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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.

Eternal Lord, preserve us in our pilgrimage through this life, using us as Your light to a dark world. Free us from hindrances that keep us from accomplishing Your purposes on Earth.

Today, abide with our Senators. Give light to guide them, faith to inspire them, courage to motivate them, and compassion to unite them now and evermore. Lord, help them in the making of laws to execute justice and to set the captives free. Protect them in their work and keep them from those things that lead to ruin. Give them faith to see beyond today, to sow the seeds and cultivate the soil that will bring our Nation a bountiful harvest.

We pray in Your Holy 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, the Senate will have the opportunity this afternoon to open the legislative process for a broad 21st century American trade agenda.

Let me remind Senators that the vote we are taking today is not a vote to approve or disapprove of trade promotion authority. In fact, the bill we will be voting to proceed to is simply a placeholder that will allow us to open a broad debate on trade that our country very much needs. Voting yes to open debate on a 21st century American trade agenda offers every Member of this body the chance to stand up for American workers, American farmers, American entrepreneurs, and American manufacturers. It is a chance to stand with Americans for economic growth, opportunity, and good jobs.

Selling products stamped ''Made in America'' to the many customers who live beyond our borders is key. That is true across our entire country. It is true in my home State of Kentucky. We know that Kentucky already boasts more than half a million jobs related to trade. We know that nearly a quarter of Kentucky's manufacturing workers depend on exports for their jobs. And we know that manufacturing jobs tied to exports pay about 18 percent more than non-export related jobs.

So there is every reason to knock down more unfair international trade barriers and bring more benefits back to Americans, right here at home. According to one estimate, Kentucky alone could see thousands more jobs and millions more in economic investment if we enact smart agreements with countries in Europe and the Pacific.

We also know how important these types of agreements are to our national security—especially in the Pacific region. Just last week, seven former Defense Secretaries from both political parties wrote to express their ''strongest possible support'' for the bill before us today. ''The stakes are clear,'' they wrote. ''There are tremendous strategic benefits. . . . [and] America's prestige, influence, and leadership are on the line.''

If we care about preserving and extending American leadership in the 21st century, then we cannot cede the most dynamic region in the world to China. It is true from a national security perspective, and it is true from an economic perspective.

But first, we need fair and enforceable trade legislation that expands congressional oversight over the administration and sets clear rules and procedures for our trade negotiators. We have all those things in the Bipartisan Congressional Trade Priorities and Accountability Act, a bill that passed out of the Finance Committee 20 to 6 with strong support from both parties.

We should start the process of building on that bipartisan momentum right now. I know the opportunity to consider complex legislation via regular order became too uncommon in recent years, but that is changing now. The Senate may still be a little rusty, though, so I want to be clear about what today's vote is. This is a vote to begin a process. This is a vote to begin a debate on a broad trade agenda. Yes, TPA will be part of that debate. But trade adjustment assistance, or TAA, will be also.

Now, there are many Members on my side of the aisle who have real reservations about TAA. I do as well. But I expect that at the end of this process, after the Senate works its will, TAA—trade adjustment assistance—will be part of the package the Senate sends to the House.

The top Democrat on the Finance Committee made it clear at the markup of these trade bills that TAA needed to run alongside TPA. I know that the chairman of the committee, Senator HATCH, has also been working toward that end.

Now, the Finance Committee didn't just mark up TPA and TAA. It also marked up the African Growth and Opportunity Act and passed the generalized system of preferences bill by voice vote. It reported a customs and enforcement bill by voice vote, too.

So while TPA is clearly the centerpiece of the trade agenda before us,

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

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there is also bipartisan support for other bills reported by the Finance Committee.

Now, I know we have heard some concern that these bills might get left behind. I don't think that was anybody's intent. I expect to have a robust amendment process that will allow trade-related amendments to be offered and considered, including on the subject matters that the committee dealt with. The underlying substitute will be a compromise between the two parties, marrying TAA and TPA.

But let me repeat so there is no misunderstanding: The measure before us will be open for amendment, and I expect that other trade policies considered by the committee—and possibly even more—will be debated on the floor. I also expect that Chairman HATCH and Senator WYDEN will be working hard to get as much done as they can on all of these proposals.

I know that Chairman HATCH wants to find a path forward on all of these bills. I know that Senator WYDEN and Chairman RYAN spent a lot of time working through TAA, and, despite the objections of many on our side, it is likely to be included in any trade bill that passes the Senate.

I am confident that an enduring agreement can be found if the Senate is allowed to work its will and debate openly. That is what we intend to have happen on this bill. So I repeat: All we are voting on today is whether to have that debate at all.

If there are Senators with concerns about particular details of the trade agenda before us, that is all the more reason to vote to debate it. Let's have these conversations in an open and transparent way. Let's give the American people a full-throated debate on an important issue.

But we can't debate any of the provisions Senators want to consider if they vote to filibuster even getting on the bill. So I am calling on colleagues to prove they are serious—prove they are serious about wanting to pass this legislation—rather than simply looking for new and creative ways to defeat it. Voting to proceed is the way we have an opportunity to prove we want to pass trade promotion authority.

All the good committee work I mentioned demonstrates a real hunger to process bipartisan trade legislation. So let's vote to build on that today. Let's vote to open debate on a 21st century American trade agenda. Let's not slam the door on even the opportunity of having that debate.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

WASHINGTON, DC, NFL TEAM NAME CHANGE

Mr. REID. Mr. President, yesterday the National Football League punished one of its most recognizable players for allegedly having tampered with game balls. I find it stunning that the National Football League is more concerned about how much air is in a football than with a racist franchise name that denigrates Native Americans across the country. The Redskins name is a racist name. So I wish the commissioner would act as swiftly and decisively in changing the name of the Washington, DC, team as he did about not enough air in a football.

TRADE

Mr. REID. Mr. President, we know that later today the Senate will vote on whether to move forward with consideration of trade legislation. What we do not know, other than what the leader just said, is what is going to be in the matter before us. It seems to me he said that there will be TPA and TAA in the bill, and that dealing with Africa and these other provisions dealing with customs won't be in the bill. That is unfortunate.

In April, the Senate Finance Committee reported four bills out of the committee. Each of these four bills addressed different trade issues. Several of these bills contain amendments that the Senate spent months and years working to pass.

As I stand here today, Senate Democrats still don't know for sure the procedure of the Republican leader. And I would say to my friend the Republican leader, and to everyone who hears me say this, that using the logic of the Republican leader, he should move to these four bills. If he wants a robust amendment process, which he talks about all the time, why doesn't he put this legislation before this body and we will have a robust amendment process.

The ranking member of the Finance Committee is here. He is an experienced legislator and he knows—he was here before the Republicans put skids on doing any legislation for 4 years. He knows what the process was before then. He knows what the process is today, and he knows that the reason a few things are being accomplished this work period—and I mean a few—is because we have cooperated with Republicans. We still want to do that.

But if the Republican leader is concerned about a robust amendment process, then, put everything the committee reported out. That is why we have been led by the good senior Senator from Oregon the way we have been.

I have been very clear. I am not a fan of fast track. But it is important to remember that the Senate's ongoing debate about trade is not limited to legislation granting President Obama fast-track trade authority.

One of the bills reported out of the committee provides worker assistance for American workers who lose their jobs because of trade—important. Trade adjustment helps American workers to be trained, to look for new jobs, and to reenter the workplace. It is a program that has worked well.

The second bill helps developing countries export their products to the United States.

The third bill started out as a customs bill and now includes bipartisan provisions fighting currency manipulation and includes provisions on the importation of goods made with forced labor. It also ensures that American manufacturers can enforce trade laws against foreign companies that refuse to play by the rules.

Simply put, these three other bills include many provisions to make sure that trade is fair for American workers and the American economy.

My views on trade—I repeat—are well known. I don't support these trade provisions. But if the Senate is going to talk about trade, we must consider its impact on the American workers and the middle class, and that is what the customs provision does. That is why I support combining these four bills into one piece of legislation—so no American will be left behind by the Senate Republicans.

It is essential that if we move to fast-track, we consider these other bills as part of the process. In past years, Democrats and Republicans joined together to pass other important trade legislation with fast-track. For example, in 2002, when that passed, Congress adopted in that trade adjustment assistance, customs and trade enforcement and an extension of our preference programs. If we did it in 2002, why can't we do it today?

My friend the majority leader talks about the motion to proceed as a way to move forward. There is also a way to move forward that would be less disruptive, and it would work a lot better; that is, have the majority leader put all these four bills together and then begin—his words—a ''robust amendment process.''

The absence of assurance that these four bills are together is a signal that some will be left behind, and the people left behind, of course, are the American middle class. I urge the majority leader to take the necessary steps to merge these four bills reported out of the Finance Committee into one piece of legislation; otherwise, we risk hurting every American whom we talk about protecting so much here; namely, the middle class.

Again, logically, if you use the statements of the Republican leader, we should put all four of them together. We would move forward on this legislation. We could have a process—again, using his words, a ''robust amendment process.'' Last time those words came out—''robust amendment process''—we had two amendments. That was the Iran bill, two amendments. That is robust? That is not very robust, in my estimation.

I wish my friend the ranking member of the Finance Committee the very best in this legislation. It is a huge responsibility for his caucus. We, at this

stage, support these four bills being moved forward at the same time and then the process can begin of legislating. If we do not—if he does not do that, then it is going to be very difficult to get to the guts of the bills that are reported out of committee.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided in the usual form.

The Senator from Oregon.

TRADE

Mr. WYDEN. Mr. President, I listened carefully to the remarks of the Senate majority leader, and I believe the majority leader's statement provides potential—potential—to find the bipartisan common ground on trade that we found in the Senate Finance Committee. In the Senate Finance Committee, we passed the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 by a 20-to-6 vote and the Trade Adjustment Assistance Act of 2015 by a 17-to-9 vote. We passed a robust trade enforcement measure and package of trade preferences by voice vote.

Respectfully, I hope that the majority leader would take this morning to work with those on my side of the aisle who are supportive of trade to find a similar bipartisan approach to ensure that all four of the measures I have described are actually enacted.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

THE MIDDLE CLASS

Mrs. BOXER. Mr. President, I appreciate the leadership of Senator WYDEN on this, because if you leave out certain bills that help workers, then what you are left with, essentially, is a package that ignores their needs.

I do want to say that I hope we will not proceed to this debate on this free-trade agreement. I stand here as someone who comes from California, where I had voted for half of the trade agreements and I voted against half. I think I am a fair voice for what we should be doing.

If there is one unifying principle about the economics of today, it is this: the middle class is having a very hard time in America today, perhaps the worst time in modern history.

A new University of California study released last week makes it clear how our middle class is being hollowed out. In my State, we have a dynamic workforce. We have dynamic entrepreneurs. We are doing very well. But this study found that the lowest paid 20 percent of California workers have seen their real wages decline by 12 percent since 1979.

Think about that. This is a great country. We always say we have to be optimistic about tomorrow. You do everything right, you play by the rules, and your income for your family, in real terms, goes down by 12 percent. There is something wrong with this. I think everyone will say they want to do more for the middle class, and there is a straightforward agenda we could turn to, to do just that. But instead what do we turn to: a trade agreement that threatens the middle class—that threatens the middle class. What should we be doing here? Not confabbing in a corner over there about how to push a trade bill on this floor that doesn't help working America, we should pass a highway bill. The highway bill is critical—good-paying jobs, businesses that thrive in all of our communities. More than 60,000 of our bridges are structurally deficient, more than 50 percent of our roads are not in good condition. But, oh, no, even though the highway bill expires—we have no more authority to expend money out of that fund come the end of May—they are bringing forward a trade bill that is a threat to the middle class.

Why don't we increase the minimum wage? The minimum wage needs to be raised. Oh, no, they do not want to do that. They have not done it in years. The States are doing it. Oh, no, let's keep people working full time in poverty. So instead of confabbing over there on how to push a trade bill onto this floor, we ought to be raising the minimum wage.

What else should we be doing? We should make college more affordable. We have people here on Social Security in this country who are still paying off their student loans. That is a shame upon America. They cannot even refinance their student loans.

Instead of confabbing in the corner about how to bring a trade bill to this floor, why don't we fix the student loan problem? Why don't we raise the minimum wage? Why don't we pass a highway bill that is funded to help middle-class people?

It is all a matter of perspective, my friends. We still have not done equal pay for equal work, so women are not making what they should. That hurts our women when they retire. They have lost more than $400,000 in income.

Instead of standing in the corner and figuring out how to bring a trade bill to the floor, they ought to be fixing equal pay for equal work. They ought to be fixing student loans for our students. They ought to be passing a highway bill. They ought to be increasing the minimum wage. They ought to deal with currency fairness because our trading partners play with their currency in order to push forward their products. But oh, no, that is not on the agenda.

We could have an agenda for a vibrant middle class. But instead of that, we are moving toward a trade bill.

I know there are some who disagree with me and who come down to this floor and say: We are going to create jobs with this trade bill; it is going to be great. Let them explain how we are not going to see some of the 12 million jobs that are manufacturing jobs in America not move to countries that pay 56 cents an hour; another country, $1.19 an hour.

I know they will disagree with me. They are making all of these promises. The more I hear it, the more I hear the echoes of the NAFTA debate. That was a long time ago, and I was here then. In 1988, I voted for fast-track authority to allow the administration to negotiate the North American Free Trade Agreement. Then, 5 years later, I saw the deal. It was a bad deal, and I voted no, but it was too late—because when I saw the deal, I knew I could not fix it because that is what fast-track is.

What this majority today is saying to us is vote for fast-track and give up your right, Senator BOXER, to amend this trade agreement. They say: Well, it is very transparent. Go down and look at it.

Let me tell you what you have to do to read this agreement. Follow this: You can only take a few of your staffers who have to have a security clearance—because, God knows why, this is secure, this is classified. It has nothing to do with defense. It has nothing to do with going after ISIS. It has nothing to do with any of that, but it is classified.

I go down with my staff whom I can get to go with me, and as soon as I get there, the guard says to me: Hand over your electronics.

OK. I give over my electronics.

Then the guard says: You cannot take notes.

I said: I cannot take notes?

Well, you can take notes, but you have to give them back to me, and I will put them in a file.

I said: Wait a minute. I am going to take notes, then you are going to take my notes away from me, then you are going to have them in a file and you can read my notes—not on your life.

So instead of standing in a corner trying to figure out a way to bring a trade bill to the floor that does not do anything for the middle class, that is held so secretively that you need to go down there and hand over your electronics and give up your right to take notes and bring them back to your office, they ought to come over here and figure out how to help the middle class, how to extend the highway bill, how to raise the minimum wage, how to move toward clean energy, how to fix our currency manipulation that we see abroad.

Anyway, I take you back to 1988. I voted for fast-track for NAFTA. Instead of the millions of new jobs that were promised, by 2010 the United States had lost 700,000 jobs.

Instead of standing in a corner figuring out how we are going to lose more jobs, we ought to do something that works for the middle class.

Let me tell you what happened with NAFTA. Instead of improved pay for

our workers, which was promised, NAFTA pushed down American wages. It empowered employers to say to their workers: Either accept lower wages and benefits or we are moving to Mexico. Instead of strengthening our economy, it increased our trade deficit to Mexico, which now this year hit $50 billion. Before NAFTA we had a trade surplus with Mexico. Now we have a trade deficit.

So instead of standing in the corner and figuring out how to have more trade deficits with countries, we ought to do something to help the middle class.

I want to talk about something that happened in California—in Santa Ana—right after NAFTA. The city had worked hard to keep a Mitsubishi plant that assembled big-screen TVs, securing tax credits to help the plant stay competitive. Even after NAFTA passed, company officials promised they would keep the plant in Santa Ana. But guess what, folks. Three years later, Mitsubishi closed the plant. Company officials said they had to cut costs, especially labor costs, so they were moving their operations to Mexico.

We lost 400 good-paying, middle-class jobs, even though everyone promised NAFTA would never do that. This is going to be wonderful. I got suckered into voting yes on fast-track. I fear we see this pattern again.

The definition of ''insanity'' is doing the same thing over and over and expecting a different outcome. We have 12.3 million manufacturing jobs in this country. We are looking at a transpacific partnership deal, the largest trade deal in history, covering 40 percent of the world's economy. Tell me, what chance do our people who work in manufacturing have against countries that pay less than $1 an hour? In one case, I think it is 70 cents an hour.

Of the 12 countries in the TPP, 3 have minimum wages that are higher than ours, Australia, New Zealand, and Canada, but most of the countries have far lower wages, including Chile, with a minimum wage of $2.14; Peru, with a minimum wage of $1.38; and Vietnam, with a minimum wage of 70 cents. Brunei and Singapore don't even have a minimum wage.

I think I have laid out the argument as to why all of these promises about better wages and more jobs fall flat on their face when we look at that last free trade deal—and this one involves more countries.

Then there is the investor-state dispute settlement, or ISDS, which will allow polluters to sue for unlimited money damages. For example, they could use it to try to undo the incredible work in California on climate change by claiming that they were put at a disadvantage by having to live with California's laws.

Polluters could seek to undermine the President's Clean Power Plan or the toxic mercury pollution under the Mercury and Air Toxics Standards or they could sue because they had to spend a little money to make sure they didn't dump toxins into our waterways—drinking water.

We have seen this happen before. SD Myers, Lone Pine Resources, and the Renco Group sued. They notified Peru in 2010 and intended to launch an $800 million investor-state claim against the government because they said the fair-trade agreement was violated because it said they did not really have to install all of these antipollution devices. Yet Peru forced them to do it, and what happened was that ''polluters pay'' turned into ''polluters get paid.''

So we have a trade agreement that threatens 12 million manufacturing jobs. We have a trade agreement that is pushing all of the things we need to do for our middle class off the floor. We have a trade agreement that sets up this extrajudicial board that can overcome America's laws.

As former Labor Secretary Robert Reich has warned, the consequences could be disastrous. He calls the TPP ''a Trojan horse in a global race to the bottom, giving big corporations and Wall Street a way to eliminate any and all laws and regulations that get in the way of their profits.''

We should set this aside and not go to this today. Let's work together as Democrats and Republicans for a true middle-class agenda, for a robust investment in our roads, bridges, and highways, and to fix our immigration system.

I see Senator LEAHY is on the floor. He put together a comprehensive immigration reform bill that was amazing, but it was stopped and never happened. We have workers in the dark who are afraid to come out into the sunlight, and that puts a downward pressure on wages. Let's pass that. Let's make college more affordable, ensure equal pay for equal work, and fight for currency fairness. We can do it.

TOXIC REFORM

Mrs. BOXER. Mr. President, I will take about 3 minutes to talk about my last issue today, and that is the toxic reform bill that passed out of the Environment and Public Works Committee.

Mr. President, I have some great news about the toxic bill. The original Vitter-Udall bill was slain and is gone and in its place is a better bill. That is the great news. The bad news is it is still not a really good bill. We have to do better, and we can do better.

What we did in this bill is to understand that we had to negotiate certain items out of it, and one of the items we had to negotiate was how far the original bill went in preempting State laws, which we have now addressed. Credit goes to 450 organizations that—although they still oppose this bill—pushed hard for those changes. Credit also goes to Senators WHITEHOUSE, MERKLEY, and BOOKER, who told me they wanted to try to negotiate some changes. I blessed them, and they went and did it. For that I have to thank a Senator who is no longer with us, Ted Kennedy. He taught me that, as a chairman, you need to understand that sometimes you have to turn to your colleagues and let them move forward. And I was happy to do that.

The changes that came back included a part-way fix on preemption, a full fix on preempting air and water laws when it comes to toxics. And coenforcement has been fixed. So we are very, very pleased.

What is not really fixed, however, is that we want to make sure States have even more latitude to move if they see a danger. If there is a cancer cluster among kids or adults around this country, we want to make sure that the Federal Government will move to help them. We want to make sure that asbestos is addressed directly in this bill because 10,000 people a year die from asbestos exposure. If there is a chemical stored near a drinking water supply, we want to make sure that it, in fact, will receive priority attention.

What chemical is in there? We saw it happen in West Virginia. Senator MANCHIN wrote a really good bill with me. We should address that, and I was happy to see that we had some bipartisan votes on those last two fixes.

We have to fix this bill, and I just don't agree with anyone who comes to the floor and says it is perfect. But what I think is not important. What is important is what 450 groups think, and they think the bill has to be fixed.

Let's be clear. The people who say we have to fix the bill with perfecting amendments include the American Public Health Association and its Public Health Nursing Section, the Asbestos Disease Awareness Organization, the Consumers Union, the Institute for Agriculture and Trade Policy, the National Disease Clusters Alliance, the National Hispanic Medical Association, the Birth Defect Research for Children, Physicians for Social Responsibility, the Maryland Nurses Association, the Massachusetts Nurses Association, the National Association of Hispanic Nurses, the Association of Women's Health, Obstetric and Neonatal Nurses, the Breast Cancer Action, the Breast Cancer Fund, Huntington Breast Cancer Coalition, Kids v Cancer, and the Lung Cancer Alliance. It goes on and on. A full list of the organizations can be found at saferchemicals.org/coalition.

I say to my colleagues that the Vitter-Udall bill is much better now than when it was introduced, and these 450 groups did everything in their power to help us fix the bill. We are halfway there. I hope we can negotiate some more fixes—and maybe we can do that.

If we can pass four or five of these amendments, we are on our way. But if we cannot fix the bill and it does come here, there will be a lot of talking about how to fix it. There will be a lot of talking, a lot of standing on our feet, and a lot of rallies with 450 groups. That is the choice the Senate

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

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

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

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

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

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

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

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

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

As Lisa Heinzerling, a professor at Georgetown University Law Center and former senior EPA official pointed out in a recent blog titled, ''Toxic Ambiguity: the Dangerous Mixed Messages of the Udall-Vitter Bill to Reform TSCA,'' these are serious loopholes that must be addressed.

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

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

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

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

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

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

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

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

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

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

I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Delaware.

TRADE

Mr. CARPER. Mr. President, I wish to harken back about 6 months, if I could, to the election of last November. For me there were at least three takeaways from that election. No. 1, the voters of this country want us to work together and across party lines. No. 2, they want us to get things done. Among the things they want us to get done is to find a way to strengthen the economic recovery that has been underway now for several years.

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

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

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

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

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

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

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

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

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

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

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

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

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

If at the end of the day we are not happy with what has happened, if we feel as though we have been given a raw deal, that workers in this country have been given a raw deal, middle-class families have been given a raw deal, we have a chance to verify and we vote not to move the bill off the floor. We would not provide cloture to end debate. That is where we have our final vote. I hope we keep that in mind.

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

The PRESIDING OFFICER. The Senator from Utah.

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

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

USA FREEDOM ACT

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

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

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

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

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

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

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

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

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

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

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

Amendment in 1789, he used language to make sure that general warrants would not be the norm and, in fact, would not be acceptable in our new Republic.

Ultimately, Congress proposed and the States ratified the Fourth Amendment to the U.S. Constitution, which provides in pertinent part that any search warrants would have to be warrants ''particularly describing the place to be searched and the persons or things to be seized.''

General warrants are not the norm in America. General warrants are not acceptable in America. They are not compatible with our constitutional system. Yet, today, we see a disturbing trend, one that bears some eerie similarities to general warrants in the sense that we have the NSA collecting information—data—on every phone call that is made in America. If a person owns a telephone, if a person uses a telephone, the NSA has records going back 5 years of every number a person has called and every number from which a person has received a call. It knows when the call was placed. It knows how long the call lasted.

While any one of these data points might themselves not inform the government too much about a person, researchers using similar data have proven that the government could, if it wanted to, use that same data set, that same database to discern an awful lot of private information about a person. The government could discern private information, including a person's religious affiliation; political affiliation; level of activity politically, religiously, and otherwise; the condition of a person's health; a person's hobbies and interests. These metadata points, while themselves perhaps not revealing much in the aggregate, when put into a large database, can reveal a lot about the American people.

This database is collected for the purpose of allowing the NSA to check against possible abuses by those who would do us harm, by agents, foreign intelligence agents, spies. But the problem here is that the NSA isn't collecting data solely on numbers that are involved in foreign intelligence activity, nor is it collecting data solely on phone numbers contacted by those numbers suspected to be involved in some type of foreign intelligence activity. They are just collecting all of the data from all of the phone providers. They are putting it in one database and then allowing that database to be searched.

This issue was recently challenged in court. It was challenged and was recently the subject of a ruling issued by the U.S. Court of Appeals for the Second Circuit based in New York. Just a few days ago, this last Thursday, the Second Circuit concluded that Congress, in enacting the PATRIOT Act, in enacting section 215 of the PATRIOT Act—the provision in the PATRIOT Act that claims to justify this bulk data collection program—the Second Circuit concluded that section 215 of the PATRIOT Act does not authorize bulk collection. It does not authorize the NSA to simply issue orders to telephone service providers saying: Send us all of your data. The language in the PATRIOT Act permitted the government to access the records that were ''relevant to an authorized investigation.'' That is the language from section 215 that is at issue.

The government argued in that case that the term ''relevant'' in the context of the NSA's work meant and necessarily included every record regarding every telephone number used by every American. By interpreting it this way, they tried to basically strip all meaning from the word ''relevant.'' If Congress had meant every record, Congress could have said every record. It did not. That is not to say it would have been appropriate for Congress to do so, and had Congress legislated in such broad terms, I suspect there would have been significant concern raised, if not in court then at least within this Chamber and within the House of Representatives. But, importantly, Congress did not adopt that statutory language. Congress instead authorized NSA to collect records that are ''relevant to an authorized investigation.''

The Second Circuit agreed that this is a problem, holding last week that the bulk collection program exceeded the language of the statute—specifically, the word ''relevant.'' While ''relevant'' is a broad standard, it is intended to be a limiting term whose bounds were read out of the statute by a government willing to overreach its bounds.

The proper American response to government overreach involves setting clear limits—limits that will allow the people to hold the government accountable. We must not permit this type of collection to continue.

While it is true that a single call record reveals relatively little information about a person, again, the important thing to remember is that when we aggregate all of this data together, the government can tell a lot about a person. I have every confidence that and I am willing to assume for purposes of this discussion that the hard-working, brave men and women who work at the NSA have our best interests at heart. I am willing to assume for purposes of this discussion that they are not abusing this database as it stands right now.

