President has failed or refused to consult (as the case may be) in accordance with sections 104 and 105 and this section with respect to the negotiations, agreement, or agreements;

(II) guidelines under section 104 have not been developed or met with respect to the negotiations, agreement, or agreements;

(III) the President has not met with the House Advisory Group on Negotiations or the Senate Advisory Group on Negotiations pursuant to a request made under section 104(c)(4) with respect to the negotiations, agreement, or agreements; or

(IV) the agreement or agreements fail to achieve the purposes, policies, priorities, and objectives of this title.

**SA 1371.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

At the end of section 106(b), add the following:

(7) **LIMITATION ON TRADE AUTHORITIES PROCEDURES FOR AGREEMENTS WITH CERTAIN COUNTRIES.**—The trade authorities procedures shall not apply to any implementing bill submitted with respect to a trade agreement or trade agreements entered into under section 103(b) with a country that has a minimum wage that is less than \$2.00 an hour, as determined by the Secretary of Labor.

**SA 1372.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

At the end of section 106(b), add the following:

(7) **LIMITATION ON TRADE AUTHORITIES PROCEDURES FOR AGREEMENTS WITH CERTAIN**

COUNTRIES.—The trade authorities procedures shall not apply to any implementing bill submitted with respect to a trade agreement or trade agreements entered into under section 103(b) with a country that has a minimum wage that is less than \$3.00 an hour, as determined by the Secretary of Labor.

**SA 1373.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

At the end of section 106(b), add the following:

(7) **LIMITATION ON TRADE AUTHORITIES PROCEDURES FOR AGREEMENTS WITH CERTAIN COUNTRIES.**—The trade authorities procedures shall not apply to any implementing bill submitted with respect to a trade agreement or trade agreements entered into under section 103(b) with a country that has a minimum wage that is less than \$4.00 an hour, as determined by the Secretary of Labor.

**SA 1374.** Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

At the end, add the following:

### **TITLE III—TRADE ENFORCEMENT**

#### **SEC. 301. MODIFICATION OF FACTORS CONSIDERED IN FINAL DETERMINATION IN ANTIDUMPING OR COUNTERVAILING DUTY INVESTIGATION IN CASE OF AN ALLEGATION OF CRITICAL CIRCUMSTANCES.**

(a) **COUNTERVAILING DUTIES.**—Clause (ii) of section 705(b)(4)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(4)(A)) is amended to read as follows:

“(ii) **LIKELY TO SERIOUSLY UNDERMINE THE REMEDIAL EFFECT OF A COUNTERVAILING DUTY ORDER.**—

“(I) **IN GENERAL.**—The Commission shall find under clause (i) that imports of subject merchandise subject to the affirmative determination under subsection (a)(2) are likely to undermine seriously the remedial effect of the countervailing duty order to be issued under section 706 if the Commission determines that imports of such merchandise after the filing of the petition under this subtitle substantially weaken the remedial effect of any subsequent countervailing duty order.

“(II) **FACTORS IN DETERMINATION.**—In making a determination under subclause (I) with respect to imports of subject merchandise described in that subclause, the Commission shall consider, based on the facts available, the following:

“(aa) An increase in the market share in the United States of imports of such merchandise after the filing of the petition.

“(bb) An increase in underselling of the domestic like product by imports of such merchandise, in terms of frequency or magnitude, after the filing of the petition.

“(cc) A significant buildup of inventories of imports of such merchandise in the United States, whether held by United States importers, purchasers, or end users, after the filing of the petition.

“(dd) A weakening of the industry of the domestic like product after the filing of the petition.

“(ee) Any other circumstances indicating that, after the filing of the petition, imports of such merchandise substantially weaken the remedial effect of the countervailing duty order.

“(III) **ASSESSMENT OF COMPETITION.**—The Commission shall consider items (aa) through (ee) of subclause (II) based on the particular conditions of competition in the relevant industry.

“(IV) **TIME PERIOD.**—The period of time evaluated in making a determination under subclause (I) shall not include any period after the issuance of the preliminary determination by the administering authority under section 703(b) with respect to the subject merchandise.”.

(b) **ANTIDUMPING DUTIES.**—Clause (ii) of section 735(b)(4)(A) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(4)(A)) is amended to read as follows:

“(ii) **LIKELY TO SERIOUSLY UNDERMINE THE REMEDIAL EFFECT OF AN ANTIDUMPING DUTY ORDER.**—

“(I) **IN GENERAL.**—The Commission shall find under clause (i) that imports of subject merchandise subject to the affirmative determination under subsection (a)(3) are likely to undermine seriously the remedial effect of the antidumping duty order to be issued under section 736 if the Commission determines that imports of such merchandise after the filing of the petition under this subtitle substantially weaken the remedial effect of any subsequent antidumping duty order.

“(II) **FACTORS IN DETERMINATION.**—In making a determination under subclause (I) with respect to imports of subject merchandise described in that subclause, the Commission shall consider, based on the facts available, the following:

“(aa) An increase in the market share in the United States of imports of such merchandise after the filing of the petition.

“(bb) An increase in underselling of the domestic like product by imports of such merchandise, in terms of frequency or magnitude, after the filing of the petition.

“(cc) A significant buildup of inventories of imports of such merchandise in the United States, whether held by United States importers, purchasers, or end users, after the filing of the petition.

“(dd) A weakening of the industry of the domestic like product after the filing of the petition.

“(ee) Any other circumstances indicating that, after the filing of the petition, imports of such merchandise substantially weaken the remedial effect of the antidumping duty order.

“(III) **ASSESSMENT OF COMPETITION.**—The Commission shall consider items (aa) through (ee) of subclause (II) based on the particular conditions of competition in the relevant industry.

“(IV) **TIME PERIOD.**—The period of time evaluated in making a determination under subclause (I) shall not include any period after the issuance of the preliminary determination by the administering authority under section 733(b) with respect to the subject merchandise.”.

#### **SEC. 302. MODIFICATION OF DETERMINATION OF THREAT OF MATERIAL INJURY BASED ON IMMINENT FUTURE IMPORTS IN ANTIDUMPING OR COUNTERVAILING DUTY INVESTIGATION.**

Section 771(7)(F) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(F)) is amended by adding at the end the following:

“(iv) **EFFECT OF IMMINENT FUTURE IMPORTS.**—

“(I) **IN GENERAL.**—Subject to subclauses (II) and (III), the Commission may determine under this subparagraph that an industry in the United States is threatened with material injury by reason of imports (or sales for importation) of the subject merchandise notwithstanding the results of an evaluation under subparagraph (C)(iii) with respect to the effect of imports of the subject merchandise on that industry if the Commission determines that imminent future imports of the subject merchandise will likely lead to a change of circumstances concerning the state of that industry.

“(II) **FUTURE PERFORMANCE ESTIMATE.**—The Commission shall determine under this subparagraph that an industry in the United States is threatened with material injury if the performance of that industry is likely to be materially worse than it would have been in the absence of the likely volume of imports of subject merchandise in the imminent future.

“(III) **FOREIGN PROJECTIONS.**—With respect to considering economic factors described in clause (i)(II), in a case in which production capacity in or exports to the United States from the exporting country are projected by foreign producers to decline in the imminent future and such projection is contrary to information examined by the Commission in the investigation, such projection shall require verification or independent corroboration before being considered under this subparagraph.”.

#### **SEC. 303. PREVENTION OF DUTY EVASION THROUGH IDENTIFICATION OF PERSONS AND COUNTRIES RESPONSIBLE FOR VIOLATIONS OF THE CUSTOMS LAWS.**

(a) **IDENTIFICATION OF CERTAIN PERSONS WHO VIOLATE THE CUSTOMS LAWS.**—

(1) **IN GENERAL.**—The Secretary may publish semi-annually in the Federal Register a list of any producer, manufacturer, supplier, seller, exporter, or other person located outside the customs territory of the United States to which the Commissioner has issued a penalty claim under section 592(b)(2) of the Tariff Act of 1930 (19 U.S.C. 1592(b)(2)) citing any of the violations of the customs laws described in paragraph (3).

(2) **EFFECT OF PETITION FOR REMISSION OR MITIGATION.**—If a person to which a penalty claim described in paragraph (1) is issued files a petition for remission or mitigation under section 618 of that Act (19 U.S.C. 1618) with respect to the penalty claim, the Secretary may not include the person on a list published under paragraph (1) until a final determination is made under such section 618.

(3) **VIOLATIONS.**—

(A) **IN GENERAL.**—The violations of the customs laws described in this paragraph are the following:

(i) Using documentation, or providing documentation subsequently used by the importer of record, that indicates a false or fraudulent country of origin or source of goods described in subparagraph (B) being entered into the customs territory of the United States.