Some would disagree with me in that assumption, but let's proceed under that assumption, that they are law-abiding individuals who are not abusing their access to this database. Who is to say the NSA will always be inhabited only by such people? Who is to say what the state of affairs might be 1 year from now or 2 years or 5 years or 10 or 15 years? We know that in time people tend to abuse these types of government programs.

We know from the Church report back in the 1970s that every administration from FDR through Nixon used our Nation's intelligence-gathering activities to engage in espionage. It is not a question of if such tools will be abused; it is a question of when they will be abused. It is our job as Senators to help protect the American people against excessive risk of this type of abuse. That is why Senator LEAHY and I have introduced the USA FREEDOM Act. It directly addresses the bulk data collection issue while preserving essential intelligence community capabilities.

Rather than relying on the government's interpretation of the word ''relevant,'' our bill requires that the NSA include a specific selection term—a term meant to identify a specific target—and that the NSA then use the term to limit to the greatest extent reasonably practicable the scope of its request.

We give the government the tools to make targeted requests in a manner that parallels the current practice at the NSA—in many respects, a practice that is currently limited only by Presidential preferences.

This bill would enable the court to invite precleared privacy experts to help decide how to address novel questions of law, if the court wanted input.

The bill also would increase our security in several ways, including by providing emergency authority when a target of surveillance enters the United States to cause serious bodily harm or death and instituting the changes necessary to come in line with the Bush era nuclear treaties.

This bill was negotiated in consultation with the House Judiciary Committee, the House Intelligence Committee, and the intelligence community at large. It is supported by the chairman and ranking members of the House Judiciary Committee, the House Intelligence Committee, and the Director of National Intelligence. It enjoys broad support from industry and from privacy groups.

This is a compromise—an important compromise that will enable us to protect Americans' privacy while giving the government the tools it needs to keep us safe. This is a compromise that is expected to pass the House overwhelmingly, and it is a bill I think we should take up and pass as soon as they have voted.

So I would ask my friend, my colleague, the distinguished senior Senator from Vermont, about his insights. My friend from Vermont has served his country well, having served a significant amount of time in the U.S. Senate. Prior to that time, he served as a prosecutor—a prosecutor who had to follow and was subject to the Fourth Amendment.

I would ask Senator LEAHY, in his experience as a prosecutor and as a Senator, what he sees as the major benefits to this legislation and the major pitfalls to the NSA's current practice of bulk data collection.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from Vermont.

Mr. LEAHY. Mr. President, the senior Senator from Utah has laid out very well the reasons for the changes proposed in the House and proposed by his and my bill. He also said something we should all think about. A couple of minutes ago, he said: Assuming everybody is following the rules today, are they going to follow the rules tomorrow or next year or the year after?

When he mentioned that, he also mentioned my years as a prosecutor. Let me tell a short story. I became one of the officers of the National District Attorneys Association and eventually vice president. A number of us had occasion to meet the then-Director of the FBI, J. Edgar Hoover. I thought back to some of the frightening things he said about investigating people because of their political beliefs. You could tell Communists because they were all ''hippies driving Volkswagens'' was one of the things he said; secondly, that the New York Times was getting too leftist in some of its editorials and was coming very close to being a Communist paper, and he was making plans to investigate it as such. Think about that for a moment. The New York Times had criticized him editorially, and he was thinking he should investigate it as a Communist paper.

Not long thereafter, he died. We found out more and more about the secret files he had on everybody, from Presidents to Members of Congress. What if a J. Edgar Hoover had the kinds of tools that are available today? That would be my response to the Senator from Utah, and that is why I totally agree with him that we have to think about not just today but what might happen in the future.

For years, Section 215 of the USA PATRIOT Act has been used by the NSA to justify the bulk collection of innocent Americans' phone records. Americans were appropriately outraged when they learned about this massive intrusion into their privacy.

Look at what happened last week. The highly respected Federal Second Circuit Court of Appeals confirmed what we have known for some time: The NSA's bulk collection of Americans' phone records is unlawful, it is not essential, and it must end. That basically says it all. It is unlawful, it is not essential, and it should end.

Under the government's interpretation of Section 215, the NSA or FBI can obtain any tangible thing so long as it is ''relevant'' to an authorized investigation. Think for a moment back to J. Edgar Hoover—and I do not by any means equate the current Director of the FBI or his predecessors with what happened back then, but if you have somebody with that mindset.

In the name of fighting terrorism, the government convinced a secret court that it needed to collect billions of phone records of innocent Americans—not because those phone records were relevant to any specific counterterrorism investigation but, rather, because the NSA wanted to sift through them in the future. This is an extraordinarily broad reading of the statute—one that I can say, as someone who was here at the time, that Congress never intended—and the Second Circuit rightfully held that such an expansive concept of ''relevance'' is ''unprecedented and unwarranted.'' Such an interpretation of ''relevance'' has no logical limits.

This debate is not just about phone records. If we accept that the government can collect all of our phone records because it may want to sift through them someday to look for some possible connection to terrorists, where will it end?

We know that for years the NSA collected metadata about billions of emails sent by innocent Americans using the same justification. Should we allow the government to sweep up all of our credit card records, all of our banking or medical records, our firearms or ammunition purchases? Or how about anything we have ever posted on Facebook or anything we have ever searched for on Google or any other search engine? Who wants to tell their constituents that they support putting all this information into government databases?

I say enough is enough. I do not accept that the government will be careful in safeguarding this secret data—so careful that they allowed a private contractor named Edward Snowden to walk away with all this material. What is to stop anybody else from doing exactly the same thing?

During one of the six Judiciary Committee hearings that I convened on these issues last Congress, I asked the then-Deputy Attorney General whether there was any limit to this interpretation of Section 215. I did not get a satisfactory answer—that is, until the Second Circuit ruled last week and correctly laid out the implication of this theory. They said that if the government's interpretation of Section 215 is correct, the government could use Section 215 to collect and store in bulk ''any other existing metadata available anywhere in the private sector, including metadata associated with financial records, medical records, and electronic communications (including e-mail and social media information) relating to all Americans.'' I don't think you are going to find many Americans anywhere in the political spectrum who want to give this government or any other government that kind of power because nothing under the government's interpretation would stop it from collecting and storing in bulk any of this information.

The potential significance of this interpretation is staggering. It is no wonder that groups as disparate as the ACLU and the National Rifle Association have joined together to file a lawsuit in the Second Circuit to stop this bulk collection program.

Congress finally has the opportunity to make real reforms not only to Section 215 but to other parts of FISA that can be used to conduct bulk collection. Tomorrow, the House will consider the bipartisan USA FREEDOM Act of 2015. Senator LEE and I have introduced an identical bill in the Senate. If enacted, our bill will be the most significant reform to government surveillance authorities since the USA PATRIOT Act was passed nearly 14 years ago. Our bill will end the NSA's bulk collection program under Section 215. It also guarantees unprecedented transparency about government surveillance programs, allows the FISA Court to appoint an amicus to assist it in significant cases, and strengthens judicial review of the gag orders imposed on recipients of national security letters.

The USA FREEDOM Act is actually a very commonsense bill. That is why Senator LEE and I were able to join together on it. He is right—we come from different political philosophies, different parts of the country, and obviously we don't agree on all things, but we agreed on this because it makes common sense and it is something that should bring together Republicans and Democrats. It was crafted with significant input from privacy and civil liberties groups, the intelligence community, and the technology industry. It has support from Members of Congress and groups from across the political spectrum.

Mr. President, I ask unanimous consent to have printed in the RECORD editorials from the Washington Times, the Washington Post, USA TODAY, and the Los Angeles Times in support of the USA FREEDOM Act.

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

[From the Washington Times, May 7, 2015]

BIG BROTHER TAKES A HIT

THE COURTS GIVE AN ASSIST TO REPEALING INTRUSIONS INTO THE PRIVACY OF EVERYONE

Sen. Mitch McConnell, the Republican majority leader, has made it clear to his colleagues that he wants the USA Patriot Act, including the controversial parts of the legislation scheduled to expire at the end of June, fully extended. He's seems ready to do whatever he can to get his way.

The USA Patriot Act was enacted in the days following Sept. 11, when the nation trembled on the verge of panic, with little debate and little opposition in Congress. The Patriot Act has been recognized since on both left and right as unfortunate legislation that granted too much power to the government to snoop into the lives, calls and emails of everyone in the name of national security.

Mr. McConnell thought he could force the Senate to either let the law lapse, to panic everyone again, or get an extension without modification until the year 2020. Even as Mr. McConnell praised the National Security Agency's reliance on the act to justify the collection of telephonic ''metadata'' from millions of Americans, the 2nd U.S. Circuit Court of Appeals was writing the decision, released Thursday, declaring the government program, first revealed by Edward Snowden, illegal because the language of the act cannot be read to justify such sweeping government action.

The lawsuit was brought by the American Civil Liberties Union and joined by groups,

including the National Rifle Association, and welcomed by civil libertarians across the land. To continue the program, the Obama administration would presumably have to persuade Congress to adopt language specifically authorizing the NSA to collect and hold such data. That attempt might be forthcoming.

The court's decision gives a boost to the advocates for the USA Freedom Act, which would modify the Patriot Act. The Freedom Act is expected to pass in the House and Mr. McConnell's strategy to kill it in the Senate may not work now, given the appeals court's decision.

Sen. Patrick Leahy, the ranking Democrat on the Senate Judiciary Committee, read the 97–page opinion and said, ''Congress should take up and pass the bipartisan USA Freedom Act, which would ban bulk collection under Section 215 and enact other meaningful surveillance reforms.''

The opinion of the liberal senator from Vermont is shared by the conservative Rep. James Sensenbrenner of Wisconsin, an author of the Patriot Act who has since regretted its excess. He joined the ACLU lawsuit as ''a friend of the court,'' and said Thursday that ''it's time for Congress to pass the USA Freedom Act in order to protect both civil liberties and national security with legally authorized surveillance.''

When the chips are down, blind partisanship, with genuine cooperation, can still be put aside.

[From the Washington Post, May 10, 2015]

NEW RULES FOR THE NATIONAL SECURITY AGENCY

For months, Congress has debated the National Security Agency's telephone metadata collection program, without legislative result. Now two factors have combined to make that frustrating situation even less sustainable. The legislative authority that first the George W. Bush administration and then the Obama administration cited for the program, Section 215 of the Patriot Act, is expiring on June 1. And, on Thursday, the U.S. Court of Appeals for the 2nd Circuit ruled that their interpretation of Section 215 was wrong anyway.

Congress needs to respond, and the sooner the better. To be sure, the court's ruling has no immediate practical impact, since the three-judge panel considered it superfluous to stop the program less than a month before Section 215 expires. The court's reasoning, though, could, and should, influence the debate. Judge Gerard E. Lynch's opinion noted that the NSA's mass storage of data, basically just in case it should be needed for a subsequent inquiry, stretched the statute's permission of information-gathering ''relevant to an authorized investigation'' beyond ''any accepted understanding of the term.''

Intelligence and law enforcement must be able to gather and analyze telephone metadata, but that requirement of national security can, and must, be balanced by robust protections of privacy and civil liberties. Under the current system, those protections consist of the NSA's own internal limitations on access to the database, subject to supervision by the Foreign Intelligence Surveillance Court (FISC)—which operates in secret and considers arguments only from the government. A democratic society requires more explicit, transparent protections.

There is, fortunately, a promising reform proposal readily available: the USA Freedom bill, which enjoys bipartisan support in both chambers as well as broad endorsement from President Obama—and the affected private industries as well. In a nutshell, it would abandon the bulk collection of the NSA's metadata, and warrantless searches of it, in favor of a system under which telecommunications firms retained the information, subject to specific requests from the government. Those queries, in turn, would have to be approved by the FISC. Along with the bill's provisions mandating greater disclosure about the FISC's proceedings, the legislation would go a long way toward enhancing public confidence in the NSA's operations, at only modest cost, if any, to public safety.

The measure has passed the House Judiciary Committee by a vote of 25 to 2. In the Senate, it failed to muster 60 votes last year when Democrats were in the majority, and its prospects appear even dimmer now that the Republicans are in control; their leader, Sen. Mitch McConnell (Ky.) favors reauthorizing Section 215 as-is.

Mr. McConnell's view—that the statute does, indeed, authorize bulk metadata collection—was legally tenable, barely, before the 2nd Circuit's opinion. Now he should revise it. If the Senate renews Section 215 at all, it should only be a short-term extension to buy time for intensive legislating after June 1—with a view toward enacting reform promptly. If the anti-terrorism effort is to be sustainable, Congress must give the intelligence agencies, and the public, a fresh, clear and, above all, sustainable set of instructions.

[From USA Today, May 10, 2015]

PATRIOT ACT CALLS FOR COMPROMISE IN CONGRESS

PROPOSAL ON NSA AND PHONE RECORDS WOULD GO A LONG WAY TOWARD REBALANCING SECURITY AND LIBERTY

In the years since the USA Patriot Act was approved in the frantic days following 9/11, it has become steadily more apparent that the law and the way it was applied were an overreaction to those horrific events.

The most flagrant abuse is the government's collection of staggering amounts of phone ''metadata'' on virtually every American. That program—which collects the number you call, when you call and how long you talk—was secret until Edward Snowden's leaks confirmed it in 2013.

Last Thursday, a federal appeals court—the highest to rule on the issue—found that the program is illegal. You'd think the unambiguous ruling from a unanimous three-judge panel would finally force changes to the bulk collection program.

But that's not necessarily going to happen, even though a compromise has emerged in Congress that would go a long way toward rebalancing security and liberty.

Under the compromise, the data would remain with the phone companies instead of the government. Requests to access the database would have to be far more limited, and each would require approval from the Foreign Intelligence Surveillance Court.

The new procedure would eliminate some of the phone collection program's most intrusive features, while keeping the security it offers at a time when the terrorist group Islamic State brings new threats. The measure has support from Republicans and Democrats, liberals and conservatives, and a long list of civil liberties and privacy groups.

It would also satisfy the court, which didn't dispute Congress' right to create such a program, just the executive branch's right to do so without Congress' assent.

Yet instead of embracing the compromise, Senate Majority Leader Mitch McConnell, Republican presidential hopeful Sen. Marco Rubio of Florida, and others are working to sabotage it. They want the Senate to ensure that the program will continue just as it is after parts of the Patriot Act expire at the end of this month.

While the phone program's benefits are dubious, its costs are clear. Several major tech companies have said that privacy intrusions have hurt U.S. companies. Meanwhile, innocent Americans suffer an assault to their privacy each day the government collects data on their calls. And if this sort of collection goes on, history demonstrates the government is likely to abuse it.

As the appeals court ruling warned, if the government's interpretation were correct in stretching the law to collect phone data, it could use the same interpretation to ''collect and store in bulk any other existing metadata available anywhere,'' including financial records, medical records, email and social media.

Choosing between privacy and security in these dangerous times is difficult. But, despite what supporters of bulk collection insist, lawmakers don't have to choose.

A carefully built compromise allows access to phone records, but with genuine privacy safeguards. The nation would be no less secure. And the civil liberties on which the nation was built would be better protected.

[From the Los Angeles Times, May 6, 2015]

THE USA FREEDOM ACT: A SMALLER BIG BROTHER

Last fall, Congress was on the verge of doing away with the most troubling invasion of privacy revealed by Edward Snowden: the National Security Agency's indiscriminate collection of the telephone records of millions of Americans. But then opponents cited the emergence of Islamic State as a reason for preserving the status quo. The Senate failed to muster the 60 votes needed to proceed with the so-called USA Freedom Act.

But the legislation has staged a comeback. Last week the House Judiciary Committee approved a bill of the same name that would end bulk collection—leaving phone records in the possession of telecommunications providers. The government could search telephone records only by convincing a court that there was ''reasonable, articulable suspicion'' that a specific search term—such as a telephone number—was associated with international terrorism. And rules would be tightened so that investigators couldn't search records from, say, an entire state, city or ZIP Code.

Americans were understandably alarmed in 2013 when Snowden revealed that information about the sources, destination and duration of their phone calls was being vacuumed up by the NSA and stored by the government, which could then ''query'' the database without court approval for numbers connected to suspected terrorists. After initially defending the program, President Obama modified it a bit, but he left it to Congress to make the fundamental change of ending bulk collection.

We had hoped that Congress would take a fresh look at whether this program is necessary at all, given a presidential task force's conclusion that it was ''not essential to preventing attacks.'' But if Congress is determined to continue the program, it must establish safeguards. The bill does this, though there is room for improvement. For example, unlike last year's Senate bill, this measure doesn't require the government to destroy information it obtains about individuals who aren't the target of an investigation or suspected agents of a foreign government or terrorist organization.

Approval is likely in the House, but prospects in the Senate are more doubtful. Senate Majority Leader Mitch McConnell (R–Ky.) has said that ending bulk collection of phone records would amount to ''tying our hands behind our backs.''

That was, and is, a specious objection. Under this legislation, the government can

continue to search telephone records when there is a reasonable suspicion of a connection to terrorism. But it will no longer be able to warehouse those records, and it will have to satisfy a court that it isn't on a fishing expedition. Those are eminently reasonable restrictions—unless you believe that the war against Islamic State and similar groups means that Americans must sacrifice their right to privacy in perpetuity.

Mr. LEAHY. Mr. President, additionally, I ask unanimous consent to have printed in the RECORD a letter from the major technology industry companies and trade associations in support of the USA FREEDOM Act.

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

MAY 11, 2015.

Hon. JOHN BOEHNER,
The Capitol, Washington, DC.
Hon. NANCY PELOSI,
The Capitol, Washington, DC.

DEAR SPEAKER BOEHNER AND DEMOCRATIC LEADER PELOSI: We, the undersigned technology associations and groups, write to express our strong support for H.R 2048, the USA Freedom Act, as reported by the House Judiciary Committee on April 30th by a vote of 25 to two.

Public trust in the technology sector is critical, and that trust has declined measurably among both U.S. citizens and citizens of our foreign allies since the revelations regarding the U.S. surveillance programs began 2 years ago. As a result of increasing concern about the level of access the U.S. government has to user-generated data held by technology companies, many domestic and foreign users have turned to foreign technology providers while, simultaneously, foreign jurisdictions have implemented reactionary policies that threaten the fabric of the borderless internet.

The USA Freedom Act as introduced in the House and Senate on April 28th offers an effective balance that both protects privacy and provides the necessary tools for national security, and we congratulate those who participated in the bipartisan, bicameral effort that produced the legislative text. Critically, the bill ends the indiscriminate collection of bulk data, avoids data retention mandates, and creates a strong transparency framework for both government and private companies to report national security requests.

Meaningful surveillance reform is vital to rebuilding the essential element of trust not only in the technology sector but also in the U.S. government. With 21 days remaining until the sunset of certain national security authorities, we urge you to swiftly move to consider and pass the USA Freedom Act without harmful amendments.

Mr. LEAHY. Some would argue that no reforms are needed. Unfortunately, they do not go into the facts, as the Second Circuit did; they invoke fearmongering and dubious claims about the utility of the bulk collection programs to defend the status quo. These are the same arguments we heard last November when we were not even allowed to debate an earlier version of the USA FREEDOM Act because of a filibuster.

Last week, some Senators came to the floor to argue that the NSA's bulk collection of phone records might have prevented 9/11. Now, this specter is always raised, that it might have prevented 9/11 and is vital to national security. We also heard that if we enact the USA FREEDOM Act, that will somehow return the intelligence community to a pre-9/11 posture. None of these claims can withstand the light of day.

I will go back to some of the facts—not just hypotheses. Richard Clarke was working in the Bush administration on September 11, 2001. I asked him whether the NSA program would have prevented those attacks. He testified that the government already had the information that could have prevented the attacks, but failed to properly share that information among Federal agencies. Likewise, Senator Bob Graham, who investigated the September 11 attacks as part of the Senate Intelligence Committee, also debunked the notion that this bulk collection program would somehow have prevented the 9/11 attacks.

The NSA's bulk collection of phone records simply has not been vital to thwarting terrorist attacks. When the NSA was embarrassed by the theft of all of their information and the news about the NSA's phone metadata program first broke, they defended the program by saying it had helped thwart 54 terrorist attacks. Well, I convened public hearings on this and under public scrutiny, that figure of 54 initially shrunk to: Well, maybe a dozen. We scrutinized that further. They said: Well, maybe it was two. Everybody realized that the government had to tell the truth in these open hearings. And then they said: Maybe it was one. That sole example was not a ''terrorist attack'' that was thwarted. It was a material support conviction involving $8,000 not a terrorist plot.

Numerous independent experts also have concluded that the NSA's bulk collection program is not essential to national security. I mention these things, because as soon as you come down and say: We are all going to face another 9/11, we are all going to face ISIS, we are all going to face these terrible attacks if we do not have this program—yet we can show that it has not stopped any attacks.

The President's Review Group, which included former national security officials, stated: The bulk collection of American's phone records was not essential to preventing attacks, and could readily have been obtained in a timely manner using conventional Section 215 orders.

So we can go with hysteria and overstatements or we can go with facts. In my State of Vermont, we like facts. We should not be swayed by fearmongering. Congress cannot simply reauthorize the expiring provisions of the USA PATRIOT Act without enacting real reforms.

When the House passes the USA FREEDOM Act tomorrow and sends it to the Senate, we should take it up immediately, pass that bill. The American people are counting on us to take action. They did not elect us to just kick the can down the road or blindly rubber stamp intelligence activities that now have been found by the court to be illegal. Congress should pass the USA FREEDOM Act this week.

I thank my good friend from Utah for yielding to me. I totally agree with his position.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I ask unanimous consent to extend the colloquy for a period of an additional 15 minutes to allow a couple of other Members to participate in the colloquy.

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

Mr. LEE. I would like to now hear from my friend and colleague, the junior Senator from Nevada, Mr. HELLER, and hear his thoughts on how people in his State—how people he knows across the country feel about this program and what we ought to do about it.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. Mr. President, today, I rise to join this bipartisan group calling for support of the USA FREEDOM Act. I want to begin by thanking my friend and colleague from Utah for his hard work and effort on behalf of the American people on this, my friend from Vermont for his actions also, and other Members of this Chamber.

Together, what we are trying to do is bring transparency, accountability, and, most importantly, freedom to the American people—freedom from an unnecessary and what has now been declared an illegal invasion of American's privacy. I am talking specifically about section 215 under the PATRIOT Act. Just last week, a Federal appeals court ruled that this National Security Agency program that collects Americans' calls—these records are now illegal.

Our national security and protection of our freedom as Americans are not mutually exclusive. Allowing the Federal Government to conduct vast domestic surveillance operations under section 215 provides the government with too much authority. This court's ruling only reaffirms that the NSA is out of control.

Under section 215, the FBI can seek a court order directing a business to turn over certain records when they have reasonable grounds to believe the information asked for is ''relevant to an authorized investigation of international terrorism.'' However, the NSA has wrongly interpreted this to mean that all—all—telephone records are relevant.

So they are collecting and storing large amounts of data in an attempt to find a small amount of information that might be relevant. If we reauthorize these laws without significant reforms, we are allowing millions of law-abiding U.S. citizens' call records to be held by the Federal Government. I see this as nothing but an egregious intrusion of Americans' privacy.

So what does the NSA know? They know someone from my State in Elko, NV, got a call from the NRA and then

called their Senator. So what does the NSA know? They know someone from Las Vegas called the suicide hotline for 20 minutes and then called a hospital right after. So what does the NSA know? They know you called your church or received a phone call from political action committees.

So does the previous administration, does this administration or perhaps the next administration care about your party affiliation? Do they care about your religious beliefs? Do they care about your health concerns? How about your activities in nonprofit tax-exempt entities? Maybe not today, as the Senator from Utah said, but what about 5 years from now, what about 10 years from now and even 15 years from now?

That is why I have been working with my colleagues since the last Congress to pass the USA FREEDOM Act, and I am proud to join as an original cosponsor of this bill in this new Congress. Those reforms are not just a pipeline dream that will die in the Senate. This is a substantive bill that carefully balances the privacy rights of Americans and the needs of the intelligence community as they work to keep us safe.

That is why the House Judiciary Committee has passed this bill on a bipartisan basis and the full House of Representatives is expected to pass it later this week. Let me be clear. We are not here to strip the intelligence community of the tools needed to fight terrorism. To my colleagues who feel that the USA FREEDOM Act will do this, I would ask them to read this letter from our intelligence community.

In my hand, I have a letter signed by the Attorney General and the Director of National Intelligence that was sent to Senator LEAHY last year. I would like to read a portion of this. ''The intelligence community believes that your bill preserves essential intelligence community capabilities; and the Department of Justice and the Office of the Director of National Intelligence support your bill and believe that it is a reasonable compromise that enhances privacy and civil liberties and increases transparency.''

We are not here to harm the operational capabilities of the intelligence community who safeguard us every day. What we are here to do is provide the American people the certainty that the Federal Government is working without violating their constitutional rights. That is why I have also consistently opposed and voted against the PATRIOT Act during my time in Congress.

I will do everything I can to end the PATRIOT Act, but if I cannot do that, I will work to gut the PATRIOT Act of the most egregious sections that infringe upon American citizens' privacy and their civil liberties. That is what the reforms of the USA FREEDOM Act begin to achieve. This legislation, among other things, will rein in the dragnet collection of data by the National Security Agency. It will stop the bulk collection of American communication records by ending the specific authorization under section 215 of the PATRIOT Act.

We are reaching a critical deadline as several Foreign Intelligence Surveillance Act provisions expire at the end of May. I want to be clear that I expect reforms to our surveillance programs, and I will not consent to a straight reauthorization of the illegal activities that occur under section 215 of the PATRIOT Act.

It is time for our Nation to right this wrong, make significant changes necessary to restore America's faith in the Federal Government, and restore the civil liberties that make our Nation worth protecting. I want to again thank the Senator from Utah and my colleague from the State of Vermont for their hard work and effort on behalf of all Americans in protecting their privacies and their civil liberties. I will turn my time back over to the Senator from Utah.

Mr. LEE. Mr. President, we would like to hear next from my friend and colleague, the junior Senator from Montana, on this issue.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, I want to thank the Senator from Utah, my good friend, for his leadership on the USA FREEDOM Act. I recently returned from an official trip to the Middle East with leader MCCONNELL and several of my fellow first-term Senators. We met with leaders in Israel, Jordan, Iraq, Kuwait, and Afghanistan to discuss the political and security issues facing Middle Eastern nations.