(ii) Using counterfeit visas, licenses, permits, bills of lading, commercial invoices, packing lists, certificates of origin, or similar documentation, or providing counterfeit visas, licenses, permits, bills of lading, commercial invoices, packing lists, certificates of origin, or similar documentation subsequently used by the importer of record, with respect to the entry into the customs territory of the United States of goods described in subparagraph (B).

(iii) Manufacturing, producing, supplying, or selling goods described in subparagraph (B) that are falsely or fraudulently labeled as to country of origin or source.

(iv) Engaging in practices that aid or abet the transshipment, through a country other than the country of origin, of goods described in subparagraph (B), in a manner that conceals the true origin of the goods or permits the evasion of quotas or duties on, or voluntary restraint agreements with respect to, imports of the goods.

(B) GOODS DESCRIBED.—Goods described in this subparagraph are—

(i) textile or apparel goods; or  
(ii) goods subject to antidumping or countervailing duty orders under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.).

(4) REMOVAL FROM LIST.—Any person included on a list published under paragraph (1) may petition the Secretary to be removed from the list. If the Secretary finds that the person has not committed any violations of the customs laws described in paragraph (3) for a period of not less than 3 years after the date on which the person was included on the list, the Secretary shall remove the person from the list as of the next publication of the list under paragraph (1).

(5) REASONABLE CARE REQUIRED FOR SUBSEQUENT IMPORTS.—

(A) RESPONSIBILITY OF IMPORTERS AND OTHERS.—After a person has been included on a list published under paragraph (1), the Secretary shall require any importer of record entering, introducing, or attempting to introduce into the commerce of the United States any goods described in paragraph (3)(B) that were either directly or indirectly produced, manufactured, supplied, sold, exported, or transported by the person on the list to show, to the satisfaction of the Secretary, that such importer has exercised reasonable care to ensure that those goods are accompanied by documentation, packaging, and labeling that are accurate as to the origin of those goods. Such reasonable care shall not include reliance solely on information provided by the person on the list.

(B) FAILURE TO EXERCISE REASONABLE CARE.—If the Commissioner determines that an imported good is not from the country claimed on the documentation accompanying the good, the failure to exercise reasonable care described in subparagraph (A) shall be considered when the Commissioner determines whether the importer of record is in violation of section 484(a) of the Tariff Act of 1930 (19 U.S.C. 1484(a)) or regulations issued under that section.

(b) IDENTIFICATION OF HIGH-RISK COUNTRIES.—

(1) IN GENERAL.—The President may publish annually in the Federal Register a list of countries—

(A) in which illegal activities have occurred involving transshipped goods or activities designed to evade quotas or duties of the United States on goods; and

(B) the governments of which fail to demonstrate a good faith effort to cooperate with United States authorities in ceasing such activities.

(2) REMOVAL FROM LIST.—Any country that is on the list published under paragraph (1) that subsequently demonstrates a good faith effort to cooperate with United States authorities in ceasing activities described in that paragraph shall be removed from the list, and such removal shall be published in the Federal Register as soon as practicable.

(3) REASONABLE CARE REQUIRED FOR SUBSEQUENT IMPORTS.—

(A) RESPONSIBILITY OF IMPORTERS OF RECORD.—The Secretary of Homeland Security shall require any importer of record entering, introducing, or attempting to introduce into the commerce of the United States goods indicated, on the documentation, packaging, or labeling accompanying such goods, to be from any country on the list published under paragraph (1) to show, to the

satisfaction of the Secretary, that the importer, consignee, or purchaser has exercised reasonable care to identify the true country of origin of the good.

(B) FAILURE TO EXERCISE REASONABLE CARE.—If the Commissioner determines that a good described in subparagraph (A) is not from the country claimed on the documentation accompanying the good, the failure to exercise reasonable care under that subparagraph shall be considered when the Commissioner determines whether the importer of record is in violation of section 484(a) of the Tariff Act of 1930 (19 U.S.C. 1484(a)) or regulations issued under that section.

(c) DEFINITIONS.—In this section:

(1) COMMISSIONER.—The term “Commissioner” means the Commissioner responsible for U.S. Customs and Border Protection.

(2) COUNTRY.—The term “country” means a foreign country or territory, including any overseas dependent territory or possession of a foreign country.

(3) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

**SA 1375.** Mr. BLUMENTHAL (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

In section 102(b), add at the end the following:

(21) FOOD SAFETY.—The principal negotiating objectives of the United States with respect to food safety are—

(A) to ensure that a trade agreement does not weaken or diminish food safety standards that protect public health;

(B) to promote strong food safety laws and regulations in the United States; and

(C) to maintain and strengthen food safety inspection systems, including the continuous inspection of meat, poultry, seafood, and egg products exported to the United States.

**SA 1376.** Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE III—MISCELLANEOUS

##### SEC. 301. EXTENSION OF AUTHORITY OF EXPORT-IMPORT BANK OF THE UNITED STATES.

(a) IN GENERAL.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking “September 30, 2014” and inserting “September 30, 2015”.

(b) DUAL-USE EXPORTS.—Section 1(c) of Public Law 103-428 (12 U.S.C. 635 note) is amended by striking “September 30, 2014” and inserting “September 30, 2015”.

(c) SUB-SAHARAN AFRICA ADVISORY COMMITTEE.—Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking “September 30, 2014” and inserting “September 30, 2015”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of the date of the enactment of this Act or June 30, 2015.

**SA 1377.** Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE III—MISCELLANEOUS

##### SEC. 301. EXTENSION OF AUTHORITY OF EXPORT-IMPORT BANK OF THE UNITED STATES.

(a) IN GENERAL.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking “September 30, 2014” and inserting “July 31, 2015”.

(b) DUAL-USE EXPORTS.—Section 1(c) of Public Law 103-428 (12 U.S.C. 635 note) is amended by striking “September 30, 2014” and inserting “July 31, 2015”.

(c) SUB-SAHARAN AFRICA ADVISORY COMMITTEE.—Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking “September 30, 2014” and inserting “July 31, 2015”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of the date of the enactment of this Act or June 30, 2015.

**SA 1378.** Ms. STABENOW (for herself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

In section 111(7), insert after subparagraph (C) the following:

(D) the provision of equal remuneration for men and women workers for work of equal value, as set forth in ILO Convention No. 100 Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value;

**SA 1379.** Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

On page 119, between lines 20 and 21, insert the following:

(e) REAUTHORIZATION OF COMMUNITY COLLEGE AND CAREER TRAINING GRANT PROGRAM.—Section 272(a) of the Trade Act of 1974 (19 U.S.C. 2372(a)) is amended by striking “for each of the fiscal years 2009 and 2010” and all that follows through “December 31, 2010,” and inserting “for each of fiscal years 2015 through 2021”.

**SA 1380.** Ms. STABENOW (for herself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

**SEC. 112. REPORT ON AUTOMOTIVE IMPORTS.**

Not later than one year after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of Commerce shall submit to Congress a report on imports into the United States of automobiles and auto parts, including an analysis of, for the year preceding the submission of the report—

(1) any changes to the supply chain in the United States with respect to automobiles and auto parts;

(2) any changes to employment in the United States with respect to automobiles and auto parts; and

(3) the impact of imports into the United States of automobiles and auto parts on the changes described in paragraphs (1) and (2).

**SA 1381.** Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

At the end of section 106(b), add the following:

(7) **FOR AGREEMENTS WITH COUNTRIES THAT MANIPULATE THEIR CURRENCIES.**—The trade authorities procedures shall not apply to an implementing bill submitted with respect to a trade agreement under section 103(b) with a country that engages in protracted large-scale intervention in one direction in the currency exchange markets to gain an unfair competitive advantage in trade over other parties to the trade agreement.

**SA 1382.** Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

Beginning on page 2, strike line 11 and all that follows through page 4, line 6, and insert the following:

(1) to achieve an overall balance of payments over a reasonable period of time, eliminate persistent trade deficits, and reverse the accumulation of foreign debt;

(2) to obtain the reduction or elimination of barriers and distortions that are directly related to trade and investment and that increase the United States trade deficit;

(3) to further strengthen the system of international trade and investment disciplines and procedures, including dispute settlement;

(4) to foster economic growth, raise living standards, enhance the competitiveness of the United States, promote full employment in the United States, and substantially reduce global current account imbalances;

(5) to ensure that trade and environmental policies are mutually supportive and to seek to protect and preserve the environment and enhance the international means of doing so, while optimizing the use of the world's resources;

(6) to promote respect for worker rights and the rights of children consistent with core labor standards of the ILO (as set out in

section 111(7)) and an understanding of the relationship between trade and worker rights;

(7) to seek provisions in trade agreements under which parties to those agreements ensure that they do not weaken or reduce the protections afforded in domestic environmental and labor laws as an encouragement for trade;

(8) to ensure that trade agreements afford small businesses equal access to international markets and increased net export results and provide for the reduction or elimination of trade and investment barriers that disproportionately impact small businesses;

**SA 1383.** Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . . BONUSES FOR COST-CUTTERS.**

(a) **SHORT TITLE.**—This section may be cited as the “Bonuses for Cost-Cutters Act of 2015”.