We also met with a number of American servicemembers who are bravely securing our country in these crisis-stricken regions and working every day to keep our Nation safe from the extreme forces that wish to destroy us. These meetings painted a very clear picture; that terror imposed by extreme forces such as ISIS and the threats facing our allies in the Middle East are real and they are growing every single day.

But the growing presence of ISIS in the Middle East is not just affecting the long-term security of nations such as Iraq and Syria, it is no longer a risk isolated geographically to the Middle East.

These extreme Islamic forces are working every day to harm the American people within our borders and on our soil. It is critical our law enforcement officials and our intelligence agencies have the tools they need to find terrorists in the United States and abroad, identify potential terror attacks, and eradicate these risks. ISIS is not just working to inflict physical damage upon our country and our people, this extreme group and other like-minded terrorists are intent on destroying our very way of life, our Nation's foundation of freedom and justice for all.

But as we strengthen our intelligence capabilities, we must, with equal vigor and determination, protect our Constitution, our civil liberties, the very foundation of this country. If the forces of evil successfully propel leaders in Washington to erode our core constitutional values, we will grant these terrorists a satisfying victory. We must never allow this. We must uphold the Constitution. We must work to protect the balance between protecting our Nation's security while also maintaining our civil liberties and our constitutional rights.

That is why I, similar to so many Montanans, am deeply concerned about the NSA's bulk metadata collection program and its impact on our constitutional rights. This program allows the NSA to have uninhibited access to America's phone records. I firmly believe this is a violation of America's constitutional rights and it must come to an end. Montanans have also long been concerned that the NSA has overreached its legal authority when implementing its bulk data collection program.

The recent ruling from the New York-based Second Circuit U.S. Court of Appeals confirmed it. The court ruled unanimously that section 215 of the PATRIOT Act does not authorize the NSA's bulk collection of Americans' phone metadata, but this is not the first time the legality of NSA's bulk data practices have been questioned.

A 2015 report from the Privacy and Civil Liberties Oversight Board, which is a nonpartisan, independent privacy board, found that section 215 does not provide authority for the NSA's collection program. The report raised serious concerns that the NSA's program violated the rights guaranteed under the First and Fourth Amendments. The report states:

> Under the section 215 bulk records program, the NSA acquires a massive number of calling records from telephone companies every day, potentially including the records of every call made across the Nation. Yet Section 215 does not authorize the NSA to acquire anything at all.

The report concludes:

> The program lacks a viable legal foundation under section 215. It implicates Constitutional concerns of the first and fourth amendments, raises serious threats to privacy and civil liberties as a policy matter, and has shown only limited value. For these reasons the government should end the program.

I strongly agree. In addition, the independent Commission found that the bulk collection program contributed only minimal value in combatting terrorism beyond what the government already achieves through other alternative means. So claims that this program provides unique value to our security were not validated, and, in fact, were refused by the Commission.

As Montana's Senator, I took an oath to protect and defend the Constitution. It is a responsibility and a promise I take very seriously. That is why I have joined Senators LEE, LEAHY, and others to introduce the USA FREEDOM Act

of 2015. This bipartisan legislation will end the NSA's bulk data collection program, while also implementing greater oversight, transparency, and accountability in the government's surveillance activities.

The USA FREEDOM Act strikes the right balance between protecting our security and protecting our privacy. It still allows necessary access to information specific to an investigation, with an appropriate court order, and provides the flexibility to be able to move quickly in response to emergencies, but it stops the indiscriminate government collection of data on innocent Americans once and for all.

I have long fought to defend Montanans' civil liberties, protecting privacy and constitutional rights from Big Government overreach. After spending 12 years in the technology sector, I know firsthand the power that data holds and the threats to American civil liberties that come with mass collection.

As Montana's loan representative in the U.S. House, I cosponsored the original USA FREEDOM ACT that would have ended the NSA's abuses and overreach. I also supported efforts led by Congressman JUSTIN AMASH to amend the 2014 Defense appropriations bill and end the NSA's blanket collection of Americans' telephone records.

We made significant ground last year in raising awareness of this overreach, but the fight to protect America's civil liberties and constitutional freedoms is far from over. That is why I am proud to stand today as a cosponsor of the USA FREEDOM Act of 2015 and a strong advocate and defender of America's right to privacy. As risks facing our homeland and our interests overseas remain ever present, it is critical that our law enforcement has the tools they need to protect our national security from extremists who would destroy our Nation and our very way of life.

The USA FREEDOM Act provides these tools, but we must also remain vigilant to ensure that American civil liberties aren't needlessly abandoned in the process. We need to protect and defend the homeland. We need to protect and defend the Constitution.

I stand today with the full confidence that the USA FREEDOM Act achieves both, and I urge the Senate to pass it.

I yield back.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I ask unanimous consent to extend the colloquy by an additional 5 minutes so we can hear from my friend and colleague, the Senator from Connecticut, Mr. BLUMENTHAL.

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

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I thank my colleague from Utah, my friend and very distinguished colleague, as well as our friend from the State of Vermont for their leadership this morning and throughout the drafting and formulating of this very well-balanced compromise—a balance between security, which we must be able to preserve and defend, and our privacy and other essential constitutional rights, which we need to protect just as zealously, because the reason for fighting to preserve our security is so we maintain and preserve our great constitutional rights.

That balance can be struck. It is feasible, achievable, and this measure of the USA FREEDOM Act is a strong step in the right direction.

I wish to talk today about one of its great virtues, which is an American virtue, the virtue of due process having an effective adversarial process, one that is transparent and provides for effective appellate view. The lack of an adversarial process, as well as transparency and effective appellate review, is one of the reasons the USA FREEDOM Act is absolutely necessary.

We know bulk collection of megadata is unnecessary. The President's own review group made that fact clear. We also know bulk metadata collection is, essentially, un-American. This country was founded by people who, rightly, abhorred the so-called general warrant that permitted the King's officials to rummage through their homes and documents. No general warrant in our history has swept up as much information about innocent Americans as orders allowing bulk collection.

Last week, the Second Circuit Court of Appeals told us something more; that we now know bulk collection is unauthorized. It is illegal. It is unauthorized by statute and has been so for the last 9 years that the government has collected bulk data of this kind.

The question is, How did it happen? How did we arrive at a point where the Government of the United States has been collecting data illegally for 9 years? We know that in May of 2006, the FISA Court—the Foreign Intelligence Surveillance Court—first was asked whether the Federal Government could collect the phone records of potentially every single American, and it said yes.

It failed the most crucial test of any court, which is to uphold our liberties against any legal onslaught. It got it wrong because the government's argument hinged on a single word, the word ''relevance.'' The court ruled that relevance means all information. In other words, the court had to decide whether relevant information means all information, and it said yes.

That judgment was just plain wrong, and it did not strike the Second Circuit as a difficult question. It doesn't strike us—now in retrospect—as a difficult question. The Second Circuit held that the Federal Government's interpretation is ''unprecedented and unwarranted.'' Never before, in the history of the Nation, has this kind of bizarre overreaching been successfully entertained.

Now, the court—the Foreign Intelligence Surveillance Court—didn't even issue an opinion. There was no way for anyone to know that this bulk metadata collection had been authorized because the court never told anyone, never explained itself. One can hope the Court knew what it was thinking at the time, but we don't know what it was thinking.

Now, I don't mean any disrespect to the FISA Court, which is composed of judges who have been confirmed by this body, article 3 judges who serve because they have been appointed by the Chief Justice of the United States.

The reason the court got this issue so fundamentally wrong, I think, is because it heard only one side of the argument. It heard only the government's side. It heard only the advocates seeking to collect in this sweeping way that was contrary to statute and, in my view, also contrary to fundamental rights and principles.

The USA FREEDOM Act corrects that systemic problem. It not only enables, but it requires the court to hear both sides.

We know from our life's experience that people make better decisions when they hear both sides of an argument. Judges on the courts know they want to hear both sides of the argument before they make a decision. Often they will appoint someone to make the other side of the argument, if there isn't anyone to do so effectively. They want effective representation in the courtroom.

That is why I have advocated from the very start and proposed—and the President affirmed—that there needs to be advocacy for our constitutional rights before the court. The other side of the government's argument needs to be represented.

We need a FISA Court we can trust to get it right because this proposal for an adversarial proceeding in no way contemplates an abridgement of secrecy or unnecessary delay. Warrants could proceed without delay. They could proceed without violation of confidentiality and secrecy, but the systemic problem would be fixed so the FISA Court would hear from both sides.

This act also is important because it would bring more transparency to FISA Court decisions, requiring opinions to be released, unless there is good reason not to do so. It would require some form of effective appellate review so mistakes could be corrected.

These kinds of changes in the law are, in fact, basic due process. They are the rule of law throughout the United States in article 3 courts, and these changes will make the FISA Court look like the courts Americans are accustomed to seeing in their everyday experience. When they walk into a courtroom in any town in the State of Connecticut or the State of Utah or the State of Montana, what they are accustomed to seeing is two sides arguing before a judge, and that is what the FISA Court would look like—rather than one side making one argument,

whether it is for bulk collection of metadata or any other intrusion on civil rights and civil liberties, there would be an advocate on the other side to make the case that it is overreaching, that it is unnecessary, that it is unauthorized. In fact, that is what the Second Circuit said the government was doing by this incredibly overextended overreach in bulk collection of metadata.

Unless and until this essential reform is enacted, along with other critical reforms that are contained in the USA FREEDOM Act, I will oppose reauthorization of section 215, and I urge my colleagues to do so as well.

I thank my colleagues from Utah and Vermont for their leadership and all who have joined in this morning's discussion. The colloquy today, I think, illustrates some important points of why the USA FREEDOM Act is important at this point in our Nation's history.

I yield the floor.

Mr. LEE. Mr. President, I appreciate the patience of Senator HATCH and his willingness to wait while we finished this exercise.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

TRADE

Mr. HATCH. Mr. President, later today, the Senate will vote on whether to begin debate on the future of the U.S. trade policy. It is a debate that has been a long time coming. In fact, we haven't had a real trade debate in this Chamber since at least 2002. That was 13 years ago.

Think about that. Let's keep in mind that 95 percent of the world's consumers live outside of the United States and that if we want our farmers, our ranchers, manufacturers, and entrepreneurs to be able to compete in the world marketplace, we need to be actively working to break down barriers for American exports. This is how we can grow our economy and create good, high-paying jobs for American workers.

While the chatter in the media and behind the scenes surrounding today's vote has been nearly deafening, no one should make today's vote more than it is. It is, once again, quite simply, a vote to begin debate on these important issues.

Now, I know some around here are unwilling to even consider having a debate if they can't dictate the terms in advance, but that is not how the Senate works and, thankfully, that is not the path we are going to take.

I have been in Congress for a long time, so I think I can speak with some authority about how this Chamber is—under normal conditions and regular order—supposed to operate. Of course, before this year, it had been a while before this body had worked the way it was supposed to. Hopefully, today's vote can serve as a reminder, and we can go to regular order on these bills and do it in a way that brings dignity to this Chamber again.

Once again, today's vote will decide only whether we will begin a debate on trade policy. It will not in any way decide the outcome of that debate. Indeed, the question for today is not how this debate will proceed but whether it will proceed at all.

Right now, everyone's focus seems to be on whether we will renew trade promotion authority—or TPA—and that will, of course, be part of the trade debate. TPA is a vital element of U.S. trade policy. Indeed, it is the best way to ensure that Congress sets the objectives for our trade negotiators and provides assurances to our trading partners that if a trade agreement is signed, the United States can deliver on the deal.

As you know, the Finance Committee reported a strong bipartisan TPA bill on April 22. The committee vote was 20 to 6 in favor of the bill. It was a bipartisan vote. That was a historic day. Before that day, the last time the Finance Committee reported a TPA bill was in 1988, almost three decades ago.

But that is not all we did on that day. In addition to our TPA bill, we reported a bill to reauthorize trade adjustment assistance, or TAA, a bill to reauthorize expired trade preference programs, and a customs and trade enforcement bill.

These are all important bills—each one of them. They all have bipartisan support. I was a principal author of three of these four bills, and I don't intend to see any of them left by the wayside. However, that looks like it is becoming increasingly what might really happen here if we don't get together.

Everyone here knows that I am anxious to get TPA across the finish line. And though it pains me a little to say it, TAA is part of that effort. We know our colleagues on the left have to have that. While I oppose TAA, I have recognized—and I have from the beginning—that the program is important to many of my colleagues, some of whom are on this side of the aisle as well, and it is a necessary component to win their support for TPA.

On a number of occasions, including at the Finance Committee markup, I have committed to helping make sure that TPA and TAA move on parallel tracks, and I intend to honor that commitment. Toward that end, if we get cloture on the motion to proceed later today, I plan to combine TPA and TAA into basically a single package that can be split by the House, and move them as a substitute amendment to the trade vehicle. And, I have to say, Congressman RYAN, the chairman of the Ways and Means Committee, understands that TAA has to pass over there as well.

In other words, no one should be concerned about a path forward for TPA and TAA. That was the big debate throughout the whole procedural process. And even though it raises concerns for a number of Republicans, including myself, these two bills will move together.

The question ultimately becomes this: What about the preferences and customs bills? There are two other bills here. I have committed in the past to work on getting all four of these bills across the finish line or at least to a vote on the floor, and I will reaffirm that commitment here on the floor today. I will work in good faith with my colleagues on both sides of the aisle and in both the House and Senate to get this done.

Regarding preferences, the House and Senate have introduced very similar bills, and, in the past, these preference programs—programs such as the African Growth and Opportunity Act and the generalized system of preferences—have enjoyed broad bipartisan support. My guess is that support will continue and that there is a path forward on moving that legislation in short order.

Admittedly, the customs bill is a bit more complicated. However, I am a principal author of most of the provisions in the customs bill. Indeed, many of my own enforcement positions and priorities are in that bill. Put simply, I have a vested interest in seeing the customs bill become law, and I will do all I can to make sure that happens. I will work with Senator WYDEN and the rest of my colleagues to find a path forward on these bills. I don't want any of them to be left behind.

But we all know that the customs bill has language in there that cannot be passed in the House. I don't know what to do about that. All I can say is that we can provide a vote here in this body, and who knows what that vote will be. I am quite certain that if we are allowed to proceed today, these bills—not to mention any others—will be offered as amendments. But in the end, we can't do any of that—we can't pass a single one of these bills—if we don't even begin the trade debate.

If Senators are concerned about the substance of the legislation we are debating, the best way to address these problems is to come to the floor, offer some amendments, and take some votes. That is how the Senate is supposed to operate, and we are prepared to operate it that way.

I might add, though, we have to get the bill up. And if there is a cloture vote and cloture fails, Katy bar the door.

I know there are some deeply held convictions on all sides of these issues and that not everyone in the Senate agrees with me. That is all the more reason to let this debate move forward and let's see where it goes. Let's talk about our positions. Let's make all of our voices heard. I am ready and willing to defend my support for free trade and TPA here on the Senate floor. I will happily stand here and make the case for open markets and expanded access for U.S. exporters and refute any arguments made to the contrary. And I

am quite certain there are a number of my colleagues who would relish the opportunity to tell me why they think I am wrong. They should have that right. None of that happens if people vote today to prevent the debate from even taking place.

We need to keep in mind that we are talking about bipartisan legislation here. All of these bills are supported by Senators on both sides of the aisle. This isn't some partisan gambit to force a Republican bill through the Senate. And, of course, let's not forget that, with TPA, we are talking about President Obama's top legislative priority and one of the most important bills in this President's service as President of the United States of America.

This is a debate we need to have. I am prepared to have it. The American people deserve to see us talk about these issues on the floor instead of hiding behind procedural excuses.

I urge all of my colleagues, regardless of where they stand substantively on these issues, to vote to begin this important and, hopefully, historic debate on U.S. trade policy.

Let me say, I am basically shocked that after all we have done—the large vote in the committee, the importance of these two bills in particular but all four of them, and the importance of trade promotion authority and trade adjustment assistance to the President—that we now have a bunch of procedural mechanisms that could make this all impossible. It is hard for me to believe that this could take place. We had an agreement—the two sides—and I am concerned about that agreement being broken at this late date, when we were so happy to get these bills out of the committee and get them the opportunity of being on the floor.

I have to say, as a Republican and as a conservative, I have been willing to carry the water for the President on this because he is absolutely right that TPA and TAA should pass, especially TPA. On TAA, I have questions on it and I wish we didn't have to pass it, but I have agreed to see that it is on the Senate floor as part of passing TPA.

The bill deserves to pass. However, we know that the President does not like the language that was put into the customs bill and neither do I, at this point, because I think it could foul up the whole process, the way I am hearing from the other side. We understood we were going to have votes on TPA and TAA, without getting into the currency problem that will still be alive on the customs bill. I am very concerned about this because we have come this far, and we should follow through and get this done. The President will be better off, the country will be better off, and all of us will be better off. And we can walk away from this, I believe, in the end feeling that we have done the right thing. This is the best thing that could be done for our country. We have to be part of the free-trade movement in this country and in this world. There are 400 trade agreements out there. We have only agreed to 20 of them.

These trade agreements generally bring jobs that are much better paid than other jobs in our society, between 13 and 18 percent more. For the life of me, I will never understand why the unions are so opposed to it and, thus, so many Democrats are opposed to it. I can't understand it, because this will create jobs, and generally the better jobs—the jobs that unions can then fight to unionize if they want to, which they have a right to do under our laws. Yet every time these matters come up, they are a principal impediment to getting free-trade agreements passed.

Look, I think Ambassador Froman has done a very good job up to now, but his hands are tied. If we don't pass TPA, he is going to have a very difficult time, ever, bringing about the TPP, the Trans-Pacific Partnership, or TTIP, which is 28 European countries plus ours. TPP is 11 countries plus ours, mainly in Asia—not the least of which is Japan, which our Trade Representative believes he can get to sign a trade agreement with us. I believe he can. But I don't believe he can do it without TPA. We have already been told by the Ambassador from New Zealand that they are not going to sign without TPA.

So to hamper the passage of TPA because of some desire to do otherwise is not only a mistake, but it flies in the face of the support this President needs and should have on this particular bill.

Now, I understand there are folks on the other side who just aren't for free trade and they are not for trade bills. And they have a right to feel that way. I don't have a problem with that. What I have a problem with is making it impossible to pass these bills and get them through the Senate, which is the path we are on right now. If the votes are against cloture, I suspect our path to getting this done—to improving our trade throughout the world, to allowing us to compete worldwide the way we should—is going to be severely hampered, if not completely hurt.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time is remaining on the Democratic side?

The PRESIDING OFFICER. The Democrat side has 12½ minutes remaining.

Mr. DURBIN. Mr. President, most people who are following this debate may be a little bit put off by some of the initials that we use around here—TPP, TPA, TAA. What is it all about?

It is about a trade agreement. It involves a dozen countries, including the United States. Most of them are in Asia. We are preparing to discuss and debate it, and that trade agreement is known as the Trans-Pacific Partnership, or TPP. I think that is what that stands for. I will correct the record if I am wrong on that.

But before we get to the trade agreement, we have to decide how we are going to consider it, and that is known as TPA, trade promotion authority, or fast track. The question is whether the Senate will agree that we cannot amend the trade agreement—no amendments—and that it is a simple majority vote. That is what is known as fast track. Virtually every President in modern time has had that authority. It has expired, and now it has to be recreated by a vote on the floor.

What we are anticipating this afternoon is whether we go to the arguments about these various issues, and the uncertainty is what leads my friend from Utah, Senator HATCH, to come to the floor.

The uncertainty from our side is this: How are we going to consider this? Four bills came out of the Finance Committee related to trade. How are they going to be brought to the floor? Are they going to be part of one package? Are they separate votes? Which one will come out of the Senate? Will more than one come out of the Senate? These are unanswered questions, and because these questions are unanswered, the vote at 2:30 or so is in doubt.

Senator HATCH is upset. He believed that there was an agreement. I wasn't a party to it. I don't know. But this much I do know: Trade is a controversial issue. It is important to America's economy. But when you take it home and meet with the people you represent, there are strong mixed feelings about trade.

Some who work for the Caterpillar tractor company in Illinois want to promote trade, sell more of those big yellow tractors, and put more Americans to work to build them.

But many look at trade and say: I could be a casualty. I could be a victim. They could ship my job overseas, Senator. So what are you going to do to make sure I am protected in this?

That is why trade isn't an easy issue. It is a controversial issue.

TAA, which Senator HATCH referred to, is trade adjustment assistance. What it says is that if you lost your job because of a trade agreement, we will help pay for your training for a new job. Senator HATCH said he opposed that. I fully support it.

I just visited a high school in downstate Illinois. There was a man there teaching high school students—good, gifted high school students—how to repair computers. I said: How did you get into this business? He said: It is a funny thing. I lost my job in a factory years ago because of a trade agreement. But because of trade adjustment assistance, I was able to go back to college, got a degree, and now I am a teacher.

Do I support trade adjustment assistance? You bet I do—for that teacher and for many others who want to transition into a new job if they lose their job because of trade. So including trade adjustment assistance in any part of a

trade agreement is important to many of us. We want to make sure it is included on the floor of the Senate.

Equally so, we want to make sure that trade agreements are enforceable. It wasn't that long ago that we had thriving steel production companies in America that were victimized by many foreign countries that started dumping steel in the United States.

What does it mean to dump steel? These countries—Brazil, Japan, and Russia—were selling steel in the United States at prices lower than the cost of production. Why? They knew they could run the Americans out of business—and they did. By the time we filed an unfair trade grievance, went through the hearings and won our case, the American companies disappeared. Enforcement is an important part of any conversation about trade. We want to know from Senator HATCH and the Republicans who bring this to the floor, if we are going to enforce the trade agreements so Americans are treated fairly.

I think that is a pretty legitimate question. Until it is answered, there is uncertainty. Maybe the vote at 2:30 will reflect it. I hope we can get an answer before 2:30, but if not, then soon after, on how Senator MCCONNELL wants to bring this issue to the floor.

HIGHWAY TRUST FUND

Mr. DURBIN. Mr. President, May 31—today is May 12. On May 31, the Federal highway trust fund authorization expires. What it means is at that point in time, the Federal Government will stop sending Federal dollars back to our States to build highways and bridges and support buses and mass transit—May 31.

What are we going to do about it? We have 19 days to do something about it. Sadly, we know what we are going to do about it. The Republicans who control the House and the Senate have failed to come up with any means of extending the highway trust fund. What they are going to do probably is ask us for a short-term extension—1 month, 2 months.

The reason we think this will happen is that in the past 6 years, there have been 32 extensions of the highway trust fund. We used to pass highway trust fund bills to last 6 years, for obvious reasons. You cannot build highways a month at a time. You have to know you have money that is going to be there for years to build a highway, to repair a bridge, to make certain you have new mass transit modernization. But the Republicans have been unable to reauthorize the highway trust fund for any period of time. They want to extend it 30 days at a time, 60 days at a time.

There are some realities that we need to accept. We cannot patch our way to prosperity in America. You cannot fill enough potholes to build a highway. If we are going to accept our responsibility to be a great nation and a great leader in the world economy, we need an infrastructure to support it.

The Republican failure to extend the highway trust fund for 5 or 6 years, sadly, is going to cost us jobs in America—not just good-paying construction jobs but jobs in businesses that count on infrastructure. I have them all over Illinois. There are thousands of workers in Illinois who depend on them. But because the Republicans have failed to come up with an extension of the highway trust fund, we are going to limp along here and, sadly, not meet our national obligation to create an infrastructure to support our economy.

I am hoping that cooler heads will prevail and leadership will prevail, and that the Republican leadership in the House and the Senate—they are in the majority in both Chambers—will step forward with a plan to create a highway trust fund for 6 years. The President has; he put it on the table. Republicans rejected it. They have no alternative—none.

Let's get down to business. Let's put America back to work. Let's create the infrastructure we need to build our economy.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Democrats have 5 minutes remaining.

Mr. DURBIN. Mr. President, I want to make a statement on Syria and humanitarian concerns in Syria, but it will take longer than that. I know my colleague from Vermont is here, and I would like to yield the remaining 5 minutes.

Mr. SANDERS. Let me say this, if I might. If I can get unanimous consent to speak after Senator THUNE, that would be fine, and I would yield back to the Senator.

How is that?

Mr. DURBIN. If the Senator wants to make that unanimous consent request——

Mr. SANDERS. Mr. President, I ask unanimous consent that I be allowed to speak for up to 15 minutes after Senator THUNE speaks.

The PRESIDING OFFICER (Mr. CRUZ). Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I believe the previous Presiding Officer suggested I had 5 minutes remaining of Democratic time at this point.

HUMANITARIAN CRISIS IN SYRIA

Mr. DURBIN. Mr. President, I would like to say, very briefly, a word about the situation in Syria. On May 13, 1994, a Senator from Illinois named Paul Simon was then chairman of the Senate Foreign Relations Subcommittee on Africa. His ranking Republican was Senator Jim Jeffords of Vermont. Senators Jim Jeffords and Paul Simon had been told that there was a looming genocide about to occur in Rwanda. They went on the phone together and spoke to U.N. General Romeo Dallaire in Kigali, Rwanda, in May of 1994. They asked: What can we do to stop the killing in Rwanda? General Dallaire said: If you would send 5,000 uniformed troops, I could stop this genocide.

Senators Simon and Jeffords wrote to the Clinton White House immediately at that time and asked for the administration to call on the United Nations to act.

Their letter said in part: ''Obviously there are risks involved but we cannot continue to sit idly by while this tragedy continues to unfold.''

The Senators received no reply from the White House. In less than 8 weeks, 800,000 Rwandans were massacred. Today, President William Clinton acknowledges that he should have done more—we should have done more. What happened in Rwanda was a classic genocide. Today, what is happening in Syria may not meet the classic definition of a genocide, but it certainly meets every standard and every definition as the looming humanitarian crisis of our time. The question before us and the United States is this: What will we do?

I think it has reached the point where we must act. That is why I have joined three of my colleagues—fellow Democrat TIM KAINE of Virginia and Republicans LINDSEY GRAHAM of South Carolina and JOHN MCCAIN of Arizona—and we have written to President Obama, urging him to call together world leaders and to establish a humanitarian zone—a safe zone, a no-fly zone—in Syria, where modern medical treatment can be provided and displaced persons can escape. We think it should be done under the auspices—I do—of the United Nations and that the United States can join other countries in providing a defensive security force.

We need to turn to our NATO allies, such as Turkey. We need to reach out to Saudi Arabia, even Iran, and try to find an international consensus to spare the suffering and death which has been occurring now for years. We do not know the exact number of casualties. We estimate that some 400,000 may have died in Syria. Millions have been displaced.

This is a picture of just one of the refugee camps to which the people of Syria have fled. I have visited camps such as this in Turkey. They are in Lebanon and Jordan. They cannot accommodate all of the people who are evacuating that country.

Once every few months a friend of mine comes to visit in Chicago. He is an extraordinary man. His name is Dr. Sahloul. He heads up a group of Syrian Americans who travel to Syria on a regular basis. They have to sneak into the country—this war-torn country. As doctors, they are providing basic medical care to the victims of the violence that is taking place in Syria.

Dr. Sahloul brings heartbreaking photographs to show me. The last photographs were of children who had been victims of barrel bombs, which Bashar al-Assad, the leader of Syria, drops on

his own people. These are literally garbage cans filled with munitions and explosives that explode, killing civilian populations. The photos showed children who had been maimed, lost their limbs, and some had been killed by these barrel bombs that continue. Now Assad has decided to up the ante. He is including chlorine gas in the barrel bombs as well.

These doctors try to save these children and save these victims. Many times they are operating on tables in abandoned schools. They are begging for medicines, which are at a high premium. Many times they are not successful. What will we do? What can the United States do?

I hope that we can be part of an effort—an international effort—to provide safe zones for medical treatment and for the displaced persons in Syria. I hope to join with others on a bipartisan basis in urging that alternative.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

TRADE PROMOTION AUTHORITY

Mr. THUNE. Mr. President, later today the Senate will vote on whether to proceed to a bill that was reported out of the Senate Finance Committee, on which I serve, the trade promotion authority legislation. What is so remarkable about this is that we are on the cusp here in the Senate of passing a major piece of legislation—bipartisan legislation on which a Republican majority in the Senate is working with a Democratic President to give him trade promotion authority—something that would be very good for our economy. If the Democrats in the Senate do not blow it, this could be a major hallmark achievement of this Congress. But my understanding is there is an effort on the other side now to prevent us from even getting on the bill to debate it. I hope that as Democrats contemplate that move, they will think long and hard about what they will be doing. Not only will they be undermining their own President, who is very much for this, but they will be hurting the American economy. Almost every President, literally back to FDR, has had trade promotion authority in which he has the ability to negotiate trade agreements with our trading partners in a way that Congress ultimately has to approve but in a way that expedites and gives the maximum amount of leverage to get the best trade agreement possible.

We are taking up that legislation, hopefully, later today. But it is all going to depend on Senate Democrats and whether they want to proceed to this bill or not. I certainly hope, as I said, that they will come to the conclusion that it is in the best interests of our country, of our economy, and certainly, I think, in the best interests of creating a bipartisan achievement here in which they are working with their own President and with Republicans here in the Senate.

With 96 percent of the world's consumers outside the borders of the United States, trade is essential to growing our economy and opening new markets for products marked ''Made in the USA.''

Over the past few years, exports have been a bright spot in our economy, supporting an increasing number of American jobs each and every year. In fact, in 2014 exports supported 11.7 million U.S. jobs and made up 13 percent of our Nation's economy.

In my home State of South Dakota alone, exports support more than 15,000 jobs in industries that range from farming and ranching to machinery and electronics. We need to continue to open markets around the globe to American goods and services. The best way to do that is through new trade agreements. Countries with which we have free and fair trade agreements purchase substantially more from us than other countries.

In fact, in 2013, free-trade agreement countries purchased 12 times more goods and services per capita from the United States than non-free-trade agreement countries. Let me restate that. In 2013, those countries with which we have a free-trade agreement purchased 12 times more goods per capita from the United States than those countries with which we do not have a free-trade agreement.

It is not just American farmers, ranchers, and manufacturers who benefit from trade agreements. American consumers benefit as well. Trade agreements give American families access to a greater variety of goods at lower prices.

The U.S. Chamber of Commerce estimates that trade increases American families' purchasing power by $10,000 annually. For American workers, increased trade means more opportunity and increased access to high-paying jobs. Manufacturing jobs tied to exports pay on average 13 to 18 percent more than wages in other areas of our economy.

Unfortunately, while trade agreements were proliferated around the globe over the past several years, the United States has not signed a new trade agreement in 5 years. Altogether, the United States has just 14 trade agreements currently in effect. That is a lot of lost opportunity for American workers and businesses, since trade agreements have proved to be the best way to increase demand for American products and services.

A big reason for the lack of trade agreements in recent years is the fact that trade promotion authority expired in 2007. As I said earlier, since 1934—you have to go back to the administration of FDR—almost all of the United States' free-trade agreements have been negotiated using trade promotion authority or a similar streamlined process. Trade promotion authority is designed to put the United States in the strongest possible position when it comes to negotiating trade agreements.

Under TPA, Congress sets guidelines for trade negotiations and outlines the priorities the administration has to 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 negotiated. That simple up-or-down vote is the key. It lets our negotiating partners know that Congress and trade negotiators are on the same page, which gives other countries the confidence they need to put their best offers on the table, and that in turn allows for a successful and timely conclusion to negotiations.

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 European Union 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, there could be huge benefits for American agriculture, among other industries. Currently, American agricultural products face heavy tariffs in many Trans-Pacific Partnership countries. Poultry tariffs in TPP countries, for example, can reach a staggering 240 percent. Reducing the barriers to American agricultural products in these countries would have enormous benefits for American farmers and ranchers.

Agricultural producers in my State of South Dakota have contacted me to tell me how trade benefits their industries and to urge support for trade promotion authority as the most effective way to secure trade agreements that will benefit South Dakota farmers and ranchers.

The leader of the South Dakota Dairy Producers Association wrote to me about the Trans-Pacific Partnership Agreement, which could have significant benefits for South Dakota dairy farmers, and urged me to vote in favor of trade promotion authority. He said the Trans-Pacific Partnership talks ''have the potential to be positive for our dairy industry, but only if the U.S. insists on settling for nothing less than a balanced deal that delivers net trade benefits for the dairy industry. Passing TPA is a key part of getting there.'' That is from a dairy producer in my State of South Dakota.

Mr. President, passing TPA is a key part of getting there. Neither the Trans-Pacific Partnership nor the United States-European Union trade agreement is likely to be completed in a timely fashion without trade promotion authority. If we want to make sure that trade negotiations achieve the goals of American farmers and manufacturers, trade promotion authority is essential.

The bipartisan bill we are considering on the Senate floor this week reauthorizes trade promotion authority,

and it includes a number of important updates, such as provisions to strengthen the transparency of the negotiating process and ensure that the American people stay informed.

It also contains provisions that I pushed for 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.

This trade promotion authority bill will help ensure that any trade deals the United States enters into will be favorable to American farmers, ranchers, and manufacturers, and it will hold other countries accountable for their unfair practices. Passing this bill is essential to prevent American workers and businesses from being left behind in the global economy.

Since Republicans took control of the Senate in January, Democrats and Republicans have come together on a number of issues to pass legislation to address challenges that are facing our country. I hope this bill will be our next bipartisan achievement.

The President has made it clear that he supports this bill, and key Democratic Senators are working to make sure it passes. I hope the rest of the Democratic Party here in the Senate will come together with the President and Republicans to get this done.

As President Obama said the other day, ''We have to make sure that America writes the rules of the global economy. . . . Because if we don't write the rules for trade around the world—guess what—China will. And they'll write those rules in a way that gives Chinese workers and Chinese businesses the upper hand, and locks American-made goods out.'' Again, that is a quote from President Obama.

To put it another way, if America fails to lead on trade, other nations will step in to fill the void, and those nations will not have the best interests of American workers and American families in mind.

It is time to pass trade promotion authority so we can secure favorable new trade deals and ensure that American goods and services can compete on a level playing field around the globe and that American workers and American consumers receive the benefits that come along with that. I hope that will be the outcome of the vote today, and I hope it will be a major achievement for this Senate—a bipartisan achievement where both sides work together for the good of our economy, for the good of jobs, for the good of higher wage levels for American workers, and for the good of a more competitive economy in which our consumers benefit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

TRADE

Mr. SANDERS. Mr. President, at 2:30 this afternoon, the Senate will vote on a motion to proceed to the fast-track bill which was recently approved by the Finance Committee. I will be strongly opposing that legislation.

In a nutshell, here is the reality of the American economy today: While we are certainly better off than we were 6½ years ago, the truth is that for the last 40 years the American middle class has been disappearing. The truth is that today we have some 45 million Americans living in poverty, and that is almost at the highest rate in the modern history of America.

While the middle class continues to shrink, we are seeing more income and wealth inequality than at any time in our country since 1929, and it is worse in America than any other major country on Earth. Today, 99 percent of all new income is going to the top 1 percent. Today, the top one-tenth of 1 percent owns almost as much wealth as the bottom 90 percent. In the last 2 years, the 14 wealthiest people in this country have seen an increase in their wealth of $157 billion, and that $157 billion is more wealth than is owned by the bottom 130 million Americans.

How is that happening? Why is it happening? We have seen a huge increase in technology, productivity is way up, and the reality is that most working people should be seeing an increase in their income. Yet, median family income has gone down by almost $5,000 since 1999. How does that happen? Why is it that the richest country in the history of the world has almost all of its new wealth in the hands of the few, while the vast majority of the American people are working longer hours for lower wages? How does that happen? Well, there are a lot of factors, but I will tell everyone that our disastrous trade agreements, such as NAFTA, CAFTA, and permanent normal trade relations with China, are certainly one of the major reasons why the middle class is in decline and why more and more income and wealth goes to a handful of people on the top.

The sad truth is that many of the new jobs created in this country today are part-time and low-paying jobs. Thirty or forty years ago, people who maybe had a high school degree could go out and get a job in a factory. They never got rich and it wasn't a glamorous job, but they had enough wages and benefits to make it into the middle class.

Since 2001, we have lost almost 60,000 factories in America. When young people graduate from high school today, they don't have the opportunity to work in a factory and have a union job and make middle-class wages; their options are Walmart and McDonald's, where there are low wages and minimal benefits. Those are companies which are vehemently anti-union.

The sad truth is that we are in a race to the bottom. Not only have our trade agreements cost us millions of decent-paying jobs, they have depressed wages in this country because companies—virtually every major multinational corporation in this country has outsourced jobs and shed millions of American jobs. What they say to workers is: If you don't like the cuts in health care and wages, we will go to China. We can hire people there for $1 an hour.

Sadly, the Trans-Pacific Partnership Agreement follows in the footsteps of the other disastrous free-trade agreements that have forced American workers to compete against desperate and low-wage workers around the world.

Over and over again—and I have heard this so many times, including on the floor this morning—supporters of fast-track have told us that unfettered free trade will increase American jobs and wages and will be just wonderful for the American economy. Sadly, however, these folks have been proven wrong and wrong and wrong time after time after time. I hear the same language, and what they say proves not to be true every time.

I will mention some quotes from the supporters of NAFTA. These are people who were telling us how great the NAFTA free-trade agreement would be.

President Bill Clinton was pushing NAFTA in the same way that President Obama is pushing TPP today. On September 19, 1993, President Clinton said:

> I believe NAFTA will create 200,000 American jobs in the first two years of its effect. . . . I believe that NAFTA will create a million jobs in the first five years of its impact.

It wasn't just liberals, such as Bill Clinton, who supported NAFTA. I have a quote from the very conservative Heritage Foundation in 1993: ''Virtually all economists agree that NAFTA will produce a net increase of U.S. jobs over the next decade.''

In 1993, the distinguished Senator from Kentucky, our majority leader MITCH MCCONNELL, said: ''American firms will not move to Mexico just for lower wages.''

Were President Clinton, the Heritage Foundation, and MITCH MCCONNELL correct? Well, of course they were not. In fact, what happened was exactly the opposite of what they said.

According to the well-respected economists at the Economic Policy Institute, NAFTA has led to the loss of more than 680,000 jobs. In 1993, the year before NAFTA was implemented, the United States had a trade surplus with Mexico of more than $1.6 billion. Last year, the trade deficit with Mexico was $53 billion. So all of the verbiage we heard about NAFTA being so good for American workers turned out to be dead wrong.

What about China? We were told: Oh my God, China will open up the Chinese market, and there are billions of people. What an opportunity to create good-paying jobs in America.

Here is what President Clinton, one of the proponents of permanent normal trade relations with China, had to say in 1999:

In opening the economy of China, the agreement will create unprecedented opportunities for American farmers, workers and companies to compete successfully in China's market . . . This is a hundred-to-nothing deal for America when it comes to the economic consequences.

In 1999, conservative economists at the Cato Institute said:

The silliest argument against PNTR is that Chinese imports would overwhelm U.S. industry. In fact, American workers are far more productive than their Chinese counterparts . . . PNTR would create far more export opportunities for America than the Chinese.

Wow, were they wrong.

The Economic Policy Institute has estimated that PNTR with China has led to the net loss of over 2.7 million Americans jobs.

Go to any department store in America and walk in the door. Where are the products made? China, China, China. They are made in Vietnam and in other low-wage countries. In fact, it is harder and harder to buy a product not made in China.

So all of those people who told us what a great deal PNTR with China would be turned out to be dead wrong. In fact, our trade agreement with China has cost us almost 3 million jobs.

In 2001, the trade deficit with China was $83 billion. Today, it is $342 billion. In 2011, on another trade agreement, the U.S. Chamber of Commerce—a big proponent of unfettered free trade—strongly supported TPP. The Chamber of Commerce told us we had to pass a free-trade agreement with South Korea because it would create some 280,000 jobs in America. That is a lot of jobs. It turns out they were wrong again. In reality, the Economic Policy Institute recently found that the Korea Free Trade Agreement has led to the loss of some 75,000 jobs.

Now, the Obama administration says, trust us. Forget what they said about NAFTA. Forget what they said about Korea. Forget what they said about China. This one is different. Really, really, cross our fingers, hope to die, this one is really, really different. Yes, it may be true that every corporation in America—corporations that have shut down factories in this country and moved to China—they are supporting this agreement. Yes, it is true Wall Street, whose greed and recklessness have almost destroyed the American economy, is supporting this agreement. Yes, it is true the pharmaceutical industry, which charges us the highest prices in the world for prescription drugs, is supporting this agreement—but not to worry, we should trust these guys. They really are thinking of the American middle class and working families. Trust us when they tell us a trade agreement will be good for working people. Yes, we should really trust them. Meanwhile, every trade union in America and the vast majority of environmental groups in this country are saying be careful about TPP; vote no on fast-track.

Here is the reality of the American economy. Since 2001, we have lost 60,000 factories in this country and we have lost over 4.7 million manufacturing jobs. In 1970, 25 percent of all the jobs in this country were in manufacturing. Today, that figure is down to 9 percent.

The point is that, by and large, especially if there were unions, those manufacturing jobs paid working people a living wage, not a Walmart wage, not a McDonald's wage.

Our demand must be to corporate America—which tells us every night on TV to buy this product, to buy this pair of sneakers, to buy this television, to buy whatever it is—that maybe, just maybe, they might want to start manufacturing those products here in the United States of America and pay our workers a decent wage, rather than looking all over the world for the lowest possible wages in which they can exploit workers who are desperate.

I was very disappointed that President Obama chose the headquarters of Nike to tout the so-called benefits of the TPP. Nike epitomizes why disastrous, unfettered free-trade policies during the past four decades have failed American workers. Nike does not employ a single manufacturing worker who makes shoes in the United States of America—not one worker. One hundred percent of the shoes sold by Nike are made overseas in low-wage countries. That is the transformation of the American economy, and it is not just Nike.

When Nike was founded in 1964, just 4 percent of U.S. footwear was imported. In other words, we manufactured the vast majority of the shoes and the sneakers we wore. Today, nearly all of the shoes that are bought in the United States are manufactured overseas. Today, over 330,000 workers manufacture Nike's products in Vietnam, where the minimum wage is 56 cents an hour.

I hear President Obama and other proponents of TPP talking about a level playing field. We have to compete on a level playing field. Does anybody think competing against desperate people who make 56 cents an hour is a level playing field, is fair to American workers? Of course, we want the poor people all over the world to see an increase in their standard of living, and we have to play an important role in that, but we don't have to destroy the American middle class to help low-income workers around the world.

In Vietnam, not only is the minimum wage 56 cents an hour, independent labor unions are banned, and people are thrown in jail for expressing their political beliefs. Is that the level playing field President Obama and other proponents of unfettered free trade are talking about?

Back in 1988, Phil Knight—Phil Knight is the founder and the owner of Nike—said Nike had ''become synonymous with slave wages, forced overtime, and arbitrary abuse.'' Phil Knight was right. In fact, factories in Vietnam where Nike shoes are manufactured have been cited by the Worker Rights Consortium for excessive overtime, wage theft, and physical mistreatment of workers. Today, Mr. Knight is one of the wealthiest people on this planet, worth more than $22 billion. While Mr. Knight's net worth has more than tripled since 1999, the average Vietnamese worker who makes Nike shoes earns pennies an hour. That is pretty much synonymous with what unfettered free trade is about. A handful of people such as Phil Knight become multi-multi-multibillionaires and poor people all over the world are exploited and paid pennies an hour.

It is not just Nike and it is not just Vietnam. Another country that is part of the Trans-Pacific Partnership is Malaysia. Today, there are nearly 200 electronics factories in Malaysia where high-tech products from Apple, Dell, Intel, Motorola, and Texas Instruments are manufactured and brought back to the United States. If the TPP is approved, that number will go up substantially. What is wrong with that? It turns out that many of the workers at the electronics plants in Malaysia are being forced to work there under horrible working conditions. According to Verite, which conducted a 2-year investigation into labor abuses in Malaysia—an investigation which was commissioned by the U.S. Department of Labor—32 percent of the industry's nearly 200,000 migrant workers in Malaysia were employed in forced situations because their passports had been taken away or because they were straining to pay back illegally high recruitment fees. In other words, American workers are going to be forced to compete against people in Malaysia—immigrant workers there whose passports have been taken away and who can't leave the country and who are working under forced labor situations.

So let me conclude by saying this: All of us understand trade is good. It is a good thing. But I think most of us now have caught on to the fact that the trade agreements pushed by corporate America, pushed by Wall Street, pushed by the pharmaceutical industry are very, very good if you are the CEO of a major corporation, but they are a disaster if you are an American worker.

It is my view that we have to rebuild manufacturing in America. It is my view that we have to create millions of decent-paying jobs in America. It is my view that we need to fundamentally rewrite our trade agreements so our largest export does not become decent-paying American jobs.

I urge my colleagues to vote no on the fast-track agreement. Let us sit down and work on trade agreements that work for the American middle class, that work for our working people and not just for the CEOs of the largest corporations in this country.

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECESS

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

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

CLOTURE MOTION

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

The Senator from Colorado.

Mr. GARDNER. Thank you, Mr. President.

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

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

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

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

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

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

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

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon.

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

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

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

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

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

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

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

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

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Utah.

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. Is there objection?

Mr. ISAKSON. I object.

Mr. BURR. I object.

The PRESIDING OFFICER. Objection is heard.

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

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to H.R. 1314, an act to amend the Internal Revenue Code of 1986 to provide for the right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

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

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 1314, an act to amend the Internal Revenue Code of 1986 to provide for the right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

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

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

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

[Rollcall Vote No. 176 Leg.]

YEAS—52

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

NAYS—45

Baldwin	Blumenthal	Brown
Bennet	Boxer	Cantwell

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

NOT VOTING—3

Booker	Graham	Rubio

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

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

The majority leader.

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

The PRESIDING OFFICER. The motion is entered.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

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

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

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

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

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

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

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

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

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

I think that is something worth reflecting on.

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

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

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

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

I assure you that we would have had a different outcome on today's cloture motion if Senators actually wielded the power to force things through by sheer will alone. Obviously, we don't. What we can guarantee is that Senators receive a fair shake once we proceed to the debate our country deserves on a 21st century American trade agenda.

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

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

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

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

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

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

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

their commerce but good for their security—what kind of message does that send?

So I moved to reconsider. Hopefully, it will be an opportunity for people to think this over, and we will be able to come together and go forward on a bipartisan basis to achieve an important accomplishment for the American people.

The PRESIDING OFFICER (Mr. LANKFORD). The Democratic leader.

Mr. REID. Mr. President, my friend, the majority leader, has one person to blame for our not being on the floor now debating this important piece of legislation, and that person is the majority leader. The next time he looks in the mirror, he can understand who is responsible for not having debate, as he said, with robust amendments. It is he.

The reason for this situation we are in today is very simple. The Finance Committee reported four bills out by a large, bipartisan vote of the Finance Committee. The majority leader decided, on his own, that he would consider two of those and that the others would have to figure out some other way to get done.

As the Republican leader said this morning in his opening statement, let's move to those two bills, and then we will start the amendment process. Do all four and start the amendment process. It is very logical.

It is illogical what he is saying. Why should we only do two of the four reported out of the Finance Committee? It doesn't make sense.

Now, my friend the Republican leader is very aware of motions to proceed. During the last 4 years, because of the Republicans' cynical approach to government, they basically defeated everything we tried to do while not allowing us to proceed on legislation. However, we are saying we are willing to work with you on this legislation. We don't want to stop moving forward on this bill. We think, though, the bill should be what was reported out of the Finance Committee. That seems the fair thing to do.

That is all we ask—a path forward, a realistic path for all of us to proceed on this legislation. If we are stuck here, it is too bad. We shouldn't be.

I say to my friend the Republican leader, I am always available to speak with him—here, telephone, my office, his office—to figure a way forward on this legislation.

I have stated the last week or so that the way we should go forward is to have all four of the measures that came out of the Finance Committee lumped together and start legislating on those—to have, in the words of the Republican leader, a robust amendment process on those bills as lumped together.

The PRESIDING OFFICER. The majority leader of the Senate.

Mr. MCCONNELL. Mr. President, obviously the most sensitive political issue surrounding this is the currency issue. I want to make sure everybody has a clear understanding of where we are on that.

In committee a Senator stated: I explicitly did not offer the currency amendment to the TPA bill. We were told that it would not be a part—if it were a part of TPA, we all know it would kill it, the President wouldn't sign the bill. So my goal is not to use currency to kill the TPA bill and not to kill the TPA bill, it is to get currency passed. That is why we offered it to the Customs bill, a separate bill, on the strong view that no one disputed in committee—no one disputed this in committee—that we would get a vote separately—separately, I repeat—on the Customs bill on the floor and that it would come to the floor just like the other bills.

As for currency, in the committee they agreed they would deal with it on the Customs bill and not on TPA. And now our friends on the other side are trying to bunch it all together.

But look, we need to be clear. The currency issue on TPA is a killer. The President would veto the bill. It would defeat the bill. That is why in committee they sensibly reached the conclusion to deal with currency on the Customs bill. So I want to be clear about that. So when we get on the bill, everybody will understand the significance of that issue.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, one word before my friend from Oregon is recognized—

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, that is exactly what Senator SCHUMER said in committee, what I just read. That was what Senator SCHUMER said in committee. It was not clear from my notes who said it, but that is exactly what Senator SCHUMER said in committee:

> And, explicitly I did not offer the currency amendment to the TPA bill. We were told that it would not be part—if it were part of TPA it might kill it.

Senator SCHUMER:

> My goal is not to use currency to kill the TPA bill and not to kill the TPA bill, it's to get currency passed.

Senator SCHUMER, further:

> And that's why we offered it to the customs bill, on the view, strong view, that no one disputed in committee that we'd get a vote separately on the customs bill on the floor, that it would come to the floor just like the other bills.

That is Senator SCHUMER in committee.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, Senator SCHUMER has been involved in the currency issue from basically the time he came to the Senate. It has been an important issue for him, and he can speak for himself.

I am not an expert on the bill, and I don't intend to debate anyone here on the merits of the bill. People know how I feel about the legislation generally, but I am kind of an expert on the procedural aspect of what goes on around here.

I suggest the best way to move forward is to come up with a program to have all of these bills discussed at the same time, and that is why we have felt the way we did and we indicated that in the vote we just took. So I think everybody should just take a deep breath, and I think there are probably ways we can move forward with this without disparaging either side.

I think the vote was important, procedurally. We, as a minority—as the Republican leader certainly can understand, having been in the minority for a number of years—I think we would be better off with the minority having a say in what goes on in this body.

That is the way we spoke today. We believe that, and we look forward to continuing the process of moving forward on this bill. We cannot be debating the merits of this legislation unless we figure out some way to move forward, and right now that process is not looking very good.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. CORNYN. Mr. President, will the Senator briefly yield for a unanimous consent request?

The PRESIDING OFFICER. Does the Senator yield?

The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that after the bill manager, the ranking member of the Finance Committee is recognized to speak, that I be recognized to speak, and that following me, the chairman of the Senate Finance Committee be recognized to speak.

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

The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, the majority leader has entered a motion to reconsider the trade legislation. I want to be clear, both for the majority leader and all our colleagues here, that I am very interested in working with the majority leader and our colleague from the other side of the aisle to find a bipartisan path to get back to the trade legislation at the earliest possible time.

This morning, 14 protrade Democrats met, and I can assure all the Senators here that these are Senators who are committed—strongly committed—to ensuring that this bill passes.

Now, with respect to just another brief description about where we are, all the hard work that the majority leader correctly described as going on in connection with this legislation has been about four bills: the trade promotion act, Customs—which is really trade enforcement to help displaced workers—and then trade preferences for developing countries.

Just briefly, I want to describe why it was so important for Senators on a bipartisan basis in the Finance Committee to tackle these issues.

The first, trade promotion authority, helps strip the secrecy out of trade policy. The second is the support system for American workers. This is known as trade adjustment assistance, which has been expanded. The third finally puts our trade enforcement policies into high gear so America can crack down on the trade cheats. The fourth renews trade programs that are crucial to American manufacturers. Together, these bills would form a legislative package that throws out the 1990s NAFTA playbook on trade. It is an opportunity to enact fresh, middle-class trade policies that will create high-skill, high-wage jobs in Oregon and across our land. That opportunity is lost if this package of four bills gets winnowed down to two.