(b) **COST SAVINGS ENHANCEMENTS.**—

(1) **IN GENERAL.**—Section 4512 of title 5, United States Code, is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting “or identification of surplus funds or unnecessary budget authority” after “mismanagement”;

(ii) in paragraph (2), by inserting “or identification” after “disclosure”; and

(iii) in the matter following paragraph (2), by inserting “or identification” after “disclosure”; and

(B) by adding at the end the following:

“(c) The Inspector General of an agency or other agency employee designated under subsection (b) shall refer to the Chief Financial Officer of the agency any potential surplus funds or unnecessary budget authority identified by an employee, along with any recommendations of the Inspector General or other agency employee.

“(d)(1) If the Chief Financial Officer of an agency determines that rescission of potential surplus funds or unnecessary budget authority identified by an employee would not hinder the effectiveness of the agency, except as provided in subsection (e), the head of the agency shall transfer the amount of the surplus funds or unnecessary budget authority from the applicable appropriations account to the general fund of the Treasury.

“(2) Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) shall not apply to transfers under paragraph (1).

“(3) Any amounts transferred under paragraph (1) shall be deposited in the Treasury and used for deficit reduction, except that in the case of a fiscal year for which there is no Federal budget deficit, such amounts shall be used to reduce the Federal debt (in such manner as the Secretary of the Treasury considers appropriate).

“(e)(1) The head of an agency may retain not more than 10 percent of amounts to be transferred to the general fund of the Treasury under subsection (d).

“(2) Amounts retained by the head of an agency under paragraph (1) may be—

“(A) used for the purpose of paying a cash award under subsection (a) to 1 or more employees who identified the surplus funds or unnecessary budget authority; and

“(B) to the extent amounts remain after paying cash awards under subsection (a), transferred or reprogrammed for use by the agency, in accordance with any limitation on such a transfer or reprogramming under any other provision of law.

“(f)(1) The head of each agency shall submit to the Director of the Office of Personnel Management an annual report regarding—

“(A) each disclosure of possible fraud, waste, or mismanagement or identification of potentially surplus funds or unnecessary budget authority by an employee of the agency determined by the agency to have merit;

“(B) the total savings achieved through disclosures and identifications described in subparagraph (A); and

“(C) the number and amount of cash awards by the agency under subsection (a).

“(2)(A) The head of each agency shall include the information described in paragraph (1) in each budget request of the agency submitted to the Office of Management and Budget as part of the preparation of the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code.

“(B) The Director of the Office of Personnel Management shall submit to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Government Accountability Office an annual report on Federal cost saving and awards based on the reports submitted under subparagraph (A).

“(g) The Director of the Office of Personnel Management shall—

“(1) ensure that the cash award program of each agency complies with this section; and

“(2) submit to Congress an annual certification indicating whether the cash award program of each agency complies with this section.

“(h) Not later than 3 years after the date of enactment of the Bonuses for Cost-Cutters Act of 2015, and every 3 years thereafter, the Comptroller General of the United States shall submit to Congress a report on the operation of the cost savings and awards program under this section, including any recommendations for legislative changes.”.

(2) **OFFICERS ELIGIBLE FOR CASH AWARDS.**—

(A) **IN GENERAL.**—Section 4509 of title 5, United States Code, is amended to read as follows:

**“§ 4509. Prohibition of cash award to certain officers**

“(a) **DEFINITIONS.**—In this section, the term ‘agency’—

“(1) has the meaning given that term under section 551(1); and

“(2) includes an entity described in section 4501(1).

“(b) **PROHIBITION.**—An officer may not receive a cash award under this subchapter if the officer—

“(1) serves in a position at level I of the Executive Schedule;

“(2) is the head of an agency; or

“(3) is a commissioner, board member, or other voting member of an independent establishment.”.

(B) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 45 of title 5, United States Code, is amended by striking the item relating to section 4509 and inserting the following:

“4509. Prohibition of cash award to certain officers.”.

**SA 1384.** Mr. HATCH (for Mr. CRUZ (for himself, Mr. GRASSLEY, Mr. SULLIVAN, Mr. COTTON, Mr. ISAKSON, Mr. BOOZMAN, and Mr. INHOFE)) submitted an amendment intended to be proposed

to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

At the end of section 102(a), add the following:

(14) to ensure that trade agreements do not require changes to the immigration laws of the United States.

**SA 1385.** Mr. HATCH (for himself, Mr. WYDEN, Mr. CORNYN, Mr. CARPER, Mr. ALEXANDER, Mr. CORKER, Mr. WARNER, Mrs. McCASKILL, Mr. BENNET, and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

Strike section 102(b)(11) and 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.

**SA 1386.** Mr. FRANKEN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . COMMUNITY COLLEGE TO CAREER FUND.**

(a) **SHORT TITLE.**—This section may be cited as the “Community College to Career Fund Act”.

(b) **COMMUNITY COLLEGE TO CAREER FUND.**—Title I of the Workforce Innovation and Opportunity Act is amended by adding at the end the following:

**“Subtitle F—Community College to Career Fund**

**“SEC. 199. COMMUNITY COLLEGE AND INDUSTRY PARTNERSHIPS PROGRAM.**

“(a) **GRANTS AUTHORIZED.**—From funds appropriated under section 199D(a)(1), the Secretary of Labor and the Secretary of Education, in accordance with the interagency agreement described in section 199E, shall award competitive grants to eligible entities described in subsection (b) for the purpose of developing, offering, improving, or providing

educational or career training programs for workers.

“(b) **ELIGIBLE ENTITY.**—

“(1) **PARTNERSHIPS WITH EMPLOYERS OR AN EMPLOYER OR INDUSTRY PARTNERSHIP.**—

“(A) **GENERAL DEFINITION.**—For purposes of this section, an ‘eligible entity’ means any of the entities described in subparagraph (B) (or a consortium of any of such entities) in partnership with employers or an employer or industry partnership representing multiple employers.

“(B) **DESCRIPTION OF ENTITIES.**—The entities described in this subparagraph are—

“(i) a community college;

“(ii) a 4-year public institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) that offers 2-year degrees, and that will use funds provided under this section for activities at the certificate and associate degree levels;

“(iii) a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))); or

“(iv) a private or nonprofit, 2-year institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) in the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau.

“(2) **ADDITIONAL PARTNERS.**—

“(A) **AUTHORIZATION OF ADDITIONAL PARTNERS.**—In addition to partnering with employers or an employer or industry partnership representing multiple employers as described in paragraph (1)(A), an entity described in paragraph (1) may include in the partnership described in paragraph (1) 1 or more of the organizations described in subparagraph (B). An eligible entity that includes 1 or more such organizations shall collaborate with the State or local board in the area served by the eligible entity.

“(B) **ORGANIZATIONS.**—The organizations described in this subparagraph are as follows:

“(i) An adult education provider or institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

“(ii) A community-based organization.

“(iii) A joint labor-management partnership.

“(iv) A State or local board.

“(v) Any other organization that the Secretaries consider appropriate.

“(c) **EDUCATIONAL OR CAREER TRAINING PROGRAM.**—For purposes of this section, the Governor of the State in which at least 1 of the entities described in subsection (b)(1)(B) of an eligible entity is located shall establish criteria for an educational or career training program leading to a recognized postsecondary credential for which an eligible entity submits a grant proposal under subsection (d).

“(d) **APPLICATION.**—An eligible entity seeking a grant under this section shall submit an application containing a grant proposal to the Secretaries at such time and containing such information as the Secretaries determine is required, including a detailed description of—

“(1) the specific educational or career training program for which the grant proposal is submitted and how the program meets the criteria established under subsection (e), including the manner in which the grant will be used to develop, offer, improve, or provide the educational or career training program;

“(2) the extent to which the program will meet the educational or career training

needs of workers in the area served by the eligible entity;

“(3) the extent to which the program will meet the needs of employers in the area for skilled workers in in-demand industry sectors and occupations;

“(4) the extent to which the program described fits within any overall strategic plan developed by the eligible entity;

“(5) any previous experience of the eligible entity in providing educational or career training programs, the absence of which shall not automatically disqualify an eligible institution from receiving a grant under this section; and

“(6) in the case of a project that involves an educational or career training program that leads to a recognized postsecondary credential described in subsection (f), how the program leading to the credential meets the criteria described in subsection (c).

“(e) **CRITERIA FOR AWARD.**—

“(1) **IN GENERAL.**—Grants under this section shall be awarded based on criteria established by the Secretaries, that include the following:

“(A) A determination of the merits of the grant proposal submitted by the eligible entity involved to develop, offer, improve, or provide an educational or career training program to be made available to workers.

“(B) An assessment of the likely employment opportunities available in the area to individuals who complete an educational or career training program that the eligible entity proposes to develop, offer, improve, or provide.

“(C) An assessment of prior demand for training programs by individuals eligible for training and served by the eligible entity, as well as availability and capacity of existing (as of the date of the assessment) training programs to meet future demand for training programs.

“(2) **PRIORITY.**—In awarding grants under this section, the Secretaries shall give priority to eligible entities that—

“(A) include a partnership, with employers or an employer or industry partnership, that—

“(i) pays a portion of the costs of educational or career training programs; or

“(ii) agrees to hire individuals who have attained a recognized postsecondary credential resulting from the educational or career training program of the eligible entity;

“(B) enter into a partnership with a labor organization or labor-management training program to provide, through the program, technical expertise for occupationally specific education necessary for a recognized postsecondary credential leading to a skilled occupation in an in-demand industry sector;

“(C) are focused on serving individuals with barriers to employment, low-income, non-traditional students, students who are dislocated workers, students who are veterans, or students who are long-term unemployed;

“(D) include community colleges serving areas with high unemployment rates, including rural areas;

“(E) are eligible entities that include an institution of higher education eligible for assistance under title III or V of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.; 20 U.S.C. 1101 et seq.); and

“(F) include a partnership, with employers or an employer or industry partnership, that increases domestic production of goods, such as advanced manufacturing or production of clean energy technology.

“(f) **USE OF FUNDS.**—Grant funds awarded under this section shall be used for one or more of the following:

“(1) The development, offering, improvement, or provision of educational or career training programs, that provide relevant job

training for skilled occupations that will meet the needs of employers in in-demand industry sectors, and which may include registered apprenticeship programs, on-the-job training programs, and programs that support employers in upgrading the skills of their workforce.

“(2) The development and implementation of policies and programs to expand opportunities for students to earn a recognized postsecondary credential, including a degree, in in-demand industry sectors and occupations, including by—

“(A) facilitating the transfer of academic credits between institutions of higher education, including the transfer of academic credits for courses in the same field of study;

“(B) expanding articulation agreements and policies that guarantee transfers between such institutions, including through common course numbering and use of a general core curriculum; and

“(C) developing or enhancing student support services programs.

“(3) The creation of workforce programs that provide a sequence of education and occupational training that leads to a recognized postsecondary credential, including a degree, including programs that—

“(A) blend basic skills and occupational training;

“(B) facilitate means of transitioning participants from non-credit occupational, basic skills, or developmental coursework to for-credit coursework within and across institutions;

“(C) build or enhance linkages, including the development of dual enrollment programs and early college high schools, between secondary education or adult education programs (including programs established under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) and title II of this Act);

“(D) are innovative programs designed to increase the provision of training for students, including students who are members of the National Guard or Reserves, to enter skilled occupations in in-demand industry sectors; and

“(E) support paid internships that will allow students to simultaneously earn credit for work-based learning and gain relevant employment experience in an in-demand industry sector or occupation, which shall include opportunities that transition individuals into employment.

“(4) The support of regional or national in-demand industry sectors to develop skills consortia that will identify pressing workforce needs and develop solutions such as—

“(A) standardizing industry certifications;

“(B) developing new training technologies; and

“(C) collaborating with industry employers to define and describe how specific skills lead to particular jobs and career opportunities.

#### **“SEC. 199A. PAY-FOR-PERFORMANCE AND PAY-FOR-SUCCESS JOB TRAINING PROJECTS.**

“(a) AWARD GRANTS AUTHORIZED.—From funds appropriated under section 199D(a)(2), the Secretaries, in accordance with the interagency agreement described in section 199E, shall award grants on a competitive basis to eligible entities described in subsection (b) who achieve specific performance outcomes and criteria agreed to by the Secretaries under subsection (c) to carry out job training projects. Projects funded by grants under this section shall be referred to as either Pay-for-Performance or Pay-for-Success projects, as set forth in subsection (b).

“(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, an entity shall be a State or local organization (which may be a local workforce organization) in

partnership with an entity such as a community college or other training provider, who—

“(1) in the case of an entity seeking to carry out a Pay-for-Performance project, agrees to be reimbursed under the grant primarily on the basis of achievement of specified performance outcomes and criteria agreed to by the Secretaries under subsection (c); or

“(2) in the case of an entity seeking to carry out a Pay-for-Success project—

“(A) enters into a partnership with an investor, such as a philanthropic organization that provides funding for a specific project to address a clear and measurable job training need in the area to be served under the grant; and

“(B) agrees to be reimbursed under the grant only if the project achieves specified performance outcomes and criteria agreed to by the Secretaries under subsection (c).

“(c) PERFORMANCE OUTCOMES AND CRITERIA.—Not later than 6 months after the date of enactment of this subtitle, the Secretaries shall establish and publish specific performance measures, which include performance outcomes and criteria, for the initial qualification and reimbursement of eligible entities to receive a grant under this section. At a minimum, to receive such a grant, an eligible entity shall—

“(1) identify a particular program area and client population that is not achieving optimal outcomes;

“(2) provide evidence that the proposed strategy for the job training project would achieve better outcomes;

“(3) clearly articulate and quantify the improved outcomes of such new approach;

“(4) for a Pay-for-Success project, specify a monetary value that would need to be paid to obtain such outcomes and explain the basis for such value;

“(5) identify data that would be required to evaluate whether outcomes are being achieved for a target population and a comparison group;

“(6) identify estimated savings that would result from the improved outcomes, including to other programs or units of government;

“(7) demonstrate the capacity to collect required data, track outcomes, and validate those outcomes; and

“(8) specify how the entity will meet any other criteria the Secretaries may require.

“(d) PERIOD OF AVAILABILITY FOR PAY-FOR-SUCCESS PROJECTS.—Funds appropriated to carry out Pay-for-Success projects pursuant to section 199D(a)(2) shall, upon obligation, remain available for disbursement until expended, notwithstanding section 1552 of title 31, United States Code, and, if later deobligated, in whole or in part, be available until expended under additional Pay-for-Success grants under this section.

#### **“SEC. 199B. BRING JOBS BACK TO AMERICA GRANTS.**

“(a) GRANTS AUTHORIZED.—From funds appropriated under section 199D(a)(3), the Secretaries, in accordance with the interagency agreement described in section 199E, shall award grants to State or local governments for job training and recruiting activities that can quickly provide businesses with skilled workers in order to encourage businesses to relocate to or remain in areas served by such governments. The Secretaries shall coordinate activities with the Secretary of Commerce in carrying out this section.

“(b) PURPOSE AND USE OF FUNDS.—Grant funds awarded under this section may be used by a State or local government to issue subgrants, using procedures established by the Secretaries, to eligible entities, including those described in section 199(b), to assist

such eligible entities in providing job training necessary to provide skilled workers for businesses that have relocated or are considering relocating operations outside the United States, and may instead relocate to or remain in the areas served by such governments, and in conducting recruiting activities.

“(c) APPLICATION.—A State or local government seeking a grant under the program established under subsection (a) shall submit an application to the Secretaries in such manner and containing such information as the Secretaries may require. At a minimum, each application shall include—

“(1) a description of the eligible entity the State or local government proposes to assist in providing job training or recruiting activities;

“(2) a description of the proposed or existing business facility involved, including the number of jobs relating to such facility and the average wage or salary of those jobs; and

“(3) a description of any other resources that the State has committed to assisting such business in locating such facility, including tax incentives provided, bonding authority exercised, and land granted.

“(d) CRITERIA.—The Secretaries shall award grants under this section to the State and local governments that—

“(1) the Secretaries determine are most likely to succeed, with such a grant, in assisting an eligible entity in providing the job training and recruiting necessary to cause a business to relocate to or remain in an area served by such government;

“(2) will fund job training and recruiting programs that will result in the greatest number and quality of jobs;

“(3) have committed State or other resources, to the extent of their ability as determined by the Secretaries, to assist a business to relocate to or remain in an area served by such government; and

“(4) have met such other criteria as the Secretaries consider appropriate, including criteria relating to marketing plans, and benefits for ongoing area or State strategies for economic development and job growth.