In particular, dropping the enforcement bill in my view is legislative malpractice. The calculation is quite simple. The Finance Committee gave the Senate a bipartisan trade enforcement bill that will protect American jobs and promote American exports, which are two propositions that I believe every Member of this body supports. The enforcement legislation closes a shameful loophole that allows for products made with forced and child labor to be sold in our country. This is 2015, and there is absolutely no room for a loophole that allows slavery in American trade policies. If the decision is made to drop this bipartisan legislation, that shameful loophole would live on.

Now, any Senator who goes home and speaks, as I do, about the virtues of job-creating trade policies has, in my view, a special obligation to ensure that American trade enforcement is tough, effective, and built on American values. That is what the Finance Committee's bipartisan enforcement bill is all about. Without proper enforcement, no trade deal can ever live up to the hype. This enforcement bill is a jobs bill, plain and simple, and it needs to get to the President's desk.

Some elements of this package represent priorities that have traditionally belonged to Republicans. Other elements are traditionally Democratic. But taken as a whole, this is a bipartisan package that both sides of the Finance Committee supported strongly, with the understanding that its component parts would be linked together. You can't make this stool stand up with just two legs.

The Senate should not begin debate until there is a clear path forward for each of these four bills, and I use that word specifically because I have talked with colleagues about it. We are going to work together in a bipartisan fashion. That is what Chairman HATCH and I have done since he became chairman, and I have been grateful to him because that is the way he sought to carry out his responsibilities when I was chairman. We are going to work together, but the challenge has always been to find a clear path forward for each of these four bills.

So I urge my colleagues to continue down the Finance Committee's bipartisan route and find a path that moves all four of these bills forward.

In closing, I want to reiterate that with the majority leader having entered into a motion to have the trade bill reconsidered, I want to express to my colleagues—and I see several Finance members here, Chairman HATCH and Senator CORNYN, a senior member of the committee, a member of the leadership—that I am very interested in working closely with both of them to find a bipartisan path and get back to this legislation just as soon as possible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, I ask unanimous consent that the chairman of the Finance Committee be recognized and then I be recognized following his remarks.

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

Mr. HATCH. Mr. President, I thank my colleague for his kindness in doing that.

I listened to the debate, and I have to say I am very disappointed.

Everybody knew that Senator SCHUMER accommodated us—the ranking member and myself—in putting the language on the Customs bill. In fact, here is what Senator SCHUMER said:

> And, explicitly I did not offer the currency amendment to the TPA bill. We were told that it would not be part—if it were part of TPA it might kill it. My goal is not to use currency to kill the TPA bill and not to kill the TPA bill, it's to get currency passed. And that's why we offered it to the customs bill, on the view, strong view, that no one disputed in committee that we'd get a vote separately on the customs bill on the floor, that it would come to the floor just like the other bills.

That was the agreement. The distinguished Senator from Oregon knows that was the agreement; that we were going to lump the two together, the TPA and TAA—although I would have preferred to have those voted on separately, but we agreed to do that because there was a concern on the Democratic side that maybe we wouldn't put TAA out. That was a ridiculous concern because we know TPA can't pass unless you give the unions what they want on TAA. So we grit our teeth and we were willing to do that. We put them together so we could accommodate again. And it was completely understood that the AGOA bill, the next two bills, would be voted on separately. Senator SCHUMER knew, and said so; that he realized it would give the House a very, very bad stomachache because they probably couldn't put this bill through with that language on it.

I even agreed with Senator SCHUMER that we could have hearings later. He could bring up a bill. We would have hearings. We would have a markup on the currency matters because there are a lot of people who would like to see something done on currency—but not to destroy the TPA bill or, should I say, all of the negotiations that this administration has been conducting with regard to TPP—the Trans-Pacific Partnership—with 11 nations, including Japan, which has always been difficult to get to the table because they have very great concerns there, but they were willing to come to the table. And it might ruin TTIP, which is 28 nations in Europe.

Forty to sixty percent of all trade in the world would come through these two agreements that would be done by the Trade Representative, subject to the review by Congress provided in TPA, which happens to be the procedural mechanism pursuant to which we can assert congressional control over these foreign policy agreements, these trade agreements.

So there was no agreement to bring these up all at one time. The first time I heard that was, I think, yesterday or the day before, and I was flabbergasted. To have our colleagues vote against cloture on a bill the President wants more than any other bill, after he talked to them, is astounding to me.

So I am going to take a moment to talk about what transpired this afternoon because I think it warrants further discussion.

As I stated this morning, with today's vote, we were trying to do something good for the American people, to advance our Nation's trade agenda and to provide good jobs for American workers, all of which would happen should we get this through both Houses of Congress and the President signs it into law.

Now, to do that, we can't have killer amendments put on bills that everybody knows will kill it and that the President can't sign. I know people disagree with us on how we intended to get there. That much was clear from the outset. Sadly, these colleagues—who have always been against TPA—were unwilling to have a discussion about their disagreements in a fair and open debate, and, I have to say, that was all of them on the other side today. Instead, they voted this afternoon to prevent any such debate from taking place.

We are willing to debate, we are willing to have amendments, but I am also only willing to abide by the agreement we have with Senator SCHUMER with regard to the Customs bill. That was the agreement, and I compliment Senator SCHUMER for being willing to put it on there because he knew it would kill TPA.

Needless to say, I am disappointed by this outcome.

While we are talking about trade policy at large, the bill receiving the most attention was, of course, the TPA bill, which is bipartisan. I made sure it was bipartisan—that we could work together, that we could come together, that we could all basically feel good about it—and it passed 20 to 6, which is astounding to even me. I didn't know

we would get seven Democrats on the bill, and I compliment the distinguished ranking member for working hard to get seven Democrats on the bill. But still, that doesn't take away the fact that the minority leader and others don't want any bill at all.

While we are talking about trade policy at large, I would just say the bill receiving the most attention was, of course, the TPA bill, which is bipartisan, supported by Republicans and Democrats in both the House and the Senate, by the way, not to mention the President of the United States and his administration.

On April 22, the bill was voted out of the Senate Finance Committee by a historic vote of 20 to 6, with seven Democrats on the committee voting to report the bill. The bill which was President Obama's top legislative priority, by the way, was riding a wave of amendments headed to the floor. Yet, today, the mere thought of even debating this bill was apparently too much for my Democratic colleagues to bear. Nothing changed. It is the same bill we reported out of committee. I can remember the happy time we had talking about how wonderful it was to finally get this bill out of the committee, after going to 10 p.m. one night and actually beyond that for staff.

This is the same bill we have been talking about for months. The only thing that was different today than just a few days ago was the strategy being employed by the opposition.

As we all know, the TPA bill wasn't the only trade bill reported out of the Finance Committee in April. We also reported a bill to reauthorize Trade Adjustment Assistance, a bill to reauthorize some trade preference programs and a Customs and Enforcement bill.

A few days before we were to begin the floor debate on trade policy, we heard rumblings from our colleagues on the other side, and we started hearing statements from some Senators, including some who had generally been supportive of TPA, that they would only support the pending motion to proceed if they had assurances that all four bills—TPA, TAA, preferences, and Customs—would be debated and passed at the same time. That never was the agreement, and everybody understood that. These new demands brought forward at the eleventh hour were problematic for a number of reasons, most notably because, as reported out of the Finance Committee, the Customs bill faces a number of problems both with the White House and the House of Representatives, and my friends on the other side realized that in this bipartisan effort that we were making together. They recognized that there were problems for both the White House and House of Representatives that would prevent it from being enacted into law any time soon. I will not detail all the problems, but I think most of my colleagues know what they are. But I will say that those problems existed from the beginning and we knew about them at the outset. We had people on the committee who were totally opposed to this bill. I made sure they had a right to bring up their amendments. I respect them. I don't agree with them. I can't even agree on how they ever reached the positions that they do. But the fact is they have a right to do that, and we protected that right.

Now, I might say these problems existed from the beginning. We knew about them from the onset. That is why the ranking member of the Finance Committee and I agreed at our markup to move our four trade bills separately.

As one of the principal authors of three of the four trade bills, I want to be very clear because there has apparently been some confusion on this point. There was never a plan to move all four of these bills together or as part of TPA.

While we agreed that TPA and TAA would have to move on parallel tracks—we did agree to that—there was no such agreement with regard to the other bills, only a commitment that we would do our best to try to get all four enacted into law, with no guarantees that they would be but to do our very best.

The agreement with TPA and TAA was honored. Both the majority leader and I made clear today that if cloture was invoked on the motion to proceed, we would file a substitute amendment that included both of these bills—TPA and TAA.

We also made commitments—commitments I had already made—to work with our colleagues to find a path forward on the Customs and the preferences legislation. But that was not enough, apparently. We have had numerous discussions regarding alternative paths for other trade bills. That was not enough, either. The only thing they would accept was full inclusion of all the trade bills at the outset of the debate. We could not agree to that, and they knew it.

Of course, to be fair, some of the Democrats were not necessarily insisting that the four bills be part of the same package. Instead, they just wanted guarantees that all of them would be enacted into law. That is not the way it works around here.

I do not even know how to comment on that. It is, to put it bluntly, simply absurd to think that a Senate leader can guarantee any bill will become law before a debate even begins. Yet those were the demands we faced over the last few days. Although they were obviously impossible, we worked in good faith to try to reach an accommodation with those who—in my opinion—were not working in good faith. And I am willing to forgive that. Even then, there was no path to yes.

Of course, as we all know that the idea for demanding a ''four bills or no bills'' strategy did not originate in the Finance Committee. This demand materialized last week and came directly from the Senate Democratic leadership, virtually all of whom oppose TPA and their President on this bill, outright. Sadly, it seems they were able to sell this idea to other Members of their caucus, including more than a few who should know better.

We were never talking about reaching an agreement with people who wanted a path forward on good trade legislation. We have been talking about an idea devised for the sole purpose of stopping progress on TPA. At least for today, it appears they have been successful.

Once again, I am disappointed. A lot of work has gone into this effort in both the Senate and the House of Representatives—not to mention the administration. I, personally, have been at this from the very moment I took over as the lead Republican on the Senate Finance Committee in January 2011.

In January 2014—more than a year ago—I introduced legislation with the former chairmen, Max Baucus and Dave Camp, that formed the basis of the bill that we had hoped to start debating this week. Both Baucus and Camp were committed to this effort. Sadly, Chairman Camp retired and Chairman Baucus was sent off to China.

When Senator WYDEN took over the committee, I worked with him to address his concerns about the bill, and that work continued after I took over as chairman this year. Even though I thought some of his proposals were unworkable, I bent over backwards to accommodate his desires, because in the end, I thought it would broaden support for TPA, and I wanted to please him, as my partner on the committee.

Chairman RYAN joined us in this effort, and we did all we could to put together a bill and a path forward that both parties could support. We met with Chairman RYAN regularly. Until the last few days and the advent of these new demands materializing out of whole cloth, I thought we had been successful. Even after these new demands came up, I did my best to find an agreement, working right up to the vote to find a reasonable path forward. But, apparently, something reasonable was not in the cards.

Everyone here knows I am an optimist. I still believe we can get something done, that we can work something out. I have told the President the same. I am still willing to do what it takes to pass these bills. I hope my colleagues will see the light here and come to the table with some realistic alternatives for a path forward. Until that happens, the President is going to have to wait on these trade agreements, as will all the farmers, ranchers, manufacturers, and other job creators in our country who desperately need market access and a level international playing field in order to compete.

In the future, if we see a sharp decline in U.S. agriculture and manufacturing and if the United States retreats

from the world, ceding the Asia-Pacific region, in particular, to China's overwhelming economic influence, people may very well look back at today's events and wonder why we could not get our act together. I am already thinking that. Why couldn't we get our act together?

I certainly hope that does not happen—that these other nations—particularly China—take advantage of our not getting our act together. Perhaps, in my frustration, I am being a little dramatic. Still, I have no doubt that some will come to regret what went on here today—one way or another.

As for me, I have no regrets. I have done all I can to get these important bills across the finish line. I am going to continue to do all I can in the future to get these bills across the finish line.

Unfortunately, after today, it is very unclear how many of my colleagues on the other side of the aisle are willing to do the same. I believe there are honest, good people on that side of the aisle who want to make this right, who want to make up for what happened here today. I feel confident that is so. I am going to proceed on the basis that that is so. I sure hope it is so because, my gosh, to put this Nation's foreign policy—especially in the Asia-Pacific region, in particular—on hold when we could be building relationships in these countries as never before and at the same time spurring on international trade as never before is a matter of grave concern to me.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, I want to congratulate the chairman of the Finance Committee, who I know has labored long and hard to get this bill where it is today. I know how disappointed he is at the filibuster by our friends across the aisle on the President's No. 1 domestic priority.

I have heard it said that the U.S. economy is just one or two steps away—a few policy choices away—from awakening that slumbering giant known as the U.S. economy and growing it for the benefit of all Americans. Unfortunately, the filibuster that occurred today is a backwards step.

I know there are some people that say to Republicans: Why would you want to work with President Obama? The truth of the matter is that is what we are here for, if we agree on the principle. We are not here to agree with him just to agree with him. As a matter of fact, sometimes it is easier to go back home and say: Well, I disagreed with the President.

But this is one area where the President of the United States is absolutely correct. We are here not to do what he wants us to do, but we are here to do what our constituents—what the American people—want us to do. What they want is the better jobs, the improved wages, the sort of robust economic growth that comes along with trade agreements.

It has been said numerous times, but I will say it again: 95 percent of the world lies out beyond our borders; 80 percent of the purchasing power in the world lies beyond the borders of the United States. Why in the world would we not want to open markets to the things that we grow, that our ranchers raise, and that our manufacturers make? Why in the world would we not want to do it?

You will have to ask our colleagues across the aisle, who today, with the exception of one Democrat, chose to filibuster this bill. I am intrigued to hear the numbers that were mentioned earlier: 14 protrade Democrats—14. I guess that means there are at least 32 antitrade Democrats. But I must say, on this side of the aisle, we are by and large a protrade party—for the very reasons that I mentioned earlier. We would like to work with anybody—including the President of the United States—to try to get our economy growing again, to open markets to the things that we make and grow and manufacture here in the United States, because it benefits the entire country, including hard-working families.

The irony is that last week the Senate overwhelmingly voted on a bill that would guarantee Congress the time and opportunity to review a potential agreement between President Obama and Iran. That bill passed 98 to 1 and will prevent implementation by the President until the American people, through their elected representatives, are given the chance to scrutinize, study, and debate that particular agreement and vote on it up or down. So far, the so-called deal or framework has been incredibly vague, and I think it is important that we understand what is in it.

You can imagine that if we voted 98 to 1 to require the President to lay before the American people this important negotiation with Iran, why it is so strange that our Democratic friends do not want us to participate in the same process by which to vote up or down on trade agreements.

Trade promotion authority, historically, has had bipartisan support here in the Chamber. By the way, this is not just something that will be extended for the next 20 months of President Obama's administration. This will be extended 6 years into the Presidency of the next President of the United States.

The Chairman mentioned that this legislation sailed through the Finance Committee by a wide margin of 20 to 6. And, of course, as I said—and I will say it again—it is supported by the administration, by President Obama's administration.

It is very strange to see Democrats blocking a bill supported by the leader of their political party, the President of the United States. The excuses they gave here today are that all of a sudden they woke up and decided that the deal that Senator WYDEN and Senator HATCH agreed to—which is to combine trade promotion authority with trade adjustment assistance—was not good enough and they wanted to renegotiate the deal.

I think, from my perspective, there are really two types of folks in the camp across the aisle. There are those who, perhaps, would like to get to yes, and that means that you can have a negotiation and try to find a way to get to yes. But I can only gather from what was said earlier that there are probably 32 Senators on that side of the aisle who are antitrade. They are not interested in getting to yes. What they do is they throw up phony barriers, such as this attempt to renegotiate the package that was brought here to the floor. This is sort of typical obstructionism.

We saw this happen in the antitrafficking legislation as well, when a piece of legislation passed out of the Senate Judiciary Committee unanimously and came to the floor. And then all of a sudden, someone woke up and said: Well, we did not read the bill, and now we object.

This trade tool will give Congress the opportunity to examine any upcoming deal that the President is trying to cut and make sure—we make sure; we do not take the President's word for it. We make sure the American people get a fair shake.

Many of the provisions in trade promotion authority are common sense and they are nonpartisan. For example, if passed, TPA would give Congress the authority to read the full text of the trade agreement. It is hard to argue that this is a bad thing. It is hard to get more straightforward than that, but we have no guarantee without this provision.

Trade promotion authority would promote greater transparency and accountability in the negotiations process. Some, understandably, have complained that up to this point the Obama administration has relayed very little information about this unfolding trade agreement—known as the Trans-Pacific Partnership—or the affected industries—that it has relayed very little information about the negotiations taking place with countries along the Pacific Rim and in Europe.

This bill prioritizes transparency and accountability front and center and will require the administration to brief Members of Congress regularly on the progress of the negotiations. It will actually allow Members of Congress to attend the negotiations. How more transparent can you get than that? That way Congress can work directly with those who are finalizing this agreement to ensure, again, that the American people are getting a good deal.

So through the trade promotion authority, the bill that has been filibustered today, Congress would have been able to get to know important details regarding the actual implementation of the trade deal.

I am disappointed our Democratic colleagues were not able to see how important this legislation is, not to us,

not to the President but to the people they represent and to the economy and wages we need to see grow.

Well, as we heard from Secretary Ash Carter today at lunch, this is important for national security reasons as well. It is important America thoroughly engage in Asia with our trading partners because there is a strange but simple phenomenon that occurs when two countries trade with each other. They are sure a lot less likely to go to war with each other if they are doing business and talking to each other.

From a national security perspective, we want to make sure we make the rules with regard to trading in Asia and that we don't default and let China fill the void, which they will be happy if we don't take care of our business.

Trade is important to my State, and as I said, it is important to the United States. In the 20th century all we needed back in Texas were farm-to-market roads to find customers for our goods. But in the 21st century, our customers are not just in the next town over, they are all around the world. As I said, 95 percent of our potential customers live outside of the United States.

This legislation would help connect American farmers, ranchers, and small businesses to the markets around the world which would help our economy. As the country's largest exporter, we in Texas know the value of trade firsthand because we depend on it. I know a lot of people think, well, Texas is just about oil and gas. Well, that is not actually true. We have a very diversified economy. But part of what we have done, which has set us apart from the rest of the country in terms of economic growth and job creation, is trade.

Last year, Texas reported $289 billion of exported goods, with some 41,000 businesses exporting goods from Texas to outside the country. Now, this type of trade has helped our economy grow and keep people employed, able to provide food for their families and other necessities of life. We have prospered, relatively speaking, during a time when much of the American economy has been relatively stagnant and trade has been an important part of that.

Opening up our country to greater trade through the trade promotion authority would help American businesses send their goods to even more markets. The United States is the leading exporter of agricultural products. Last year alone, America's farmers and ranchers who could benefit tremendously from this legislation exported more than $152 billion in agricultural commodities and products to customers around the world.

In Texas, for example, in the agriculture sector, we lead the Nation in exports of beef and cotton. By opening up more international opportunities for these products, our economy would grow and our Texas commodities, such as beef and cotton, would become staples in fast-growing markets like Asia.

We also know, as I suggested earlier, that trade is not just about selling products, it is about the jobs that are necessary to make and grow the products we sell. According to a report released last month by the International Trade Administration, as of 2014, more than 1 million jobs in Texas alone are supported by exporting, and in the entire country that figure is 11 million. So with 11 million jobs dependent on exports, why in the world wouldn't we want to improve our ability to export more abroad to other markets around the world and to create more jobs in the process?

Well, TPA is important because it would allow Congress to also have clear oversight over the pending trade agreements. I know there is a lot of skepticism about the kind of deal that is being cut behind closed doors. We would open those doors and bring it out into the open and allow all Americans to examine it. And we, as their representatives, will exam it as well and ask the hard questions, such as why is this in the best interest of the American farmer, rancher, and manufacturer.

We know that TPP—the Trans-Pacific Partnership, which is the big Asia trade agreement—alone makes up about 40 percent of the world's economy.

I admit I am a little disappointed that the Democrats, with the exception of one Senator, would choose to block this important piece of legislation. With so much of the world's purchasing power located beyond our borders, one would think that on a bipartisan basis we would all support opening up new access to consumers and markets for America's farmers, ranchers, and manufactured goods, and that should be a top priority.

Unfortunately, our colleagues across the aisle did not see our Nation's businesses and our economy as their main priority today. I hope that after today's failure of this particular legislation, we will engage in serious negotiations.

I agree with the majority leader, that after November 4, the American people gave the U.S. Senate new management. They were dissatisfied with the management of last year and previous years because all they saw was dysfunction. Well, now the U.S. Senate is starting to function again. We are starting to produce important pieces of legislation, such as the first budget since 2009. This is a great opportunity for us on a bipartisan basis—on a nonpartisan basis—to do something really good.

I hope, after making the mistake of blocking this legislation, that our colleagues—the 14 so-called progrowth Democrats out of the 46 across the aisle—will see fit to work with us to try and move this legislation forward.

ORDER FOR RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. President, I ask unanimous consent that at 4 p.m., the Senate stand in recess subject to the call of the Chair.

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

Mr. CORNYN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 3:59 p.m., recessed subject to the call of the Chair and reassembled at 5:29 p.m. when called to order by the Presiding Officer (Ms. AYOTTE).

MORNING BUSINESS

VOTE EXPLANATION

Mr. THUNE. Madam President, yesterday I missed the vote on S. Con. Res. 16, which states U.S. policy on the release of American citizens in Iran, because I was touring tornado damage in Delmont, in my home State of South Dakota. Had I been able to be here, I would have voted in support of this concurrent resolution. Iran's treatment of these detained Americans is reprehensible, and I believe we should be using every diplomatic tool at our disposal to obtain their release.

VOTE EXPLANATION

Mr. SANDERS. Madam President, I was necessarily absent during the Senate's consideration of S. Con. Res. 16, which states that Iran should immediately release Saeed Abedini, Amir Hekmati, and Jason Rezaian, and cooperate with the U.S. Government to locate and return Robert Levinson. The resolution also states that the U.S. Government should use every diplomatic tool at its disposal to secure their immediate release. Had I been present, I would have voted in support of S. Con. Res. 16.

MEMORIAL DAY

Mrs. STABENOW. Madam President, I wish to reflect on this year's Memorial Day and the importance of this holiday in American life.

As I attend Memorial Day parades and commemorations, I am struck by our spirit of national unity. I know that across Michigan—and across our Nation—our fellow Americans are taking part in similar gatherings where we stop and reflect on our history and the sacrifice made by so many in order to bring our Nation to where we are today.

Memorial Day is unique among American holidays. On Memorial Day, we do not honor a particular date or event, a battle or the end of a war. On Memorial Day, we do not honor an individual leader—a President or a general.

On Memorial Day, we pay homage to the thousands and thousands of individual acts of bravery and sacrifice that stretch back to the battlefields of our Revolution and to those taking place today in conflicts across our world.

Last month, I was reminded of the significance of this day when I welcomed 76 Michigan World War II and Korean war veterans to Washington from Michigan's Upper Peninsula as part of the Honor Flight Network.

These veterans visited the World War II and Korean war memorials, and at the end of the day, received personalized notes thanking them for their service. The mission of the Honor Flight Network is a fitting tribute to our ''greatest generation.''

This Memorial Day we not only honor past generations, but our current generation of young men and women who are serving or have come home. In April, 350 airmen and 12 A–10 Thunderbolt II planes from our Selfridge Air National Guard Base deployed to the Middle East to fight the terrorist group ISIL as part of Operation Inherent Resolve.

This Memorial Day is a reminder of our obligation to honor our commitment to all our generations of veterans by making sure they have the support they need and the benefits they deserve.

As we observe this holiday, let us remember the centuries of sacrifice by the many men and women that this day represents. And let us make sure that all who served with honor are honored in return.

REMEMBERING CORPORAL BRYON K. DICKSON

Mr. CASEY. Madam President, I wish to honor Corporal Bryon K. Dickson, a Pennsylvania State trooper who was killed in the line of duty on September 12, 2014. Corporal Dickson was a resident of Dunmore, PA, who served our Commonwealth and our Nation with honor, valor and distinction.

Corporal Dickson spent the majority of his life in service to others. A graduate of Wyoming Area High School, he entered the Marines after high school and served with honor for 4 years. Following his discharge, Corporal Dickson went on to study at the Pennsylvania State University, where he earned a degree in the administration of justice before entering the Pennsylvania State Police Academy.

As a member of the Pennsylvania State Police, Corporal Dickson distinguished himself as a passionate and dedicated officer. He became a certified drug recognition expert and devoted himself to removing impaired drivers from Pennsylvania's roads. In recognition of his efforts, Corporal Dickson received several awards from the Pennsylvania DUI Association, and numerous State police commendations. At the time of his death, he was a 7-year veteran of the force, serving as the patrol unit supervisor for Troop R at the Blooming Grove Barracks.

Corporal Dickson represented the very best of law enforcement in Pennsylvania and around the country. He wanted to help his community, so he put himself at risk every day to keep us safe. He ultimately gave, as Abraham Lincoln once said, ''the last full measure of devotion'' to his Commonwealth and his country. We owe him a debt of gratitude for that sacrifice.

As he was laid to rest, thousands of police officers from around the country, some from as far away as Alaska, lined the streets of Scranton, PA to pay their final respects to Corporal Dickson. He was eulogized by police commissioner Frank Noonan as a ''steadfast soldier of the law.'' But Corporal Dickson was more than just a brave public servant. In addition to being an honored marine, and distinguished State trooper, he was a devoted family man who ''took perfect care of his wife'' and handcrafted flawless wood toys for his two young sons. He was, most importantly, a loving husband, father, son, brother, uncle, and friend; and that is how he will be most dearly remembered.

My thoughts and prayers will remain with his wife Tiffany, his two children Bryon III and Adam, and all those who knew and loved Corporal Dickson. May he rest in peace. And may his sacrifice never be forgotten.

ADDITIONAL STATEMENTS

RECOGNIZING THE LOUISIANA VETERANS FESTIVAL

• Mr. VITTER. Madam President, today, I recognize the Second Annual Louisiana Veterans Festival taking place on May 16, at the Northshore Harbor Center in Slidell, LA. The event is hosted by the East St. Tammany Habitat for Humanity, which constructs homes for low-income families in Louisiana, including veterans. The event offers an opportunity for families of military personnel and members of the community to celebrate and thank veterans for their service to our Nation.