#### **“SEC. 199C. GRANTS FOR ENTREPRENEUR AND SMALL BUSINESS STARTUP TRAINING.**

“(a) GRANTS AUTHORIZED.—From funds appropriated under section 199D(a)(4), the Secretaries, in accordance with the interagency agreement described in section 199E, shall award grants, on a competitive basis, to eligible entities described in subsection (b) to provide training in starting a small business and entrepreneurship. The Secretaries shall coordinate activities with the Administrator of the Small Business Administration in carrying out this section, including coordinating the development of criteria and selection of proposals.

“(b) ELIGIBLE ENTITY.—

“(1) IN GENERAL.—For purposes of this section, the term ‘eligible entity’ means an entity described in section 199(b)(1)(B) (or a consortium of any of such entities) in partnership with at least 1 local or regional economic development entity described in paragraph (2).

“(2) ADDITIONAL PARTNERS.—Local or regional economic development entities described in this paragraph are the following:

“(A) Small business development centers.

“(B) Women’s business centers.

“(C) Regional innovation clusters.

“(D) Local accelerators or incubators.

“(E) State or local economic development agencies.

“(c) APPLICATION.—An eligible entity seeking a grant under this section shall submit an application containing a grant proposal in such manner and containing such information as the Secretaries and the Administrator of the Small Business Administration



shall require. Such information shall include a description of the manner in which small business and entrepreneurship training (including education) will be provided, the role of partners in the arrangement involved, and the manner in which the proposal will integrate local economic development resources and partner with local economic development entities.

“(d) USE OF FUNDS.—Grant funds awarded under this section shall be used to provide training in starting a small business and entrepreneurship, including through online courses, intensive seminars, and comprehensive courses.

**“SEC. 199D. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—There are authorized to be appropriated—

“(1) such sums as may be necessary to carry out the program established by section 199;

“(2) such sums as may be necessary to carry out the program established by section 199A;

“(3) such sums as may be necessary to carry out the program established by section 199B; and

“(4) such sums as may be necessary to carry out the program established by section 199C.

“(b) RECIPIENT.—For each amount appropriated under paragraphs (1) through (4) of subsection (a), 50 percent shall be appropriated to the Secretary of Labor and 50 percent shall be appropriated to the Secretary of Education.

“(c) ADMINISTRATIVE COST.—Not more than 5 percent of the amounts made available under paragraph (1), (2), (3), or (4) of subsection (a) may be used by the Secretaries to administer the program described in that paragraph, including providing technical assistance and carrying out evaluations for the program described in that paragraph.

“(d) PERIOD OF AVAILABILITY.—Except as provided in section 199A(d), the funds appropriated pursuant to subsection (a) for a fiscal year shall be available for Federal obligation for that fiscal year and the succeeding 2 fiscal years.

**“SEC. 199E. INTERAGENCY AGREEMENT.**

“(a) IN GENERAL.—The Secretary of Labor and the Secretary of Education shall jointly develop policies for the administration of this subtitle in accordance with such terms as the Secretaries shall set forth in an interagency agreement. Such interagency agreement, at a minimum, shall include a description of the respective roles and responsibilities of the Secretaries in carrying out this subtitle (both jointly and separately), including—

“(1) how the funds available under this subtitle will be obligated and disbursed and compliance with applicable laws (including regulations) will be ensured, as well as how the grantees will be selected and monitored;

“(2) how evaluations and research will be conducted on the effectiveness of grants awarded under this subtitle in addressing the education and employment needs of workers, and employers;

“(3) how technical assistance will be provided to applicants and grant recipients;

“(4) how information will be disseminated, including through electronic means, on best practices and effective strategies and service delivery models for activities carried out under this subtitle; and

“(5) how policies and processes critical to the successful achievement of the education, training, and employment goals of this subtitle will be established.

“(b) TRANSFER AUTHORITY.—The Secretary of Labor and the Secretary of Education shall have the authority to transfer funds be-

tween the Department of Labor and the Department of Education to carry out this subtitle in accordance with the agreement described in subsection (a). The Secretary of Labor and the Secretary of Education shall have the ability to transfer funds to the Secretary of Commerce and the Administrator of the Small Business Administration to carry out sections 199B and 199C, respectively.

“(c) REPORTS.—The Secretary of Labor and the Secretary of Education shall jointly develop and submit a biennial report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, describing the activities carried out under this subtitle and the outcomes of such activities.

**“SEC. 199F. DEFINITIONS.**

“For purposes of this subtitle:

“(1) COMMUNITY COLLEGE.—The term ‘community college’ has the meaning given the term ‘junior or community college’ in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f)).

“(2) NONTRADITIONAL STUDENT.—The term ‘nontraditional student’ has the meaning given the term in section 803(j) of the Higher Education Act of 1965 (20 U.S.C. 1161c(j)).

“(3) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term ‘recognized postsecondary credential’ means a credential consisting of—

“(A) an industry-recognized certificate;

“(B) a certificate of completion of an apprenticeship registered under the Act of August 16, 1937 (commonly known as the ‘National Apprenticeship Act’; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); or

“(C) an associate or baccalaureate degree.

“(4) SECRETARIES.—The term ‘Secretaries’ means the Secretary of Labor and the Secretary of Education.”.

(c) CONFORMING AMENDMENT.—The table of contents for the Workforce Innovation and Opportunity Act is amended by inserting after the items relating to subtitle E of title I the following:

“Subtitle F—Community College to Career Fund

“Sec. 199. Community college and industry partnerships program.

“Sec. 199A. Pay-for-Performance and Pay-for-Success job training projects.

“Sec. 199B. Bring jobs back to America grants.

“Sec. 199C. Grants for entrepreneur and small business startup training.

“Sec. 199D. Authorization of appropriations.

“Sec. 199E. Interagency agreement.

“Sec. 199F. Definitions.”.

**SA 1387.** Mr. WHITEHOUSE (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

At the end of section 111(6)(B), add the following:

(viii) The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations.

**SA 1388.** Ms. WARREN (for herself, Ms. BALDWIN, and Mr. SANDERS) sub-

mitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

At the end of section 106(b), add the following:

(7) FOR AGREEMENTS THAT DO NOT COMBAT HUMAN TRAFFICKING.—The trade authorities procedures shall not apply to an implementing bill submitted with respect to a trade agreement entered into under section 103(b) with a country that—

(A) does not have in effect laws prohibiting, in a manner similar to the prohibition under section 1597 of title 18, United States Code, an employer from knowingly destroying, concealing, removing, confiscating, or possessing an actual or purported passport or other travel documentation of an employee; or

(B) the Secretary of State recommends in the most recent annual report on trafficking in persons submitted under section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) should improve the enforcement of such laws.

**SA 1389.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

At the appropriate place in title I, add the following:

**SEC. 1. DRUG IMPORTATION.**

(a) PROMULGATION OF REGULATIONS.—The trade authorities procedures shall not apply to an implementing bill submitted with respect to a trade agreement or trade agreements entered into under section 103(b) until the Secretary of Health and Human Services promulgates regulations under section 804(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(b)).

(b) AMENDMENTS TO FFDCA.—Section 804(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(a)(1)) is amended, by striking “pharmacist or wholesaler” and inserting “pharmacist, wholesaler, or the head of a relevant agency of the Federal Government”.

(c) PRESCRIPTION DRUG IMPORTATION.—The principal negotiating objective of the United States regarding the importation of prescription drugs is to permit the importation of such drugs from any country that is a party to a trade agreement with the United States, pursuant to section 804 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384).

**SA 1390.** Mr. FRANKEN (for himself, Mr. BROWN, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

On page 24, line 10, strike “sustained or recurring”.

**SA 1391.** Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

In section 102(a), add at the end the following:

(13) to advance the goal of improving the social and economic status of women and achieving gender equality by promoting the adoption of international standards to reduce gender-based violence in the workplace.

**SA 1392.** Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

**SEC. 112. SENSE OF THE SENATE ON RATIFICATION OF THE ILO CONVENTION NO. 111 ON DISCRIMINATION IN EMPLOYMENT AND OCCUPATION.**

It is the sense of the Senate that—

(1) trading partners of the United States should pursue policies designed to promote equality of opportunity and treatment with a view toward eliminating discrimination in employment and occupation;

(2) it should be the policy of the United States to reaffirm the commitment of the United States to eliminating any distinction, exclusion, or preference that has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation, including on the basis of race, sex, or religion; and

(3) the Senate should move promptly to approve a resolution of ratification of ILO Convention No. 111 on Discrimination in Employment and Occupation, one of the 8 core conventions of the ILO, which has been ratified by 172 of the 185 member countries of the ILO.

**SA 1393.** Mr. FLAKE (for himself, Mr. MCCAIN, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. TILLIS, Mr. VITTER, and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE III—MISCELLANEOUS**

**SEC. 301. SENSE OF CONGRESS ON RECRUITING MEMBERS SEPARATING FROM THE ARMED FORCES TO SERVE AS U.S. CUSTOMS AND BORDER PROTECTION OFFICERS.**

(a) FINDINGS.—Congress makes the following findings:

(1) U.S. Customs and Border Protection officers carry out critical law enforcement duties at ports of entry associated with screen-

(A) foreign visitors to the United States;

(B) citizens of the United States who are returning to the United States; and

(C) cargo imported into the United States.

(2) It is in the national interest of the United States for ports of entry to be adequately staffed with U.S. Customs and Border Protection officers.

(3) The Consolidated Appropriations Act, 2014 (Public Law 113-76) provided funding to hire and complete the training of 2,000 new U.S. Customs and Border Protection officers by the end of fiscal year 2015.

(4) The hiring and training of officers described in paragraph (3) has been moving forward more slowly than anticipated.

(5) It is estimated that approximately 250,000 to 300,000 individuals undergo discharge or release from the Armed Forces each year, some of whom will have skills transferable to the law enforcement duties required at ports of entry and be qualified to serve as U.S. Customs and Border Protection officers.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that additional recruiting efforts should be undertaken to ensure that individuals undergoing discharge or release from the Armed Forces are aware of opportunities for employment as U.S. Customs and Border Protection officers.

**SA 1394.** Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

Strike sections 208 through 212 and insert the following:

**SEC. 208. DISQUALIFICATION ON RECEIPT OF DISABILITY INSURANCE BENEFITS IN A MONTH FOR WHICH UNEMPLOYMENT COMPENSATION IS RECEIVED.**

(a) IN GENERAL.—Section 223(d)(4) of the Social Security Act (42 U.S.C. 423(d)(4)) is amended by adding at the end the following:

“(C)(i) If for any week in whole or in part within a month an individual is paid or determined to be eligible for unemployment compensation, such individual shall be deemed to have engaged in substantial gainful activity for such month.

“(ii) For purposes of clause (i), the term ‘unemployment compensation’ means—

“(I) ‘regular compensation’, ‘extended compensation’, and ‘additional compensation’ (as such terms are defined by section 205 of the Federal-State Extended Unemployment Compensation Act (26 U.S.C. 3304 note)); and

“(II) trade adjustment assistance under title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).”

(b) TRIAL WORK PERIOD.—Section 222(c) of the Social Security Act (42 U.S.C. 422(c)) is amended by adding at the end the following:

“(6)(A) For purposes of this subsection, an individual shall be deemed to have rendered services in a month if the individual is entitled to unemployment compensation for such month.

“(B) For purposes of subparagraph (A), the term ‘unemployment compensation’ means—

“(i) ‘regular compensation’, ‘extended compensation’, and ‘additional compensation’ (as such terms are defined by section 205 of the Federal-State Extended Unemployment Compensation Act (26 U.S.C. 3304 note)); and

“(ii) trade adjustment assistance under title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).”

(c) DATA MATCHING.—The Commissioner of Social Security shall implement the amendments made by this section using appropriate electronic data.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to individuals who initially apply for disability insurance benefits on or after January 1, 2016.

**SA 1395.** Mr. DAINES submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

**SEC. 112. PROTECTION OF INDIAN EXPORTS AND TREATY RIGHTS.**

(a) IN GENERAL.—Any trade agreement for which negotiations are conducted under this title shall ensure that—

(1) goods of or for the benefit of Indian tribes may be exported through ports in the United States;

(2) Indian treaty rights are protected; and

(3) goods of or for the benefit of Indian tribes have the opportunity to compete in the world market.

(b) CONFLICTING INTERESTS.—If different Indian tribes have conflicting interests under subsection (a), the head of an appropriate Federal agency, as designated by the President, shall act to resolve that conflict.

(c) INDIAN TRIBE DEFINED.—In this section, the term “Indian tribe” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

**SA 1396.** Mr. COONS (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**TITLE III—MANUFACTURING SKILLS ACT OF 2015**

**SEC. 301. SHORT TITLE.**

This title may be cited as the “Manufacturing Skills Act of 2015”.

**SEC. 302. DEFINITIONS.**

In this title:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means a State or a metropolitan area.

(2) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” means each of the following:

(A) An institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(B) A postsecondary vocational institution, as defined in section 102(c) of such Act (20 U.S.C. 1002(c)).

(3) MANUFACTURING SECTOR.—The term “manufacturing sector” means a manufacturing sector classified in code 31, 32, or 33 of the most recent version of the North American Industry Classification System developed under the direction of the Office of Management and Budget.

(4) **METROPOLITAN AREA.**—The term “metropolitan area” means a standard metropolitan statistical area, as designated by the Director of the Office of Management and Budget.

(5) **PARTNERSHIP.**—The term “Partnership” means the Manufacturing Skills Partnership established in section 311(a).

(6) **STATE.**—The term “State” means each of the several States of the United States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

**Subtitle A—Manufacturing Skills Program**  
**SEC. 311. MANUFACTURING SKILLS PROGRAM.**

(a) **MANUFACTURING SKILLS PARTNERSHIP.**—The Secretary of Commerce, Secretary of Labor, Secretary of Education, Secretary of the Department of Defense, and Director of the National Science Foundation shall jointly establish a Manufacturing Skills Partnership consisting of the Secretaries and the Director, or their representatives. The Partnership shall—

(1) administer and carry out the program established under this subtitle;

(2) establish and publish guidelines for the review of applications, and the criteria for selection, for grants under this subtitle; and

(3) submit an annual report to Congress on—

(A) the eligible entities that receive grants under this subtitle; and

(B) the progress such eligible entities have made in achieving the milestones identified in accordance with section 312(b)(2)(H).

(b) **PROGRAM AUTHORIZED.**—

(1) **IN GENERAL.**—From amounts appropriated to carry out this subtitle, the Partnership shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to carry out their proposals submitted in the application under section 312(b)(2), in order to promote reforms in workforce education and skill training for manufacturing in the eligible entities.

(2) **GRANT DURATION.**—A grant awarded under paragraph (1) shall be for a 3-year period, with grant funds under such grant distributed annually in accordance with subsection (c)(2).

(3) **SECOND GRANTS.**—If amounts are made available to award grants under this subtitle for subsequent grant periods, the Partnership may award a grant to an eligible entity that previously received a grant under this subtitle after such first grant period expires. The Partnership shall evaluate the performance of the eligible entity under the first grant in determining whether to award the eligible entity a second grant under this subtitle.

**SEC. 312. APPLICATION AND AWARD PROCESS.**

(a) **IN GENERAL.**—An eligible entity that desires to receive a grant under this subtitle shall—

(1) establish a task force, consisting of leaders from the public, nonprofit, and manufacturing sectors, representatives of labor organizations, representatives of elementary schools and secondary schools, and representatives of institutions of higher education, to apply for and carry out a grant under this subtitle; and

(2) submit an application at such time, in such manner, and containing such information as the Partnership may require.

(b) **APPLICATION CONTENTS.**—The application described in subsection (a)(2) shall include—

(1) a description of the task force that the eligible entity has assembled to design the proposal described in paragraph (2);

(2) a proposal that—

(A) identifies, as of the date of the application—

(i) the current strengths of the State or metropolitan area represented by the eligible entity in manufacturing; and

(ii) areas for new growth opportunities in manufacturing;

(B) identifies, as of the date of the application, manufacturing workforce and skills challenges preventing the eligible entity from expanding in the areas identified under subparagraph (A)(ii), such as—

(i) a lack of availability of—

(I) strong career and technical education;

(II) educational programs in science, technology, engineering, or mathematics; or

(III) a skills training system; or

(ii) an absence of customized training for existing industrial businesses and sectors;

(C) identifies challenges faced within the manufacturing sector by underrepresented and disadvantaged workers, including veterans, in the State or metropolitan area represented by the eligible entity;

(D) provides strategies, designed by the eligible entity, to address challenges identified in subparagraphs (B) and (C) through tangible projects and investments, with the deep and sustainable involvement of manufacturing businesses;

(E) identifies and leverages innovative and effective career and technical education or skills training programs in the field of manufacturing that are available in the eligible entity;

(F) leverages other Federal funds in support of such strategies;

(G) reforms State or local policies and governance, as applicable, in support of such strategies; and

(H) holds the eligible entity accountable, on a regular basis, through a set of transparent performance measures, including a timeline for the grant period describing when specific milestones and reforms will be achieved; and

(3) a description of the source of the matching funds required under subsection (d) that the eligible entity will use if selected for a grant under this subtitle.