Habitat for Humanity's efforts are incredibly important, especially for our veterans. When we send our American citizens to war, we make a promise to protect them and a commitment to support them when they return home. Habitat for Humanity's work ensures that many will have a home when they return.

Throughout America's history, our military has bravely defended our Nation—especially our beliefs and values—from the threat of tyranny and oppression. Our service men and women have defended us in all corners of the Earth, and they continue to defend us today. It is through the service and devotion of the military members and our veterans that our Nation has remained the strong America we know today. For their sacrifices, we owe them a debt of gratitude that can never be repaid.

Through my work in the United States Congress, I have had the privilege of meeting with veterans throughout the State of Louisiana, from World War II veterans to recent veterans from Operation Enduring Freedom and Operation Iraqi Freedom. I am humbled by the stories of heroism and selflessness. May we never forget those who have made the ultimate sacrifice to protect our freedoms.

It is our responsibility to remember their courage, not only in ceremonies such as the Veterans Festival in Slidell, but also every day. Louisiana is blessed to have such a successful organization with so many dedicated workers and volunteers building a better future for our veterans and their families. We honor those who have served for us and have given so much, and I am pleased to recognize the Second Annual Louisiana Veterans Festival and the East St. Tammany Habitat for Humanity for its role in building homes for veterans.•

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Finance:

Report to accompany S. 995, A bill to establish congressional trade negotiating objectives and enhanced consultation requirements for trade negotiations, to provide for consideration of trade agreements, and for other purposes (Rept. No. 114–42).

Report to accompany S. 1267, An original bill to extend the African Growth and Opportunity Act, the Generalized System of Preferences, the preferential duty treatment program for Haiti, and for other purposes (Rept. No. 114–43).

Report to accompany S. 1268, An original bill to extend the trade adjustment assistance program, and for other purposes (Rept. No. 114–44).

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. KIRK (for himself, Ms. HIRONO, Mr. CASSIDY, Mr. SCHUMER, and Mr. MERKLEY):

S. 1287. A bill to amend the Public Health Service Act to revise and extend the program for viral hepatitis surveillance, education, and testing in order to prevent deaths from chronic liver disease and liver cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 1288. A bill to require States to implement a cash withdrawal daily limit for recipients of cash assistance under the temporary assistance for needy families program; to the Committee on Finance.

By Mr. ROUNDS:

S. 1289. A bill to amend title 10, United States Code, to provide for the inclusion of certain contractor personnel in matters on the defense acquisition workforce in the annual strategic workforce plan of the Department of Defense; to the Committee on Armed Services.

By Mr. ROUNDS:

S. 1290. A bill to ensure the ability of covered beneficiaries under the TRICARE program to access care under a health plan under such program in each TRICARE program region, and for other purposes; to the Committee on Armed Services.

By Mrs. FISCHER:

S. 1291. A bill to authorize early repayment of obligations to the Bureau of Reclamation within the Northport Irrigation District in the State of Nebraska; to the Committee on Energy and Natural Resources.

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

S. 1292. A bill to amend the Small Business Act to treat certain qualified disaster areas as HUBZones and to extend the period for HUBZone treatment for certain base closure areas, and for other purposes; to the Committee on Small Business and Entrepreneurship.

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

S. 1293. A bill to establish the Department of Energy as the lead agency for coordinating all requirements under Federal law with respect to eligible clean coal and advanced coal technology generating projects, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 1294. A bill to require the Secretary of Energy and the Secretary of Agriculture to collaborate in promoting the development of efficient, economical, and environmentally sustainable thermally led wood energy systems; to the Committee on Energy and Natural Resources.

By Mr. BENNET (for himself and Mr. GARDNER):

S. 1295. A bill to adjust the boundary of the Arapaho National Forest, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FISCHER:

S. 1296. A bill to establish the American Infrastructure Bank to offer States the option for more flexibility in financing and funding infrastructure projects; to the Committee on Finance.

By Mr. CRUZ (for himself, Mr. NELSON, Mr. PETERS, Mr. RUBIO, and Mr. GARDNER):

S. 1297. A bill to update the Commercial Space Launch Act by amending title 51, United States Code, to promote competitiveness of the U.S. commercial space sector, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. THUNE (for himself, Mrs. FISCHER, Mr. GARDNER, and Mr. ALEXANDER):

S. 1298. A bill to provide nationally consistent measures of performance of the Nation's ports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REED (for himself, Ms. MURKOWSKI, Mr. UDALL, Mr. DURBIN, Mr. COONS, Ms. WARREN, Mr. SCHATZ, Mr. HEINRICH, Mr. DONNELLY, Ms. AYOTTE, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Ms. STABENOW, Mr. TESTER, Ms. HIRONO, Mr. MERKLEY, Mr. SANDERS, Mr. GRASSLEY, Ms. COLLINS, and Mr. REID):

S. 1299. A bill to revise and extend provisions under the Garrett Lee Smith Memorial Act; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. JOHNSON, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. MCCONNELL, Mrs. BOXER, and Mr. CORKER):

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; to the Committee on the Judiciary.

By Ms. HIRONO (for herself and Mr. SCHATZ):

S. 1301. A bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to restore Medicaid coverage for citizens of the Freely Associated States lawfully residing in the United States under the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau; to the Committee on Finance.

By Mr. TESTER (for himself, Mr. MARKEY, Ms. WARREN, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. COONS, and Ms. BALDWIN):

S. 1302. A bill to amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN (for himself and Mr. TILLIS):

S. 1303. A bill to amend title 38, United States Code, to improve the enrollment of veterans in certain courses of education, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. CANTWELL:

S. 1304. A bill to require the Secretary of Energy to establish a pilot competitive grant program for the development of a skilled energy workforce, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BARRASSO:

S. 1305. A bill to amend the Colorado River Storage Project Act to authorize the use of the active capacity of the Fontenelle Reservoir; to the Committee on Energy and Natural Resources.

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

S. 1306. A bill to amend the Energy Policy Act of 2005 to use existing funding available to further projects that would improve energy efficiency and reduce emissions; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 1307. A bill to amend section 1105 of title 31, United States Code , to require that the annual budget submissions of the Presidents include the total dollar amount requested for intelligence or intelligence related activities of each element of the Government engaged in such activities; to the Committee on the Budget.

By Mr. VITTER:

S. 1308. A bill to amend chapter 44 of title 18, United States Code, to more comprehensively address the interstate transportation of firearms or ammunition; to the Committee on the Judiciary.

By Mr. PETERS (for himself and Mrs. CAPITO):

S. 1309. A bill to provide for the removal of default information from a borrower's credit report with respect to certain rehabilitated education loans; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MARKEY:

S. 1310. A bill to prohibit the Secretary of the Interior from issuing new oil or natural gas production leases in the Gulf of Mexico under the Outer Continental Shelf Lands Act to a person that does not renegotiate its existing leases in order to require royalty payments if oil and natural gas prices are greater than or equal to specified price thresholds, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MARKEY:

S. 1311. A bill to amend the Federal Oil and Gas Royalty Management Act of 1982 and the Outer Continental Shelf Lands Act to modify certain penalties to deter oil spills; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself, Ms. HEITKAMP, Mr. HOEVEN, Mr. BARRASSO, Mr. MCCAIN, Mr. CORKER, Mr. ALEXANDER, Mr. RISCH, Mr. FLAKE, Mrs. CAPITO, Mr. INHOFE, Mr. RUBIO, and Mr. LANKFORD):

S. 1312. A bill to modernize Federal policies regarding the supply and distribution of energy in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MERKLEY:

S. Res. 178. A resolution supporting the goals and ideals of National Nurses Week from May 6, 2015, through May 12, 2015; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 36

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 36, a bill to address the continued threat posed by dangerous synthetic drugs by amending the Controlled Substances Act relating to controlled substance analogues.

S. 122

At the request of Mr. MCCAIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 122, a bill to amend the Federal Food, Drug, and Cosmetic Act to allow for the personal importation of safe and affordable drugs from approved pharmacies in Canada.

S. 170

At the request of Mr. TESTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 170, a bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes.

S. 183

At the request of Mr. BARRASSO, the names of the Senator from Arkansas (Mr. COTTON) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 183, a bill to repeal the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act.

S. 299

At the request of Mr. FLAKE, the names of the Senator from Maine (Mr. KING) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 299, a bill to allow travel between the United States and Cuba.

S. 330

At the request of Mr. HELLER, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from Idaho (Mr. CRAPO), the Senator from Rhode Island (Mr. REED), the Senator from Wisconsin (Ms. BALDWIN), the Senator from Maine (Mr. KING) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 330, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions, and for other purposes.

S. 370

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 370, a bill to require breast density reporting to physicians and patients by facilities that perform mammograms, and for other purposes.

S. 389

At the request of Ms. HIRONO, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 389, a bill to amend section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 to require that annual State report cards reflect the same race groups as the decennial census of population.

S. 488

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 488, a bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.

S. 677

At the request of Mrs. BOXER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 677, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 713

At the request of Mrs. BOXER, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Jersey (Mr. BOOKER) were added as cosponsors of S. 713, a bill to prevent international violence against women, and for other purposes.

S. 798

At the request of Mr. VITTER, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 798, a bill to provide for notice to, and input by, State insurance commissioners when requiring an insurance company to serve as a source of financial strength or when the Federal Deposit Insurance Corporation places a lien against an insurance company's assets, and for other purposes.

S. 806

At the request of Mr. BOOZMAN, the name of the Senator from Wisconsin (Ms. BALDWIN) 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. 824

At the request of Mrs. SHAHEEN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 824, a bill to reauthorize the Export-Import Bank of the United States, and for other purposes.

S. 860

At the request of Mr. THUNE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 860, a bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes.

S. 911

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 911, a bill to direct the Administrator of the Federal Aviation Administration to issue an order with respect to secondary cockpit barriers, and for other purposes.

S. 1013

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1013, a bill to amend title XVIII of the Social Security Act to provide for coverage and payment for complex rehabilitation technology items under the Medicare program, and for other purposes.

S. 1049

At the request of Ms. HEITKAMP, the name of the Senator from Maine (Mr. KING) 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. 1119

At the request of Mr. PETERS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1119, a bill to establish the National Criminal Justice Commission.

S. 1121

At the request of Ms. AYOTTE, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Washington (Ms. CANTWELL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors 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. 1133

At the request of Mr. FRANKEN, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 1133, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 1141

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1141, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for small businesses.

S. 1170

At the request of Mrs. FEINSTEIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1170, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research, and for other purposes.

S. 1199

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1199, a bill to authorize Federal agencies to provide alternative fuel to Federal employees on a reimbursable basis, and for other purposes.

S. 1236

At the request of Ms. MURKOWSKI, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1236, a bill to amend the Federal Power Act to modify certain requirements relating to trial-type hearings with respect to certain license applications before the Federal Energy Regulatory Commission, and for other purposes.

S. 1253

At the request of Mr. BURR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1253, a bill to amend title XVIII of the Social Security Act to provide coverage of certain disposable medical technologies under the Medicare program, and for other purposes.

S. 1282

At the request of Mr. MANCHIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1282, a bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to consider the objective of improving the conversion, use, and storage of carbon dioxide produced from fossil fuels in carrying out research and development programs under that Act.

S. RES. 143

At the request of Mr. SCHATZ, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Hawaii (Ms. HIRONO) were added as cosponsors of S. Res. 143, a resolution supporting efforts to ensure that students have access to debt-free higher education.

S. RES. 148

At the request of Mr. KIRK, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors 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.

S. RES. 174

At the request of Mr. CASSIDY, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. Res. 174, a resolution recognizing May 2015 as ''Jewish American Heritage Month'' and honoring the contributions of Jewish Americans to the United States of America.

S. RES. 177

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. Res. 177, a resolution designating the week of May 10 through May 16, 2015, as ''National Police Week''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 1294. A bill to require the Secretary of Energy and the Secretary of Agriculture to collaborate in promoting the development of efficient, economical, and environmentally sustainable thermally led wood energy systems; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I am proud to introduce the Bioenergy Act of 2015.

Managed in an environmentally responsible way, woody biomass presents a carbon-neutral alternative to fossil fuels for heating and powering homes, schools and businesses. Much of the woody biomass in the U.S. that could be used for energy production is either waste from the forest products industry, or small trees that contribute to the overcrowding of forests and wildfires. In 2013, wildfires burned 4.3 million acres of American forests and rangeland, and the Federal Government spent $1.7 billion to fight them. Additionally, about 2 billion metric tons, or 30 percent, of U.S. carbon dioxide emissions came from fossil fuel use in space heating, water heating or electricity generation for American homes and businesses. Using woody biomass for heat and power can help fund wildfire risk reduction and forest restoration, all while creating low-carbon energy and a stable source of jobs in rural economies across the country.

Despite this potential, the U.S. Department of Energy, DOE, has not invested in biomass heat, bioheat, and power, biopower, projects and research. This bill introduces modest steps to develop this resource, learn more about its full potential, and improve interagency coordination between DOE and the U.S. Department of Agriculture, USDA, Forest Service on this topic.

Specifically, the bill will establish a competitive cost-share grant program at the Department of Energy to improve technologies for processing woody biomass and bringing down transportation costs, as well as innovative technologies for using biomass for heat and power—from new power plant designs, to neighborhood heating systems called ''district energy'' systems.

The bill also creates a cost-share grant program through the U.S. Forest Service to support proven biomass technologies, like combined heat and power, CHP. To assist with financing, the bill expands a loan program run by the USDA Rural Utilities Service to include bioheat and biopower, and establishes a new loan program for projects that are not located in a rural utility service territory. Finally, the bill would support continued research into the environmental sustainability and economics of using biomass for heat and power, and would establish a collaborative platform for directing this research across the Departments of Energy and Agriculture.

This bill is good for the environment, good for rural jobs, and good for stopping wildfires before they start. I encourage my colleagues to support it.

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. 1294

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 ''Bioenergy Act of 2015''.

SEC. 2. DEFINITIONS.

In this Act:

(1) BIOHEAT.—The term ''bioheat'' means the use of woody biomass to generate heat.

(2) BIOPOWER.—The term ''biopower'' means the use of woody biomass to generate electricity.

(3) INITIATIVE.—The term ''Initiative'' means the Bioheat and Biopower Initiative established under section 3(a).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(5) STATE WOOD ENERGY TEAM.—The term ''State Wood Energy Team'' means a collaborative group of stakeholders that—

(A) carry out activities within a State to identify sustainable energy applications for woody biomass; and

(B) has been designated by the State and Private Forestry organization of the Forest Service as a State Wood Energy Team.

SEC. 3. BIOHEAT AND BIOPOWER INITIATIVE.

(a) ESTABLISHMENT.—The Secretary, acting jointly with the Secretary of Agriculture, shall establish a collaborative working group, to be known as the ''Bioheat and Biopower Initiative'', to carry out the duties described in subsection (c).

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The Initiative shall be led by a Board of Directors.

(2) MEMBERSHIP.—The Board of Directors shall consist of—

(A) representatives of the Department of Energy and the Department of Agriculture, who shall serve as cochairpersons of the Board;

(B) a senior officer or employee, each of whom shall have a rank that is equivalent to the departmental rank of a representative described in subparagraph (A), of each of—

(i) the Department of the Interior;

(ii) the Environmental Protection Agency;

(iii) the National Science Foundation; and

(iv) the Office of Science and Technology Policy; and

(C) at the election of the Secretary and the Secretary of Agriculture, such other members as may be appointed by the Secretaries, in consultation with the Board.

(3) MEETINGS.—The Board of Directors shall meet not less frequently than once each quarter.

(c) DUTIES.—The Initiative shall—

(1) coordinate research and development activities relating to biopower and bioheat projects—

(A) between the Department of Agriculture and the Department of Energy; and

(B) with other Federal departments and agencies;

(2) provide recommendations to the Department of Agriculture and the Department of Energy concerning the administration of this Act; and

(3) ensure that—

(A) solicitations are open and competitive with respect to applicable annual grant awards; and

(B) objectives and evaluation criteria of solicitations for those awards are clearly stated and minimally prescriptive, with no areas of special interest.

SEC. 4. GRANT PROGRAMS.

(a) DEMONSTRATION GRANTS.—

(1) ESTABLISHMENT.—The Secretary shall establish, within the Bioenergy Technologies Office, a program under which the Secretary shall provide grants to relevant projects to support innovation and market development in bioheat and biopower.

(2) APPLICATIONS.—To be eligible to receive a grant under this subsection, the owner or operator of a relevant project shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) ALLOCATION.—Of the amounts made available to carry out this section, the Secretary shall allocate—

(A) $15,000,000 to projects that develop innovative techniques for preprocessing biomass for heat and electricity generation, with the goals of—

(i) lowering the costs of—

(I) distributed preprocessing technologies, including technologies designed to promote densification, torrefaction, and the broader commoditization of bioenergy feedstocks; and

(II) transportation and logistics costs; and

(ii) developing technologies and procedures that maximize environmental integrity, such as reducing greenhouse gas emissions and local air pollutants and bolstering the health of forest ecosystems and watersheds; and

(B) $15,000,000 to innovative bioheat and biopower demonstration projects, including—

(i) district energy projects;

(ii) innovation in transportation and logistics; and

(iii) innovative projects addressing the challenges of retrofitting existing coal-fired electricity generation facilities to use biomass.

(4) REGIONAL DISTRIBUTION.—In selecting projects to receive grants under this subsection, the Secretary shall ensure, to the maximum extent practicable, diverse geographical distribution among the projects.

(5) COST SHARE.—The Federal share of the cost of a project carried out using a grant under this subsection shall be 50 percent.

(6) DUTIES OF RECIPIENTS.—As a condition of receiving a grant under this subsection, the owner or operator of a project shall—

(A) participate in the applicable working group under paragraph (7);

(B) submit to the Secretary a report that includes—

(i) a description of the project and any relevant findings; and

(ii) such other information as the Secretary determines to be necessary to complete the report of the Secretary under paragraph (8); and

(C) carry out such other activities as the Secretary determines to be necessary.

(7) WORKING GROUPS.—The Secretary shall establish 2 working groups to share best practices and collaborate in project implementation, of which—

(A) 1 shall be comprised of representatives of feedstock projects that receive grants under paragraph (3)(A); and

(B) 1 shall comprised of representatives of demand and logistics projects that receive grants under paragraph (3)(B).

(8) REPORTS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing—

(A) each project for which a grant has been provided under this subsection;

(B) any findings as a result of those projects; and

(C) the state of market and technology development, including market barriers and opportunities.

(b) THERMALLY LED WOOD ENERGY GRANTS.—

(1) ESTABLISHMENT.—The Secretary of Agriculture, acting through the Chief of the Forest Service, shall establish a program under which the Secretary of Agriculture shall provide grants to support commercially demonstrated thermally led wood energy technologies, with priority given to projects proposed by State Wood Energy Teams.

(2) APPLICATIONS.—To be eligible to receive a grant under this subsection, the owner or operator of a relevant project shall submit to the Secretary of Agriculture an application at such time, in such manner, and containing such information as the Secretary of Agriculture may require.

(3) ALLOCATION.—Of the amounts made available to carry out this section, the Secretary of Agriculture shall allocate $10,000,000 for feasibility assessments, engineering designs, and construction of thermally led wood energy systems, including pellet boilers, district energy systems, combined heat and power installations, and other technologies.

(4) REGIONAL DISTRIBUTION.—In selecting projects to receive grants under this subsection, the Secretary of Agriculture shall ensure, to the maximum extent practicable, diverse geographical distribution among the projects.

(5) COST SHARE.—The Federal share of the cost of a project carried out using a grant under this subsection shall be 50 percent.

[(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—]

[(1) $30,000,000 to the Secretary to provide grants under subsection (a); and]

[(2) $10,000,000 to the Secretary of Agriculture to provide grants under subsection (b).]

SEC. 5. LOAN PROGRAMS; STRATEGIC ANALYSIS AND RESEARCH.

(a) LOW-INTEREST LOANS.—

(1) ESTABLISHMENT.—The Secretary of Agriculture shall establish, within the Rural Development Office, a low-interest loan program to support construction of thermally led residential, commercial or institutional, and industrial wood energy systems.

(2) REQUIREMENTS.—The program under this subsection shall be carried out in accordance with such requirements as the Secretary of Agriculture may establish, by regulation, in taking into consideration best practices.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture to carry out this subsection $50,000,000.

(b) ENERGY EFFICIENCY AND CONSERVATION LOAN PROGRAM.—In addition to loans under subsection (a), thermally led residential, commercial or institutional, and industrial wood energy systems shall be eligible to receive loans under the energy efficiency and conservation loan program of the Department of Agriculture under section 2 of the Rural Electrification Act of 1936 (7 U.S.C. 902).

(c) STRATEGIC ANALYSIS AND RESEARCH.—

(1) IN GENERAL.—The Secretary, acting jointly with the Secretary of Agriculture (acting through the Chief of the Forest Service), shall establish a bioheat and biopower research program—

(A) the costs of which shall be divided equally between the Department of Energy and the Department of Agriculture;

(B) to be overseen by the Board of Directors of the Initiative; and

(C) to carry out projects and activities—

(i)(I) to advance research and analysis on the environmental, social, and economic costs and benefits of the United States biopower and bioheat industries, including associated lifecycle analysis of greenhouse gas emissions and net energy analysis; and

(II) to provide recommendations for policy and investment in those areas;

(ii) to identify and assess, through a joint effort between the Chief of the Forest Service and the regional combined heat and power groups of the Department of Energy, the feasibility of thermally led district wood energy opportunities in all regions of the Forest Service regions, including by conducting broad regional assessments, feasibility studies, and preliminary engineering assessments at individual facilities; and

(iii)(I) to offer to communities technical assistance to explore thermally led wood energy opportunities; and

(II) to provide enhanced services to smaller communities that have limited resources and capacity to pursue new thermally led wood energy opportunities.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary and the Secretary of Agriculture—

(A) $2,000,000 to carry out paragraph (1)(C)(i);

(B) $1,000,000 to carry out paragraph (1)(C)(ii); and

(C) $1,000,000 to carry out paragraph (1)(C)(iii).

By Mr. REED (for himself, Ms. MURKOWSKI, Mr. UDALL, Mr. DURBIN, Mr. COONS, Ms. WARREN, Mr. SCHATZ, Mr. HEINRICH, Mr. DONNELLY, Ms. AYOTTE, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Ms. STABENOW, Mr. TESTER, Ms. HIRONO, Mr. MERKLEY, Mr. SANDERS, Mr. GRASSLEY, Ms. COLLINS, and Mr. REID):

S. 1299. A bill to revise and extend provisions under the Garrett Lee Smith Memorial Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to be joined by Senators MURKOWSKI, UDALL, DURBIN, COONS, WARREN, SCHATZ, HEINRICH, DONNELLY, AYOTTE, KLOBUCHAR, BLUMENTHAL, STABENOW, TESTER, HIRONO, MERKLEY, SANDERS, GRASSLEY, COLLINS, and REID in the introduction of the Garrett Lee Smith Memorial Act Reauthorization.

This legislation is named for the son of our former colleague, Senator Gordon Smith, who took his own life at the young age of 22. After this tragedy, Senator Smith worked to gain the support of members across the aisle and in both chambers to prevent other children from doing the same with passage of the Garrett Lee Smith Memorial Act in 2004.

Although great strides have been made over the last decade, suicide remains the third-leading cause of death for adolescents and young adults between the ages of 10 and 24. According to the Centers for Disease Control and Prevention, CDC, youth suicide results in approximately 4,600 lives lost each year. Additionally, the CDC reports that 157,000 young adults in this age group are treated for self-inflicted injuries annually, often as the result of a failed suicide attempt.

More work must be done to address the mental and behavioral health of children and young adults before they hurt themselves and others. Parents also need help in identifying early warning signs of mental illness and accessing the appropriate treatment before it is too late.

The Garrett Lee Smith Memorial Act authorizes critical resources for schools—elementary schools through college where children and young adults spend most of their time—to be able to reach at-risk youth. Since 2005, this law has supported 370 youth suicide prevention grants in all 50 States, 46 tribes or tribal organizations, and 175 institutions of higher education.

The bill my colleagues and I are introducing today, with the support of over 40 member organizations of the Mental Health Liaison Group, would increase the authorized grant level to States, tribes, and college campuses for the implementation of proven programs and initiatives designed to address mental illness and reduce youth suicide. It will enable more schools to offer critical services to students and provide greater flexibility in the use of funds, particularly on college campuses. This change to the Campus Suicide Prevention Program comes at a vital time.

Over the last decade, we have seen an increasing trend in the number of students seeking help for mental health issues on college campuses. Of these students seeking services for mental health issues, over 30 percent report that they have seriously considered attempting suicide at some point in their lives. With more students seeking mental health services, we must work to ensure that college and university counseling centers are equipped with the necessary tools to meet this demand.

We can play a role in helping these children and their families. Indeed, passing the Garrett Lee Smith Memorial Act Reauthorization is one way we can better address the mental health needs of this population. I urge our colleagues to work with us to pass this legislation.

By Mrs. FEINSTEIN (for herself, Mr. JOHNSON, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. MCCONNELL, Mrs. BOXER, and Mr. CORKER):

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; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Adoptive Family Relief Act, which would provide support and relief to American families seeking to bring their adoptive children from the Democratic Republic of Congo home to the U.S. It would also provide relief to similarly situated adoptive families should barriers arise in other countries in the future. I thank my colleagues, Senators RON JOHNSON, CHUCK GRASSLEY, MITCH MCCONNELL, AMY KLOBUCHAR, BARBARA BOXER, and BOB CORKER for joining me as original cosponsors.

Within the past few years, over 350 American families have successfully adopted children from the Democratic Republic of Congo. However, since September 25, 2013, they have not been able to bring their adoptive children home to the United States because the Democratic Republic of Congo suspended the issuance of ''exit permits'' for these children until its parliament passes new laws regarding international adoption. These exit permits are necessary for adopted children to leave the Democratic Republic of Congo and be united with their American families in the U.S. As the permit suspension drags on, however, American families are repeatedly paying visa renewal and related fees, while also continuing to be separated from their adopted kids.