(c) **AWARD BASIS.**—

(1) **SELECTION BASIS AND MAXIMUM NUMBER OF GRANTS.**—

(A) **IN GENERAL.**—The Partnership shall award grants under this subtitle, by not earlier than January 1, 2015, and not later than March 31, 2015, to the eligible entities that submit the strongest and most comprehensive proposals under subsection (b)(2).

(B) **MAXIMUM NUMBER OF GRANTS.**—For any grant period, the Partnership shall award not more than 5 grants under this subtitle to eligible entities representing States and not more than 5 grants to eligible entities representing metropolitan areas.

(2) **AMOUNT OF GRANTS.**—

(A) **IN GENERAL.**—The Partnership shall award grants under this subtitle in an amount that averages, for all grants issued for a 3-year grant period, \$10,000,000 for each year, subject to subparagraph (C) and paragraph (3).

(B) **AMOUNT.**—In determining the amount of each grant for an eligible entity, the Partnership shall take into consideration the size of the industrial base of the eligible entity.

(C) **INSUFFICIENT APPROPRIATIONS.**—For any grant period for which the amounts available to carry out this subtitle are insufficient to award grants in the amount described in subparagraph (A), the Partnership shall award grants in amounts determined appropriate by the Partnership.

(3) **FUNDING CONTINGENT ON PERFORMANCE.**—In order for an eligible entity to receive funds under a grant under this subtitle for the second or third year of the grant period, the eligible entity shall demonstrate to the Partnership that the eligible entity has achieved the specific reforms and milestones

required under the timeline included in the eligible entity's proposal under subsection (b)(2)(H).

(4) **CONSULTATION WITH POLICY EXPERTS.**—The Partnership shall assemble a panel of manufacturing policy experts and manufacturing leaders from the private sector to serve in an advisory capacity in helping to oversee the competition and review the competition's effectiveness.

(d) **MATCHING FUNDS.**—An eligible entity receiving a grant under this subtitle shall provide matching funds toward the grant in an amount of not less than 50 percent of the costs of the activities carried out under the grant. Matching funds under this subsection shall be from non-Federal sources and shall be in cash or in-kind.

**SEC. 313. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this subtitle such sums as may be necessary for fiscal year 2016.

(b) **AVAILABILITY.**—Funds appropriated under this section shall remain available until expended.

**Subtitle B—Audit of Federal Education and Skills Training**

**SEC. 321. AUDIT OF FEDERAL EDUCATION AND SKILLS TRAINING.**

(a) **AUDIT.**—By not later than March 31, 2016, the Director of the National Institute of Standards and Technology, acting through the Advanced Manufacturing National Program Office, shall conduct an audit of all Federal education and skills training programs related to manufacturing to ensure that States and metropolitan areas are able to align Federal resources to the greatest extent possible with the labor demands of their primary manufacturing industries. In carrying out the audit, the Director shall work with States and metropolitan areas to determine how Federal funds can be more tailored to meet their different needs.

(b) **REPORT AND RECOMMENDATIONS.**—By not later than March 31, 2016, the Director of the National Institute of Standards and Technology shall prepare and submit a report to Congress that includes—

(1) a summary of the findings from the audit conducted under subsection (a); and

(2) recommendations for such legislative and administrative actions to reform the existing funding for Federal education and skills training programs related to manufacturing as the Director determines appropriate.

**Subtitle C—Offset**

**SEC. 331. RESCISSION OF DEPARTMENT OF LABOR FUNDS.**

(a) **RESCISSION OF FUNDS.**—Notwithstanding any other provision of law, an amount equal to the amount of funds made available to carry out subtitle A for a fiscal year shall be rescinded, in accordance with subsection (b), from the unobligated discretionary funds available to the Secretary from prior fiscal years.

(b) **RETURN OF FUNDS.**—Notwithstanding any other provision of law, by not later than 15 days after funds are appropriated or made available to carry out subtitle A, the Director of the Office of Management and Budget shall—

(1) identify from which appropriations accounts available to the Secretary of Labor the rescission described in subsection (a) shall apply; and

(2) determine the amount of the rescission that shall apply to each account.

**SA 1397.** Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

On page 100, between lines 20 and 21, insert the following:

(7) FOR AGREEMENTS THAT UNDERMINE STATES AND LOCAL GOVERNMENTS.—The trade authorities procedures shall not apply to an implementing bill submitted with respect to a trade agreement entered into under section 103(b) that includes provisions that could subject policies of State or local governments in the United States to claims by foreign investors that would be decided outside the United States legal system.

**SA 1398.** Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

On page 100, between lines 20 and 21, insert the following:

(7) FOR AGREEMENTS THAT UNDERMINE THE PUBLIC AVAILABILITY OF INFORMATION ABOUT FOOD.—The trade authorities procedures shall not apply to an implementing bill submitted with respect to a trade agreement entered into under section 103(b) that includes provisions that could limit the right of the United States to provide information to the public on food for sale in United States markets, including through the use of non-discriminatory labeling requirements.

**SA 1399.** Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

On page 44, strike lines 4 through 9, and insert the following:

(2) CONDITIONS.—

(A) IN GENERAL.—A trade agreement may be entered into under this subsection only if such agreement makes progress in meeting the applicable objectives described in subsections (a) and (b) of section 102 and the President satisfies the conditions set forth in sections 104 and 105.

(B) PROHIBITION ON CERTAIN AGREEMENTS.—A trade agreement may be entered into under this subsection only if the agreement fully protects the right of the United States to require, in a nondiscriminatory manner, disclosure of the country of origin of food sold in the United States.

**SA 1400.** Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

On page 44, strike lines 4 through 9, and insert the following:

(2) CONDITIONS.—

(A) IN GENERAL.—A trade agreement may be entered into under this subsection only if such agreement makes progress in meeting the applicable objectives described in subsections (a) and (b) of section 102 and the President satisfies the conditions set forth in sections 104 and 105.

(B) PROHIBITION ON CERTAIN AGREEMENTS.—A trade agreement may be entered into under this subsection only if the agreement fully protects the right of the United States to provide information to the public on food for sale in United States markets, including through the use of nondiscriminatory labeling requirements.

**SA 1401.** Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

On page 100, between lines 20 and 21, insert the following:

(7) FOR AGREEMENTS THAT UNDERMINE PROTECTION OF THE ENVIRONMENT, PUBLIC HEALTH, AND CONSUMERS.—The trade authorities procedures shall not apply to an implementing bill submitted with respect to a trade agreement entered into under section 103(b) unless the agreement exempts policies for protecting the environment, public health, and consumers from any investor-state dispute settlement provisions included in the agreement.

**SA 1402.** Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

On page 100, between lines 20 and 21, insert the following:

(7) FOR AGREEMENTS THAT UNDERMINE UNITED STATES SOVEREIGNTY.—The trade authorities procedures shall not apply to an implementing bill submitted with respect to a trade agreement entered into under section 103(b) that includes provisions that could subject policies of the United States Government or any State or local government in the United States to claims by foreign investors that would be decided outside the United States legal system.

**SA 1403.** Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

On page 23, between lines 8 and 9, insert the following:

(ii) adopts and maintains measures ensuring a minimum wage that is appropriately comparable to the Federal minimum wage in the United States, taking into account the local cost of living and other factors,

**SA 1404.** Mr. MERKLEY submitted an amendment intended to be proposed to

amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

On page 100, between lines 20 and 21, insert the following:

(7) FOR AGREEMENTS THAT UNDERMINE THE PUBLIC AVAILABILITY OF INFORMATION ABOUT FOOD.—The trade authorities procedures shall not apply to an implementing bill submitted with respect to a trade agreement entered into under section 103(b) that includes provisions that could limit the right of the United States to require, in a nondiscriminatory manner, disclosure of the country of origin of food sold in the United States.

**SA 1405.** Mr. DONNELLY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

At the end of section 106(a)(2)(A)(ii)(II), add the following:

(ee) whether and how the agreement will increase production and employment in the United States and whether and how the agreement will increase the wages of workers in the United States.

**SA 1406.** Mr. DONNELLY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

On page 119, between lines 20 and 21, insert the following:

**SEC. 204. CONSIDERATION OF TRAINING PROGRAMS THAT LEAD TO RECOGNIZED POSTSECONDARY CREDENTIALS.**

Section 236(a) of the Trade Act of 1974 (19 U.S.C. 2296(a)) is amended by adding at the end the following:

“(12) In approving training for adversely affected workers and adversely affected incumbent workers under paragraph (1), the Secretary shall give consideration to training programs that lead to recognized postsecondary credentials and are aligned with in-demand occupations.”.

**SA 1407.** Mr. DONNELLY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

**SEC. 112. REPORT ON IMPORTS OF STEEL.**

Not later than one year after the date of the enactment of this Act, and not less frequently than annually thereafter while this title is in effect, the Secretary of Commerce shall submit to Congress a report on imports

into the United States of steel, including an analysis of, for the year preceding the submission of the report—

- (1) any changes to the supply chain in the United States with respect to steel;
- (2) any changes to employment in the United States with respect to steel; and
- (3) the impact of imports into the United States of steel on the changes described in paragraphs (1) and (2).

**SA 1408.** Mr. PAUL submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

At the end, add the following:

### **TITLE III—FEDERAL RESERVE TRANSPARENCY**

#### **SECTION 301. SHORT TITLE.**

This title may be cited as the “Federal Reserve Transparency Act of 2015”.

#### **SEC. 302. AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.**

(a) IN GENERAL.—Notwithstanding section 714 of title 31, United States Code, or any other provision of law, an audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) of such section 714 shall be completed within 12 months of the date of enactment of this Act.

(b) REPORT.—

(1) IN GENERAL.—A report on the audit required under subsection (a) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed and made available to the Speaker of the House, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

(2) CONTENTS.—The report under paragraph (1) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

(c) REPEAL OF CERTAIN LIMITATIONS.—Subsection (b) of section 714 of title 31, United States Code, is amended by striking all after “in writing.”

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 714 of title 31, United States Code, is amended by striking subsection (f).

#### **SEC. 303. AUDIT OF LOAN FILE REVIEWS REQUIRED BY ENFORCEMENT ACTIONS.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the review of loan files of homeowners in foreclosure in 2009 or 2010, required as part of the enforcement actions taken by the Board of Governors of the Federal Reserve System against supervised financial institutions.

(b) CONTENT OF AUDIT.—The audit carried out pursuant to subsection (a) shall consider, at a minimum—

- (1) the guidance given by the Board of Governors of the Federal Reserve System to independent consultants retained by the supervised financial institutions regarding the procedures to be followed in conducting the file reviews;

- (2) the factors considered by independent consultants when evaluating loan files;

- (3) the results obtained by the independent consultants pursuant to those reviews;

- (4) the determinations made by the independent consultants regarding the nature and extent of financial injury sustained by each homeowner as well as the level and type of remediation offered to each homeowner; and

- (5) the specific measures taken by the independent consultants to verify, confirm, or rebut the assertions and representations made by supervised financial institutions regarding the contents of loan files and the extent of financial injury to homeowners.

(c) REPORT.—Not later than the end of the 6-month period beginning on the date of the enactment of this Act, the Comptroller General shall issue a report to the Congress containing all findings and determinations made in carrying out the audit required under subsection (a).

**SA 1409.** Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

On page 100, between lines 20 and 21, insert the following:

(7) FOR AGREEMENTS THAT SUBJECT UNITED STATES WORKERS TO UNFAIR COMPETITION ON THE BASIS OF WAGES.—The trade authorities procedures shall not apply to an implementing bill submitted with respect to a trade agreement entered into under section 103(b) unless the agreement—

(A) establishes a minimum wage that each party to the agreement is required to establish and maintain before the trade agreement is implemented; and

(B) stipulates that the minimum wage required for each party to the agreement increase over time, to continuously reduce the disparity between the lowest and highest minimum wages paid by parties to the agreement.

**SA 1410.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1221 proposed by Mr. HATCH to the bill H.R. 1314, 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; which was ordered to lie on the table; as follows:

On page 100, between lines 13 and 14, insert the following:

(B) EXCEPTION.—

(i) INVOKING EXCEPTION.—If the Secretary of State submits to the appropriate congressional committees a letter stating that a country subject to subparagraph (A) has taken concrete actions to implement the principal recommendations in the most recent annual report on trafficking in persons, this paragraph shall not apply with respect to agreements with that country.

(ii) CONTENT OF LETTER; PUBLIC AVAILABILITY.—A letter submitted under clause (i) with respect to a country shall—

(I) include a description of the concrete actions that the country has taken to implement the principal recommendations described in clause (i); and

(II) be made available to the public.

(iii) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subparagraph, the

term “appropriate congressional committees” means—

(I) the Committee on Ways and Means and the Committee on Foreign Affairs of the House of Representatives; and

(II) the Committee on Finance and the Committee on Foreign Relations of the Senate.

**SA 1411.** Mr. HATCH proposed an amendment to the bill H.R. 1314, 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; 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.

### **AUTHORITY FOR COMMITTEES TO MEET**

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

Mr. WICKER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 19, 2015, at 10 a.m., in room SR-253 of the Russell Senate Office Building to conduct a hearing entitled “FAA Reauthorization: Air Traffic Control Modernization and Reform.”

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

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. WICKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 19, 2015, 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. WICKER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 19, 2015, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building to conduct a hearing entitled “No Place to Grow Up: How to Safely Reduce Reliance on Foster Care Group Homes.”

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

COMMITTEE ON FOREIGN RELATIONS

Mr. WICKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the

Senate on May 19, 2015, at 2:45 p.m., to hold a hearing entitled "Nominations."

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

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. WICKER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on May 19, 2015, at 10 a.m., in room SD-430 of the Dirksen Senate Office Building, to conduct a hearing entitled "Oversight of the Equal Employment Opportunity Commission: Examining EEOC's Enforcement and Litigation Programs."

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

COMMITTEE ON SMALL BUSINESS AND  
ENTREPRENEURSHIP

Mr. WICKER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on May 19, 2015, at 2 p.m., in SR-428A Russell Senate Office Building to conduct a hearing entitled "An Examination of Proposed Environment Regulation's Impacts on America's Small Businesses."

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. WICKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 19, 2015, at 2:30 p.m.

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

SUBCOMMITTEE ON CRIME AND TERRORISM

Mr. WICKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Terrorism, be authorized to meet during the session of the Senate on May 19, 2015, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Body Cameras: Can Technology Increase Protection for Law Enforcement Officers and the Public?"

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

SUBCOMMITTEE ON FISHERIES, WATER, AND  
WILDLIFE

Mr. WICKER. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Water, and Wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on May 19, 2015, at 10 a.m., in room SD-406 of the Dirksen Senate Office Building, to conduct a hearing entitled "S. 1140, The Federal Water Quality Protection Act."

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

NATIONAL SCHIZENCEPHALY  
AWARENESS DAY

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 181, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows.

A resolution (S. Res. 181) designating May 19, 2015, as "National Schizencephaly Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DAINES. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 181) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

SUPPORTING THE DESIGNATION  
OF MAY 14, 2015, AS THE DE-  
PARTMENT OF DEFENSE LAB-  
ORATORY DAY

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 182.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 182) expressing the sense of the Senate that Defense laboratories have been, and continue to be, on the cutting edge of scientific and technological advancement and supporting the designation of May 14, 2015, as the "Department of Defense Laboratory Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DAINES. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 182) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

ORDERS FOR WEDNESDAY, MAY 20,  
2015

Mr. DAINES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, May

20; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate then resume consideration of H.R. 1314.

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

PROGRAM

Mr. DAINES. Mr. President, Senators should be aware that the filing deadline for all first-degree amendments to both the underlying bill and the substitute amendment is at 1 p.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. DAINES. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:15 p.m., adjourned until Wednesday, May 20, 2015, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be major general*

BRIG. GEN. MICHAEL K. HANIFAN  
BRIG. GEN. DANIEL M. KRUMREI

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be brigadier general*

COLONEL HUGH T. CORBETT  
COLONEL ANDREW LAWLOR  
COLONEL RODERICK R. LEON GUERRERO  
COLONEL GERVASIO ORTIZ LOPEZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. WILLIAM C. MAYVILLE, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. JOSEPH E. TOFALO

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COLONEL MICHAEL S. CEDERHOLM  
COLONEL DENNIS A. CRALL  
COLONEL BRADFORD J. GERING  
COLONEL JAMES F. GLYNN  
COLONEL GREGORY L. MASIELLO  
COLONEL DAVID W. MAXWELL  
COLONEL STEPHEN M. NEARY  
COLONEL STEPHEN D. SKLENKA  
COLONEL ROGER B. TURNER, JR.  
COLONEL RICK A. URIBE