The Adoptive Families Relief Act would grant flexibility to the United States Department of State to waive immigrant visa renewal fees for adoptive American parents in extraordinary circumstances like this, where the cause of delay is due to factors not in the control of the child or parents. The Department of State is fully supportive of this legislation and is eager to provide some relief to the many families who are affected.

Under current law, adopted children from abroad must secure U.S. immigrant visas in order to travel to the United States to unite with their adoptive parents. However, these visas expire after 6 months. Ordinarily, such visas are used within the allotted 6 months. However, in rare circumstances, such as the suspension of exit permits in the Democratic Republic of Congo, adopted children are prohibited from leaving their country of birth and cannot use their U.S.-issued visas within the prescribed timeframe.

Adoptive parents consequently pay $325 in visa renewal fees every 6 months if they want to preserve the validity of their adopted child's visa to travel to the U.S. To renew the visa, the child must also complete another medical exam, which costs the child's adoptive family approximately $200. Many families from across the country have already paid for at least three visas, which amounts to $975 per child, plus costs for medical exams. Additionally, many families are also paying monthly childcare or foster care fees, and some families have adopted more than one child. So, in addition to the emotional stress of being separated from their adoptive children, American parents face a financial burden while the situation goes unresolved.

This bill would not change any of the substantive requirements for issuance of a renewed visa, such as necessary medical exams and background checks. It simply allows the Department of State to waive the visa renewal fee to alleviate the financial burden imposed on American families to renew their child's visa, and reimburses those who have already renewed their child's visa since the exit permit suspension.

The Department of State does not anticipate this waiver authority to be used broadly based on its past experiences and its other adoption programs abroad. The bill would not be a financial burden on the United States. According to the State Department, once the initial visa, which the parents must pay for, is issued, the subsequent work for consular officers involved with renewing a visa is relatively quick and simple. The work involved to renew the visa therefore does not amount to the full cost of the visa renewal fee, so the State Department maintains it would not impact its consular resources.

This legislation builds on the efforts of other members who have tried to resolve the Democratic Republic of Congo's exit permit suspension in various ways. Last April, 171 Members of Congress sent a letter to Democratic Republic of Congo President Joseph Kabila asking for his intervention. In June of 2014, 167 Members of Congress also sent a letter to President Obama requesting his outreach to President Kabila to resolve this situation. Members of Congress sent a letter to the Democratic Republic of Congo Parliament offering technical assistance on October 28, 2014, and the Senate passed S. Res. 502 in the 113th Congress, concerning the Democratic Republic of Congo's suspension of exit permits for Congolese adopted children. This year, the Senate passed an amendment to promote the return of legally adopted children from the Democratic Republic of Congo. My Senate colleagues and our staff have met with our constituents directly affected by the Democratic Republic of Congo's exit permit suspension, and heard their call for help. Furthermore, I, and other Senators, have also had individual meetings with Congolese Ambassador to the U.S., Faida Mitifu.

However, since the exit permit suspension continues despite these efforts, it is imperative to bring some relief to our American adoptive parents. While we continue to urge the Democratic Republic of Congo to lift its exit permit suspension, I urge my colleagues to pass the Adoptive Family Relief Act to provide some relief to American families caught powerless in this difficult situation. Should other adoptive parents face similar obstacles in the future with their adoption process in other countries, this bill will also serve as a source of relief to them.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 178—SUPPORTING THE GOALS AND IDEALS OF NATIONAL NURSES WEEK FROM MAY 6, 2015, THROUGH MAY 12, 2015

Mr. MERKLEY submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 178

Whereas, since 1991, National Nurses Week is celebrated annually from May 6, also known as National Recognition Day for Nurses, through May 12, the birthday of Florence Nightingale, the founder of modern nursing;

Whereas National Nurses Week is a time of year to reflect on the important contributions that nurses make to provide safe, high-quality health care;

Whereas nurses are known to be patient advocates, acting fearlessly to protect the lives of those under the care of nurses;

Whereas nurses represent the largest single component of the health care profession, with an estimated population of 3,100,000 registered nurses in the United States;

Whereas nurses are leading in the delivery of quality care in a transformed health care system that improves patient outcomes and safety;

Whereas the Future of Nursing report of the Institute of Medicine has called for the nursing profession to meet the call for leadership in a team-based delivery model;

Whereas, when nurse staffing levels increase, the risk of patient complications and lengthy hospital stays decreases, resulting in cost savings;

Whereas nurses are experienced researchers, and the work of nurses encompasses a wide scope of scientific inquiry, including clinical research, health systems and outcomes research, and nursing education research;

Whereas nurses provide culturally and ethnically competent care and are educated to be sensitive to the regional and community customs of persons needing care;

Whereas nurses are well-positioned to provide leadership to eliminate health care disparities that exist in the United States;

Whereas nurses are the cornerstone of the public health infrastructure, promoting healthy lifestyles and educating communities on disease prevention and health promotion;

Whereas nurses are strong allies to Congress as they help inform, educate, and work closely with legislators to improve the education, retention, recruitment, and practice of all nurses and, more importantly, the health and safety of the patients for whom they care;

Whereas increased Federal and State investment is needed to support programs such as the Nursing Workforce Development Programs (authorized under title VIII of the

Public Health Service Act (42 U.S.C. 296 et seq.)), which bolster the nursing workforce at all levels, to increase the number of doctorally prepared faculty members, and to educate more nurse research scientists who can discover new nursing care models to improve the health status of the diverse population of the United States;

Whereas nurses touch the lives of the people of the United States from birth to the end of life; and

Whereas nursing has been voted as the most honest and ethical profession in the United States for the past 13 years: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Nurses Week, as founded by the American Nurses Association;

(2) recognizes the significant contributions of nurses to the health care system of the United States; and

(3) encourages the people of the United States to observe National Nurses Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of nurses to the everyday lives of patients.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1221. Mr. HATCH submitted an amendment intended to be proposed by him 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.

TEXT OF AMENDMENTS

SA 1221. Mr. HATCH submitted an amendment intended to be proposed by him 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 all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Trade Act of 2015''.

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

Sec. 1. Short title; table of contents.

TITLE I—TRADE PROMOTION AUTHORITY

Sec. 101. Short title.
Sec. 102. Trade negotiating objectives.
Sec. 103. Trade agreements authority.
Sec. 104. Congressional oversight, consultations, and access to information.
Sec. 105. Notice, consultations, and reports.
Sec. 106. Implementation of trade agreements.
Sec. 107. Treatment of certain trade agreements for which negotiations have already begun.
Sec. 108. Sovereignty.
Sec. 109. Interests of small businesses.
Sec. 110. Conforming amendments; application of certain provisions.
Sec. 111. Definitions.

TITLE II—EXTENSION OF TRADE ADJUSTMENT ASSISTANCE

Sec. 202. Application of provisions relating to trade adjustment assistance.
Sec. 203. Extension of trade adjustment assistance program.
Sec. 204. Performance measurement and reporting.
Sec. 205. Applicability of trade adjustment assistance provisions.
Sec. 206. Sunset provisions.
Sec. 207. Extension and modification of Health Coverage Tax Credit.
Sec. 208. Customs user fees.
Sec. 209. Child tax credit not refundable for taxpayers electing to exclude foreign earned income from tax.
Sec. 210. Time for payment of corporate estimated taxes.
Sec. 211. Coverage and payment for renal dialysis services for individuals with acute kidney injury.
Sec. 212. Modification of the Medicare sequester for fiscal year 2024.

TITLE I—TRADE PROMOTION AUTHORITY

SEC. 101. SHORT TITLE.

This title may be cited as the ''Bipartisan Congressional Trade Priorities and Accountability Act of 2015''.

SEC. 102. TRADE NEGOTIATING OBJECTIVES.

(a) OVERALL TRADE NEGOTIATING OBJECTIVES.—The overall trade negotiating objectives of the United States for agreements subject to the provisions of section 103 are—

(1) to obtain more open, equitable, and reciprocal market access;

(2) to obtain the reduction or elimination of barriers and distortions that are directly related to trade and investment and that decrease market opportunities for United States exports or otherwise distort United States trade;

(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 enhance the global economy;

(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, equitable trade benefits, and expanded export market opportunities, and provide for the reduction or elimination of trade and investment barriers that disproportionately impact small businesses;

(9) to promote universal ratification and full compliance with ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor;

(10) to ensure that trade agreements reflect and facilitate the increasingly interrelated, multi-sectoral nature of trade and investment activity;

(11) to recognize the growing significance of the Internet as a trading platform in international commerce; and

(12) to take into account other legitimate United States domestic objectives, including, but not limited to, the protection of legitimate health or safety, essential security, and consumer interests and the law and regulations related thereto.

(b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

(1) TRADE IN GOODS.—The principal negotiating objectives of the United States regarding trade in goods are—

(A) to expand competitive market opportunities for exports of goods from the United States and to obtain fairer and more open conditions of trade, including through the utilization of global value chains, by reducing or eliminating tariff and nontariff barriers and policies and practices of foreign governments directly related to trade that decrease market opportunities for United States exports or otherwise distort United States trade; and

(B) to obtain reciprocal tariff and nontariff barrier elimination agreements, including with respect to those tariff categories covered in section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(2) TRADE IN SERVICES.—(A) The principal negotiating objective of the United States regarding trade in services is to expand competitive market opportunities for United States services and to obtain fairer and more open conditions of trade, including through utilization of global value chains, by reducing or eliminating barriers to international trade in services, such as regulatory and other barriers that deny national treatment and market access or unreasonably restrict the establishment or operations of service suppliers.

(B) Recognizing that expansion of trade in services generates benefits for all sectors of the economy and facilitates trade, the objective described in subparagraph (A) should be pursued through all means, including through a plurilateral agreement with those countries willing and able to undertake high standard services commitments for both existing and new services.

(3) TRADE IN AGRICULTURE.—The principal negotiating objective of the United States with respect to agriculture is to obtain competitive opportunities for United States exports of agricultural commodities in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk, specialty crop, and value added commodities by—

(A) securing more open and equitable market access through robust rules on sanitary and phytosanitary measures that—

(i) encourage the adoption of international standards and require a science-based justification be provided for a sanitary or phytosanitary measure if the measure is more restrictive than the applicable international standard;

(ii) improve regulatory coherence, promote the use of systems-based approaches, and appropriately recognize the equivalence of health and safety protection systems of exporting countries;

(iii) require that measures are transparently developed and implemented, are based on risk assessments that take into account relevant international guidelines and scientific data, and are not more restrictive on trade than necessary to meet the intended purpose; and

(iv) improve import check processes, including testing methodologies and procedures, and certification requirements,

while recognizing that countries may put in place measures to protect human, animal, or plant life or health in a manner consistent with their international obligations, including the WTO Agreement on the Application

of Sanitary and Phytosanitary Measures (referred to in section 101(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(3)));

(B) reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports—

(i) giving priority to those products that are subject to significantly higher tariffs or subsidy regimes of major producing countries; and

(ii) providing reasonable adjustment periods for United States import sensitive products, in close consultation with Congress on such products before initiating tariff reduction negotiations;

(C) reducing tariffs to levels that are the same as or lower than those in the United States;

(D) reducing or eliminating subsidies that decrease market opportunities for United States exports or unfairly distort agriculture markets to the detriment of the United States;

(E) allowing the preservation of programs that support family farms and rural communities but do not distort trade;

(F) developing disciplines for domestic support programs, so that production that is in excess of domestic food security needs is sold at world prices;

(G) eliminating government policies that create price depressing surpluses;

(H) eliminating state trading enterprises whenever possible;

(I) developing, strengthening, and clarifying rules to eliminate practices that unfairly decrease United States market access opportunities or distort agricultural markets to the detriment of the United States, and ensuring that such rules are subject to efficient, timely, and effective dispute settlement, including—

(i) unfair or trade distorting activities of state trading enterprises and other administrative mechanisms, with emphasis on requiring price transparency in the operation of state trading enterprises and such other mechanisms in order to end cross subsidization, price discrimination, and price undercutting;

(ii) unjustified trade restrictions or commercial requirements, such as labeling, that affect new technologies, including biotechnology;

(iii) unjustified sanitary or phytosanitary restrictions, including restrictions not based on scientific principles in contravention of obligations in the Uruguay Round Agreements or bilateral or regional trade agreements;

(iv) other unjustified technical barriers to trade; and

(v) restrictive rules in the administration of tariff rate quotas;

(J) eliminating practices that adversely affect trade in perishable or cyclical products, while improving import relief mechanisms to recognize the unique characteristics of perishable and cyclical agriculture;

(K) ensuring that import relief mechanisms for perishable and cyclical agriculture are as accessible and timely to growers in the United States as those mechanisms that are used by other countries;

(L) taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements;

(M) taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements;

(N) otherwise ensuring that countries that accede to the World Trade Organization have made meaningful market liberalization commitments in agriculture;

(O) taking into account the impact that agreements covering agriculture to which the United States is a party have on the United States agricultural industry;

(P) maintaining bona fide food assistance programs, market development programs, and export credit programs;

(Q) seeking to secure the broadest market access possible in multilateral, regional, and bilateral negotiations, recognizing the effect that simultaneous sets of negotiations may have on United States import sensitive commodities (including those subject to tariff rate quotas);

(R) seeking to develop an international consensus on the treatment of seasonal or perishable agricultural products in investigations relating to dumping and safeguards and in any other relevant area;

(S) seeking to establish the common base year for calculating the Aggregated Measurement of Support (as defined in the Agreement on Agriculture) as the end of each country's Uruguay Round implementation period, as reported in each country's Uruguay Round market access schedule;

(T) ensuring transparency in the administration of tariff rate quotas through multilateral, plurilateral, and bilateral negotiations; and

(U) eliminating and preventing the undermining of market access for United States products through improper use of a country's system for protecting or recognizing geographical indications, including failing to ensure transparency and procedural fairness and protecting generic terms.

(4) FOREIGN INVESTMENT.—Recognizing that United States law on the whole provides a high level of protection for investment, consistent with or greater than the level required by international law, the principal negotiating objectives of the United States regarding foreign investment are to reduce or eliminate artificial or trade distorting barriers to foreign investment, while ensuring that foreign investors in the United States are not accorded greater substantive rights with respect to investment protections than United States investors in the United States, and to secure for investors important rights comparable to those that would be available under United States legal principles and practice, by—

(A) reducing or eliminating exceptions to the principle of national treatment;

(B) freeing the transfer of funds relating to investments;

(C) reducing or eliminating performance requirements, forced technology transfers, and other unreasonable barriers to the establishment and operation of investments;

(D) seeking to establish standards for expropriation and compensation for expropriation, consistent with United States legal principles and practice;

(E) seeking to establish standards for fair and equitable treatment, consistent with United States legal principles and practice, including the principle of due process;

(F) providing meaningful procedures for resolving investment disputes;

(G) seeking to improve mechanisms used to resolve disputes between an investor and a government through—

(i) mechanisms to eliminate frivolous claims and to deter the filing of frivolous claims;

(ii) procedures to ensure the efficient selection of arbitrators and the expeditious disposition of claims;

(iii) procedures to enhance opportunities for public input into the formulation of government positions; and

(iv) providing for an appellate body or similar mechanism to provide coherence to the interpretations of investment provisions in trade agreements; and

(H) ensuring the fullest measure of transparency in the dispute settlement mechanism, to the extent consistent with the need to protect information that is classified or business confidential, by—

(i) ensuring that all requests for dispute settlement are promptly made public;

(ii) ensuring that—

(I) all proceedings, submissions, findings, and decisions are promptly made public; and

(II) all hearings are open to the public; and

(iii) establishing a mechanism for acceptance of amicus curiae submissions from businesses, unions, and nongovernmental organizations.

(5) INTELLECTUAL PROPERTY.—The principal negotiating objectives of the United States regarding trade-related intellectual property are—

(A) to further promote adequate and effective protection of intellectual property rights, including through—

(i)(I) ensuring accelerated and full implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)), particularly with respect to meeting enforcement obligations under that agreement; and

(II) ensuring that the provisions of any trade agreement governing intellectual property rights that is entered into by the United States reflect a standard of protection similar to that found in United States law;

(ii) providing strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property, including in a manner that facilitates legitimate digital trade;

(iii) preventing or eliminating discrimination with respect to matters affecting the availability, acquisition, scope, maintenance, use, and enforcement of intellectual property rights;

(iv) ensuring that standards of protection and enforcement keep pace with technological developments, and in particular ensuring that rightholders have the legal and technological means to control the use of their works through the Internet and other global communication media, and to prevent the unauthorized use of their works;

(v) providing strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms; and

(vi) preventing or eliminating government involvement in the violation of intellectual property rights, including cyber theft and piracy;

(B) to secure fair, equitable, and nondiscriminatory market access opportunities for United States persons that rely upon intellectual property protection; and

(C) to respect the Declaration on the TRIPS Agreement and Public Health, adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001, and to ensure that trade agreements foster innovation and promote access to medicines.

(6) DIGITAL TRADE IN GOODS AND SERVICES AND CROSS-BORDER DATA FLOWS.—The principal negotiating objectives of the United States with respect to digital trade in goods and services, as well as cross-border data flows, are—

(A) to ensure that current obligations, rules, disciplines, and commitments under the World Trade Organization and bilateral

and regional trade agreements apply to digital trade in goods and services and to cross-border data flows;

(B) to ensure that—

(i) electronically delivered goods and services receive no less favorable treatment under trade rules and commitments than like products delivered in physical form; and

(ii) the classification of such goods and services ensures the most liberal trade treatment possible, fully encompassing both existing and new trade;

(C) to ensure that governments refrain from implementing trade-related measures that impede digital trade in goods and services, restrict cross-border data flows, or require local storage or processing of data;

(D) with respect to subparagraphs (A) through (C), where legitimate policy objectives require domestic regulations that affect digital trade in goods and services or cross-border data flows, to obtain commitments that any such regulations are the least restrictive on trade, nondiscriminatory, and transparent, and promote an open market environment; and

(E) to extend the moratorium of the World Trade Organization on duties on electronic transmissions.

(7) REGULATORY PRACTICES.—The principal negotiating objectives of the United States regarding the use of government regulation or other practices to reduce market access for United States goods, services, and investments are—

(A) to achieve increased transparency and opportunity for the participation of affected parties in the development of regulations;

(B) to require that proposed regulations be based on sound science, cost benefit analysis, risk assessment, or other objective evidence;

(C) to establish consultative mechanisms and seek other commitments, as appropriate, to improve regulatory practices and promote increased regulatory coherence, including through—

(i) transparency in developing guidelines, rules, regulations, and laws for government procurement and other regulatory regimes;

(ii) the elimination of redundancies in testing and certification;

(iii) early consultations on significant regulations;

(iv) the use of impact assessments;

(v) the periodic review of existing regulatory measures; and

(vi) the application of good regulatory practices;

(D) to seek greater openness, transparency, and convergence of standards development processes, and enhance cooperation on standards issues globally;

(E) to promote regulatory compatibility through harmonization, equivalence, or mutual recognition of different regulations and standards and to encourage the use of international and interoperable standards, as appropriate;

(F) to achieve the elimination of government measures such as price controls and reference pricing which deny full market access for United States products;

(G) to ensure that government regulatory reimbursement regimes are transparent, provide procedural fairness, are nondiscriminatory, and provide full market access for United States products; and

(H) to ensure that foreign governments—

(i) demonstrate that the collection of undisclosed proprietary information is limited to that necessary to satisfy a legitimate and justifiable regulatory interest; and

(ii) protect such information against disclosure, except in exceptional circumstances to protect the public, or where such information is effectively protected against unfair competition.

(8) STATE-OWNED AND STATE-CONTROLLED ENTERPRISES.—The principal negotiating objective of the United States regarding competition by state-owned and state-controlled enterprises is to seek commitments that—

(A) eliminate or prevent trade distortions and unfair competition favoring state-owned and state-controlled enterprises to the extent of their engagement in commercial activity, and

(B) ensure that such engagement is based solely on commercial considerations,

in particular through disciplines that eliminate or prevent discrimination and market-distorting subsidies and that promote transparency.

(9) LOCALIZATION BARRIERS TO TRADE.—The principal negotiating objective of the United States with respect to localization barriers is to eliminate and prevent measures that require United States producers and service providers to locate facilities, intellectual property, or other assets in a country as a market access or investment condition, including indigenous innovation measures.

(10) LABOR AND THE ENVIRONMENT.—The principal negotiating objectives of the United States with respect to labor and the environment are—

(A) to ensure that a party to a trade agreement with the United States—

(i) adopts and maintains measures implementing internationally recognized core labor standards (as defined in section 111(17)) and its obligations under common multilateral environmental agreements (as defined in section 111(6)),

(ii) does not waive or otherwise derogate from, or offer to waive or otherwise derogate from—

(I) its statutes or regulations implementing internationally recognized core labor standards (as defined in section 111(17)), in a manner affecting trade or investment between the United States and that party, where the waiver or derogation would be inconsistent with one or more such standards, or

(II) its environmental laws in a manner that weakens or reduces the protections afforded in those laws and in a manner affecting trade or investment between the United States and that party, except as provided in its law and provided not inconsistent with its obligations under common multilateral environmental agreements (as defined in section 111(6)) or other provisions of the trade agreement specifically agreed upon, and

(iii) does not fail to effectively enforce its environmental or labor laws, through a sustained or recurring course of action or inaction,

in a manner affecting trade or investment between the United States and that party after entry into force of a trade agreement between those countries;

(B) to recognize that—

(i) with respect to environment, parties to a trade agreement retain the right to exercise prosecutorial discretion and to make decisions regarding the allocation of enforcement resources with respect to other environmental laws determined to have higher priorities, and a party is effectively enforcing its laws if a course of action or inaction reflects a reasonable, bona fide exercise of such discretion, or results from a reasonable, bona fide decision regarding the allocation of resources; and

(ii) with respect to labor, decisions regarding the distribution of enforcement resources are not a reason for not complying with a party's labor obligations; a party to a trade agreement retains the right to reasonable exercise of discretion and to make bona fide decisions regarding the allocation of resources between labor enforcement activities among core labor standards, provided the exercise of such discretion and such decisions are not inconsistent with its obligations;

(C) to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 111(7));

(D) to strengthen the capacity of United States trading partners to protect the environment through the promotion of sustainable development;

(E) to reduce or eliminate government practices or policies that unduly threaten sustainable development;

(F) to seek market access, through the elimination of tariffs and nontariff barriers, for United States environmental technologies, goods, and services;

(G) to ensure that labor, environmental, health, or safety policies and practices of the parties to trade agreements with the United States do not arbitrarily or unjustifiably discriminate against United States exports or serve as disguised barriers to trade;

(H) to ensure that enforceable labor and environment obligations are subject to the same dispute settlement and remedies as other enforceable obligations under the agreement; and

(I) to ensure that a trade agreement is not construed to empower a party's authorities to undertake labor or environmental law enforcement activities in the territory of the United States.

(11) CURRENCY.—The principal negotiating objective of the United States with respect to currency practices is that parties to a trade agreement with the United States avoid manipulating exchange rates in order to prevent effective balance of payments adjustment or to gain an unfair competitive advantage over other parties to the agreement, such as through cooperative mechanisms, enforceable rules, reporting, monitoring, transparency, or other means, as appropriate.

(12) WTO AND MULTILATERAL TRADE AGREEMENTS.—Recognizing that the World Trade Organization is the foundation of the global trading system, the principal negotiating objectives of the United States regarding the World Trade Organization, the Uruguay Round Agreements, and other multilateral and plurilateral trade agreements are—

(A) to achieve full implementation and extend the coverage of the World Trade Organization and multilateral and plurilateral agreements to products, sectors, and conditions of trade not adequately covered;

(B) to expand country participation in and enhancement of the Information Technology Agreement, the Government Procurement Agreement, and other plurilateral trade agreements of the World Trade Organization;

(C) to expand competitive market opportunities for United States exports and to obtain fairer and more open conditions of trade, including through utilization of global value chains, through the negotiation of new WTO multilateral and plurilateral trade agreements, such as an agreement on trade facilitation;

(D) to ensure that regional trade agreements to which the United States is not a party fully achieve the high standards of, and comply with, WTO disciplines, including Article XXIV of GATT 1994, Article V and V bis of the General Agreement on Trade in Services, and the Enabling Clause, including through meaningful WTO review of such regional trade agreements;

(E) to enhance compliance by WTO members with their obligations as WTO members through active participation in the bodies of the World Trade Organization by the United States and all other WTO members, including in the trade policy review mechanism and the committee system of the World

Trade Organization, and by working to increase the effectiveness of such bodies; and

(F) to encourage greater cooperation between the World Trade Organization and other international organizations.

(13) TRADE INSTITUTION TRANSPARENCY.—The principal negotiating objective of the United States with respect to transparency is to obtain wider and broader application of the principle of transparency in the World Trade Organization, entities established under bilateral and regional trade agreements, and other international trade fora through seeking—

(A) timely public access to information regarding trade issues and the activities of such institutions;

(B) openness by ensuring public access to appropriate meetings, proceedings, and submissions, including with regard to trade and investment dispute settlement; and

(C) public access to all notifications and supporting documentation submitted by WTO members.

(14) ANTI-CORRUPTION.—The principal negotiating objectives of the United States with respect to the use of money or other things of value to influence acts, decisions, or omissions of foreign governments or officials or to secure any improper advantage in a manner affecting trade are—

(A) to obtain high standards and effective domestic enforcement mechanisms applicable to persons from all countries participating in the applicable trade agreement that prohibit such attempts to influence acts, decisions, or omissions of foreign governments or officials or to secure any such improper advantage;

(B) to ensure that such standards level the playing field for United States persons in international trade and investment; and

(C) to seek commitments to work jointly to encourage and support anti-corruption and anti-bribery initiatives in international trade fora, including through the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organization for Economic Cooperation and Development, done at Paris December 17, 1997 (commonly known as the ''OECD Anti-Bribery Convention'').

(15) DISPUTE SETTLEMENT AND ENFORCEMENT.—The principal negotiating objectives of the United States with respect to dispute settlement and enforcement of trade agreements are—

(A) to seek provisions in trade agreements providing for resolution of disputes between governments under those trade agreements in an effective, timely, transparent, equitable, and reasoned manner, requiring determinations based on facts and the principles of the agreements, with the goal of increasing compliance with the agreements;

(B) to seek to strengthen the capacity of the Trade Policy Review Mechanism of the World Trade Organization to review compliance with commitments;

(C) to seek adherence by panels convened under the Dispute Settlement Understanding and by the Appellate Body to—

(i) the mandate of those panels and the Appellate Body to apply the WTO Agreement as written, without adding to or diminishing rights and obligations under the Agreement; and

(ii) the standard of review applicable under the Uruguay Round Agreement involved in the dispute, including greater deference, where appropriate, to the fact finding and technical expertise of national investigating authorities;

(D) to seek provisions encouraging the early identification and settlement of disputes through consultation;

(E) to seek provisions to encourage the provision of trade-expanding compensation if a party to a dispute under the agreement does not come into compliance with its obligations under the agreement;

(F) to seek provisions to impose a penalty upon a party to a dispute under the agreement that—

(i) encourages compliance with the obligations of the agreement;

(ii) is appropriate to the parties, nature, subject matter, and scope of the violation; and

(iii) has the aim of not adversely affecting parties or interests not party to the dispute while maintaining the effectiveness of the enforcement mechanism; and

(G) to seek provisions that treat United States principal negotiating objectives equally with respect to—

(i) the ability to resort to dispute settlement under the applicable agreement;

(ii) the availability of equivalent dispute settlement procedures; and

(iii) the availability of equivalent remedies.

(16) TRADE REMEDY LAWS.—The principal negotiating objectives of the United States with respect to trade remedy laws are—

(A) to preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws, and avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, or that lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(B) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market access barriers.

(17) BORDER TAXES.—The principal negotiating objective of the United States regarding border taxes is to obtain a revision of the rules of the World Trade Organization with respect to the treatment of border adjustments for internal taxes to redress the disadvantage to countries relying primarily on direct taxes for revenue rather than indirect taxes.

(18) TEXTILE NEGOTIATIONS.—The principal negotiating objectives of the United States with respect to trade in textiles and apparel articles are to obtain competitive opportunities for United States exports of textiles and apparel in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in textiles and apparel.

(19) COMMERCIAL PARTNERSHIPS.—

(A) IN GENERAL.—With respect to an agreement that is proposed to be entered into with the Transatlantic Trade and Investment Partnership countries and to which section 103(b) will apply, the principal negotiating objectives of the United States regarding commercial partnerships are the following:

(i) To discourage actions by potential trading partners that directly or indirectly prejudice or otherwise discourage commercial activity solely between the United States and Israel.

(ii) To discourage politically motivated actions to boycott, divest from, or sanction Israel and to seek the elimination of politically motivated nontariff barriers on Israeli goods, services, or other commerce imposed on the State of Israel.

(iii) To seek the elimination of state-sponsored unsanctioned foreign boycotts against Israel or compliance with the Arab League Boycott of Israel by prospective trading partners.

(B) DEFINITION.—In this paragraph, the term ''actions to boycott, divest from, or sanction Israel'' means actions by states, non-member states of the United Nations, international organizations, or affiliated agencies of international organizations that are politically motivated and are intended to penalize or otherwise limit commercial relations specifically with Israel or persons doing business in Israel or in Israeli-controlled territories.

(20) GOOD GOVERNANCE, TRANSPARENCY, THE EFFECTIVE OPERATION OF LEGAL REGIMES, AND THE RULE OF LAW OF TRADING PARTNERS.—The principal negotiating objectives of the United States with respect to ensuring implementation of trade commitments and obligations by strengthening good governance, transparency, the effective operation of legal regimes and the rule of law of trading partners of the United States is through capacity building and other appropriate means, which are important parts of the broader effort to create more open democratic societies and to promote respect for internationally recognized human rights.

(c) CAPACITY BUILDING AND OTHER PRIORITIES.—In order to address and maintain United States competitiveness in the global economy, the President shall—

(1) direct the heads of relevant Federal agencies—

(A) to work to strengthen the capacity of United States trading partners to carry out obligations under trade agreements by consulting with any country seeking a trade agreement with the United States concerning that country's laws relating to customs and trade facilitation, sanitary and phytosanitary measures, technical barriers to trade, intellectual property rights, labor, and the environment; and

(B) to provide technical assistance to that country if needed;

(2) seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of United States trading partners to develop and implement standards for the protection of the environment and human health based on sound science;

(3) promote consideration of multilateral environmental agreements and consult with parties to such agreements regarding the consistency of any such agreement that includes trade measures with existing environmental exceptions under Article XX of GATT 1994; and

(4) submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on capacity-building activities undertaken in connection with trade agreements negotiated or being negotiated pursuant to this title.

SEC. 103. TRADE AGREEMENTS AUTHORITY.

(a) AGREEMENTS REGARDING TARIFF BARRIERS.—

(1) IN GENERAL.—Whenever the President determines that one or more existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes, policies, priorities, and objectives of this title will be promoted thereby, the President—

(A) may enter into trade agreements with foreign countries before—

(i) July 1, 2018; or

(ii) July 1, 2021, if trade authorities procedures are extended under subsection (c); and

(B) may, subject to paragraphs (2) and (3), proclaim—

(i) such modification or continuance of any existing duty,

(ii) such continuance of existing duty free or excise treatment, or

(iii) such additional duties,

as the President determines to be required or appropriate to carry out any such trade agreement.

Substantial modifications to, or substantial additional provisions of, a trade agreement entered into after July 1, 2018, or July 1, 2021, if trade authorities procedures are extended under subsection (c), shall not be eligible for approval under this title.

(2) NOTIFICATION.—The President shall notify Congress of the President's intention to enter into an agreement under this subsection.

(3) LIMITATIONS.—No proclamation may be made under paragraph (1) that—

(A) reduces any rate of duty (other than a rate of duty that does not exceed 5 percent ad valorem on the date of the enactment of this Act) to a rate of duty which is less than 50 percent of the rate of such duty that applies on such date of enactment;

(B) reduces the rate of duty below that applicable under the Uruguay Round Agreements or a successor agreement, on any import sensitive agricultural product; or

(C) increases any rate of duty above the rate that applied on the date of the enactment of this Act.

(4) AGGREGATE REDUCTION; EXEMPTION FROM STAGING.—

(A) AGGREGATE REDUCTION.—Except as provided in subparagraph (B), the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement entered into under paragraph (1) shall not exceed the aggregate reduction which would have been in effect on such day if—

(i) a reduction of 3 percent ad valorem or a reduction of 1/10 of the total reduction, whichever is greater, had taken effect on the effective date of the first reduction proclaimed under paragraph (1) to carry out such agreement with respect to such article; and

(ii) a reduction equal to the amount applicable under clause (i) had taken effect at 1-year intervals after the effective date of such first reduction.

(B) EXEMPTION FROM STAGING.—No staging is required under subparagraph (A) with respect to a duty reduction that is proclaimed under paragraph (1) for an article of a kind that is not produced in the United States. The United States International Trade Commission shall advise the President of the identity of articles that may be exempted from staging under this subparagraph.

(5) ROUNDING.—If the President determines that such action will simplify the computation of reductions under paragraph (4), the President may round an annual reduction by an amount equal to the lesser of—

(A) the difference between the reduction without regard to this paragraph and the next lower whole number; or

(B) ½ of 1 percent ad valorem.

(6) OTHER LIMITATIONS.—A rate of duty reduction that may not be proclaimed by reason of paragraph (3) may take effect only if a provision authorizing such reduction is included within an implementing bill provided for under section 106 and that bill is enacted into law.

(7) OTHER TARIFF MODIFICATIONS.—Notwithstanding paragraphs (1)(B), (3)(A), (3)(C), and (4) through (6), and subject to the consultation and layover requirements of section 115 of the Uruguay Round Agreements Act (19 U.S.C. 3524), the President may proclaim the modification of any duty or staged rate reduction of any duty set forth in Schedule XX, as defined in section 2(5) of that Act (19 U.S.C. 3501(5)), if the United States agrees to such modification or staged rate reduction in a negotiation for the reciprocal elimination or harmonization of duties under the auspices of the World Trade Organization.

(8) AUTHORITY UNDER URUGUAY ROUND AGREEMENTS ACT NOT AFFECTED.—Nothing in this subsection shall limit the authority provided to the President under section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(b) AGREEMENTS REGARDING TARIFF AND NONTARIFF BARRIERS.—

(1) IN GENERAL.—(A) Whenever the President determines that—

(i) 1 or more existing duties or any other import restriction of any foreign country or the United States or any other barrier to, or other distortion of, international trade unduly burdens or restricts the foreign trade of the United States or adversely affects the United States economy, or

(ii) the imposition of any such barrier or distortion is likely to result in such a burden, restriction, or effect,

and that the purposes, policies, priorities, and objectives of this title will be promoted thereby, the President may enter into a trade agreement described in subparagraph (B) during the period described in subparagraph (C).

(B) The President may enter into a trade agreement under subparagraph (A) with foreign countries providing for—

(i) the reduction or elimination of a duty, restriction, barrier, or other distortion described in subparagraph (A); or

(ii) the prohibition of, or limitation on the imposition of, such barrier or other distortion.

(C) The President may enter into a trade agreement under this paragraph before—

(i) July 1, 2018; or

(ii) July 1, 2021, if trade authorities procedures are extended under subsection (c).

Substantial modifications to, or substantial additional provisions of, a trade agreement entered into after July 1, 2018, or July 1, 2021, if trade authorities procedures are extended under subsection (c), shall not be eligible for approval under this title.

(2) CONDITIONS.—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.

(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 Negotiations 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 identified 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 makes progress in achieving the applicable purposes, policies, priorities, and objectives of this title; and

(II) setting forth the reasons of the President regarding—

(aa) how and to what extent the agreement makes progress in achieving 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 consultations 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 make progress in achieving the purposes, policies, priorities, and objectives of this title.

(2) PROCEDURES FOR CONSIDERING RESOLUTIONS.—(A) Procedural disapproval resolutions—

(i) 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; and

(ii) 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.

(B) 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 a procedural disapproval resolution introduced with respect to a trade agreement if no other procedural disapproval resolution with respect to that trade agreement 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, and if no resolution described in clause (ii) of section 105(b)(3)(B) with respect to that trade agreement has 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 the procedures set forth in clauses (iii) through (vii) of such section.

(C) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(D) It is not in order for the Senate to consider any procedural disapproval resolution not reported by the Committee on Finance.

(3) CONSIDERATION IN SENATE OF CONSULTATION AND COMPLIANCE RESOLUTION TO REMOVE TRADE AUTHORITIES PROCEDURES.—

(A) REPORTING OF RESOLUTION.—If, when the Committee on Finance of the Senate meets on whether to report an implementing bill with respect to a trade agreement or agreements entered into under section 103(b), the committee fails to favorably report the bill, the committee shall report a resolution described in subparagraph (C).

(B) APPLICABILITY OF TRADE AUTHORITIES PROCEDURES.—The trade authorities procedures shall not apply in the Senate to any implementing bill submitted with respect to a trade agreement or agreements described in subparagraph (A) if the Committee on Finance reports a resolution described in subparagraph (C) and such resolution is agreed to by the Senate.

(C) RESOLUTION DESCRIBED.—A resolution described in this subparagraph is a resolution of the Senate originating from the Committee on Finance 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 in the Senate 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 described in subparagraph (A).

(D) PROCEDURES.—If the Senate does not agree to a motion to invoke cloture on the motion to proceed to a resolution described in subparagraph (C), the resolution shall be committed to the Committee on Finance.

(4) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES OF A CONSULTATION AND COMPLIANCE RESOLUTION.—

(A) QUALIFICATIONS FOR REPORTING RESOLUTION.—If—

(i) the Committee on Ways and Means of the House of Representatives reports an implementing bill with respect to a trade agreement or agreements entered into under section 103(b) with other than a favorable recommendation; and

(ii) a Member of the House of Representatives has introduced a consultation and compliance resolution on the legislative day following the filing of a report to accompany the implementing bill with other than a favorable recommendation,

then the Committee on Ways and Means shall consider a consultation and compliance resolution pursuant to subparagraph (B).

(B) COMMITTEE CONSIDERATION OF A QUALIFYING RESOLUTION.—(i) Not later than the fourth legislative day after the date of introduction of the resolution, the Committee on Ways and Means shall meet to consider a resolution meeting the qualifications set forth in subparagraph (A).

(ii) After consideration of one such resolution by the Committee on Ways and Means, this subparagraph shall not apply to any other such resolution.

(iii) If the Committee on Ways and Means has not reported the resolution by the sixth legislative day after the date of its introduction, that committee shall be discharged from further consideration of the resolution.

(C) CONSULTATION AND COMPLIANCE RESOLUTION DESCRIBED.—A consultation and compliance resolution—

(i) is a resolution of the House of Representatives, 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 in the House of Representatives 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 described in subparagraph (A); and

(ii) shall be referred to the Committee on Ways and Means.

(D) APPLICABILITY OF TRADE AUTHORITIES PROCEDURES.—The trade authorities procedures shall not apply in the House of Representatives to any implementing bill submitted with respect to a trade agreement or agreements which are the object of a consultation and compliance resolution if such resolution is adopted by the House.

(5) FOR FAILURE TO MEET OTHER REQUIREMENTS.—Not later than December 15, 2015, the Secretary of Commerce, in consultation with the Secretary of State, the Secretary of the Treasury, the Attorney General, and the United States Trade Representative, shall transmit to Congress a report setting forth the strategy of the executive branch to address concerns of Congress regarding whether dispute settlement panels and the Appellate Body of the World Trade Organization have added to obligations, or diminished rights, of the United States, as described in section 102(b)(15)(C). Trade authorities procedures shall not apply to any implementing bill with respect to an agreement negotiated under the auspices of the World Trade Organization unless the Secretary of Commerce

has issued such report by the deadline specified in this paragraph.

(6) LIMITATIONS ON PROCEDURES WITH RESPECT TO AGREEMENTS WITH COUNTRIES NOT IN COMPLIANCE WITH TRAFFICKING VICTIMS PROTECTION ACT OF 2000.—

(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) with a country to which the minimum standards for the elimination of trafficking are applicable and the government of which does not fully comply with such standards and is not making significant efforts to bring the country into compliance (commonly referred to as a ''tier 3'' country), as determined 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)).

(B) MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING DEFINED.—In this paragraph, the term ''minimum standards for the elimination of trafficking'' means the standards set forth in section 108 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106).

(c) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Subsection (b) of this section, section 103(c), and section 105(b)(3) are enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 107. TREATMENT OF CERTAIN TRADE AGREEMENTS FOR WHICH NEGOTIATIONS HAVE ALREADY BEGUN.

(a) CERTAIN AGREEMENTS.—Notwithstanding the prenegotiation notification and consultation requirement described in section 105(a), if an agreement to which section 103(b) applies—

(1) is entered into under the auspices of the World Trade Organization,

(2) is entered into with the Trans-Pacific Partnership countries with respect to which notifications have been made in a manner consistent with section 105(a)(1)(A) as of the date of the enactment of this Act,

(3) is entered into with the European Union,

(4) is an agreement with respect to international trade in services entered into with WTO members with respect to which a notification has been made in a manner consistent with section 105(a)(1)(A) as of the date of the enactment of this Act, or

(5) is an agreement with respect to environmental goods entered into with WTO members with respect to which a notification has been made in a manner consistent with section 105(a)(1)(A) as of the date of the enactment of this Act,

and results from negotiations that were commenced before the date of the enactment of this Act, subsection (b) shall apply.

(b) TREATMENT OF AGREEMENTS.—In the case of any agreement to which subsection (a) applies, the applicability of the trade authorities procedures to implementing bills shall be determined without regard to the requirements of section 105(a) (relating only to notice prior to initiating negotiations), and any resolution under paragraph (1)(B), (3)(C), or (4)(C) of section 106(b) shall not be in order on the basis of a failure or refusal to comply with the provisions of section 105(a), if (and only if) the President, as soon as feasible after the date of the enactment of this Act—

(1) notifies Congress of the negotiations described in subsection (a), the specific United States objectives in the negotiations, and whether the President is seeking a new agreement or changes to an existing agreement; and

(2) before and after submission of the notice, consults regarding the negotiations with the committees referred to in section 105(a)(1)(B) and the House and Senate Advisory Groups on Negotiations convened under section 104(c).

SEC. 108. SOVEREIGNTY.

(a) UNITED STATES LAW TO PREVAIL IN EVENT OF CONFLICT.—No provision of any trade agreement entered into under section 103(b), nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States, any State of the United States, or any locality of the United States shall have effect.

(b) AMENDMENTS OR MODIFICATIONS OF UNITED STATES LAW.—No provision of any trade agreement entered into under section 103(b) shall prevent the United States, any State of the United States, or any locality of the United States from amending or modifying any law of the United States, that State, or that locality (as the case may be).

(c) DISPUTE SETTLEMENT REPORTS.—Reports, including findings and recommendations, issued by dispute settlement panels convened pursuant to any trade agreement entered into under section 103(b) shall have no binding effect on the law of the United States, the Government of the United States, or the law or government of any State or locality of the United States.

SEC. 109. INTERESTS OF SMALL BUSINESSES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Trade Representative should facilitate participation by small businesses in the trade negotiation process; and

(2) the functions of the Office of the United States Trade Representative relating to small businesses should continue to be reflected in the title of the Assistant United States Trade Representative assigned the responsibility for small businesses.

(b) CONSIDERATION OF SMALL BUSINESS INTERESTS.—The Assistant United States Trade Representative for Small Business, Market Access, and Industrial Competitiveness shall be responsible for ensuring that the interests of small businesses are considered in all trade negotiations in accordance with the objective described in section 102(a)(8).

SEC. 110. CONFORMING AMENDMENTS; APPLICATION OF CERTAIN PROVISIONS.

(a) CONFORMING AMENDMENTS.—

(1) ADVICE FROM UNITED STATES INTERNATIONAL TRADE COMMISSION.—Section 131 of the Trade Act of 1974 (19 U.S.C. 2151) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''section 2103(a) or (b) of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''subsection (a) or (b) of section 103 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015''; and

(ii) in paragraph (2), by striking ''section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 103(b) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015'';

(B) in subsection (b), by striking ''section 2103(a)(3)(A) of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 103(a)(4)(A) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015''; and

(C) in subsection (c), by striking ''section 2103 of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 103(a) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015''.

(2) HEARINGS.—Section 132 of the Trade Act of 1974 (19 U.S.C. 2152) is amended by striking ''section 2103 of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 103 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015''.

(3) PUBLIC HEARINGS.—Section 133(a) of the Trade Act of 1974 (19 U.S.C. 2153(a)) is amended by striking ''section 2103 of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 103 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015''.

(4) PREREQUISITES FOR OFFERS.—Section 134 of the Trade Act of 1974 (19 U.S.C. 2154) is amended by striking ''section 2103 of the Bipartisan Trade Promotion Authority Act of 2002'' each place it appears and inserting ''section 103 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015''.

(5) INFORMATION AND ADVICE FROM PRIVATE AND PUBLIC SECTORS.—Section 135 of the Trade Act of 1974 (19 U.S.C. 2155) is amended—

(A) in subsection (a)(1)(A), by striking ''section 2103 of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 103 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015''; and

(B) in subsection (e)—

(i) in paragraph (1)—

(I) by striking ''section 2103 of the Bipartisan Trade Promotion Authority Act of 2002'' each place it appears and inserting ''section 103 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015''; and

(II) by striking ''not later than the date on which the President notifies the Congress under section 2105(a)(1)(A) of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''not later than the date that is 30 days after the date on which the President notifies Congress under section 106(a)(1)(A) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015''; and

(ii) in paragraph (2), by striking ''section 2102 of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 102 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015''.

(6) PROCEDURES RELATING TO IMPLEMENTING BILLS.—Section 151 of the Trade Act of 1974 (19 U.S.C. 2191) is amended—

(A) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''section 2105(a)(1) of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 106(a)(1) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015''; and

(B) in subsection (c)(1), by striking ''section 2105(a)(1) of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 106(a)(1) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015''.

(7) TRANSMISSION OF AGREEMENTS TO CONGRESS.—Section 162(a) of the Trade Act of 1974 (19 U.S.C. 2212(a)) is amended by striking ''section 2103 of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 103 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015''.

(b) APPLICATION OF CERTAIN PROVISIONS.—For purposes of applying sections 125, 126,

and 127 of the Trade Act of 1974 (19 U.S.C. 2135, 2136, and 2137)—

(1) any trade agreement entered into under section 103 shall be treated as an agreement entered into under section 101 or 102 of the Trade Act of 1974 (19 U.S.C. 2111 or 2112), as appropriate; and

(2) any proclamation or Executive order issued pursuant to a trade agreement entered into under section 103 shall be treated as a proclamation or Executive order issued pursuant to a trade agreement entered into under section 102 of the Trade Act of 1974 (19 U.S.C. 2112).

SEC. 111. DEFINITIONS.

In this title:

(1) AGREEMENT ON AGRICULTURE.—The term ''Agreement on Agriculture'' means the agreement referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

(2) AGREEMENT ON SAFEGUARDS.—The term ''Agreement on Safeguards'' means the agreement referred to in section 101(d)(13) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(13)).

(3) AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.—The term ''Agreement on Subsidies and Countervailing Measures'' means the agreement referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

(4) ANTIDUMPING AGREEMENT.—The term ''Antidumping Agreement'' means the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(7) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(7)).

(5) APPELLATE BODY.—The term ''Appellate Body'' means the Appellate Body established under Article 17.1 of the Dispute Settlement Understanding.

(6) COMMON MULTILATERAL ENVIRONMENTAL AGREEMENT.—

(A) IN GENERAL.—The term ''common multilateral environmental agreement'' means any agreement specified in subparagraph (B) or included under subparagraph (C) to which both the United States and one or more other parties to the negotiations are full parties, including any current or future mutually agreed upon protocols, amendments, annexes, or adjustments to such an agreement.

(B) AGREEMENTS SPECIFIED.—The agreements specified in this subparagraph are the following:

(i) The Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249).

(ii) The Montreal Protocol on Substances that Deplete the Ozone Layer, done at Montreal September 16, 1987.

(iii) The Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, done at London February 17, 1978.

(iv) The Convention on Wetlands of International Importance Especially as Waterfowl Habitat, done at Ramsar February 2, 1971 (TIAS 11084).

(v) The Convention on the Conservation of Antarctic Marine Living Resources, done at Canberra May 20, 1980 (33 UST 3476).

(vi) The International Convention for the Regulation of Whaling, done at Washington December 2, 1946 (62 Stat. 1716).

(vii) The Convention for the Establishment of an Inter-American Tropical Tuna Commission, done at Washington May 31, 1949 (1 UST 230).

(C) ADDITIONAL AGREEMENTS.—Both the United States and one or more other parties to the negotiations may agree to include any other multilateral environmental or conservation agreement to which they are full parties as a common multilateral environmental agreement under this paragraph.

(7) CORE LABOR STANDARDS.—The term ''core labor standards'' means—

(A) freedom of association;

(B) the effective recognition of the right to collective bargaining;

(C) the elimination of all forms of forced or compulsory labor;

(D) the effective abolition of child labor and a prohibition on the worst forms of child labor; and

(E) the elimination of discrimination in respect of employment and occupation.

(8) DISPUTE SETTLEMENT UNDERSTANDING.—The term ''Dispute Settlement Understanding'' means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(16)).

(9) ENABLING CLAUSE.—The term ''Enabling Clause'' means the Decision on Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries (L/4903), adopted November 28, 1979, under GATT 1947 (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)).

(10) ENVIRONMENTAL LAWS.—The term ''environmental laws'', with respect to the laws of the United States, means environmental statutes and regulations enforceable by action of the Federal Government.

(11) GATT 1994.—The term ''GATT 1994'' has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

(12) GENERAL AGREEMENT ON TRADE IN SERVICES.—The term ''General Agreement on Trade in Services'' means the General Agreement on Trade in Services (referred to in section 101(d)(14) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(14))).

(13) GOVERNMENT PROCUREMENT AGREEMENT.—The term ''Government Procurement Agreement'' means the Agreement on Government Procurement referred to in section 101(d)(17) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(17)).

(14) ILO.—The term ''ILO'' means the International Labor Organization.

(15) IMPORT SENSITIVE AGRICULTURAL PRODUCT.—The term ''import sensitive agricultural product'' means an agricultural product—

(A) with respect to which, as a result of the Uruguay Round Agreements, the rate of duty was the subject of tariff reductions by the United States and, pursuant to such Agreements, was reduced on January 1, 1995, to a rate that was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994; or

(B) which was subject to a tariff rate quota on the date of the enactment of this Act.

(16) INFORMATION TECHNOLOGY AGREEMENT.—The term ''Information Technology Agreement'' means the Ministerial Declaration on Trade in Information Technology Products of the World Trade Organization, agreed to at Singapore December 13, 1996.

(17) INTERNATIONALLY RECOGNIZED CORE LABOR STANDARDS.—The term ''internationally recognized core labor standards'' means the core labor standards only as stated in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up (1998).

(18) LABOR LAWS.—The term ''labor laws'' means the statutes and regulations, or provisions thereof, of a party to the negotiations that are directly related to core labor standards as well as other labor protections for children and minors and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health, and for the United States, includes Federal statutes and regulations addressing those standards, protections, or conditions, but does not include State or local labor laws.

(19) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen;

(B) a partnership, corporation, or other legal entity that is organized under the laws of the United States; and

(C) a partnership, corporation, or other legal entity that is organized under the laws of a foreign country and is controlled by entities described in subparagraph (B) or United States citizens, or both.

(20) URUGUAY ROUND AGREEMENTS.—The term ''Uruguay Round Agreements'' has the meaning given that term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7)).

(21) WORLD TRADE ORGANIZATION; WTO.—The terms ''World Trade Organization'' and ''WTO'' mean the organization established pursuant to the WTO Agreement.

(22) WTO AGREEMENT.—The term ''WTO Agreement'' means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(23) WTO MEMBER.—The term ''WTO member'' has the meaning given that term in section 2(10) of the Uruguay Round Agreements Act (19 U.S.C. 3501(10)).

TITLE II—EXTENSION OF TRADE ADJUSTMENT ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Trade Adjustment Assistance Reauthorization Act of 2015''.

SEC. 202. APPLICATION OF PROVISIONS RELATING TO TRADE ADJUSTMENT ASSISTANCE.

(a) REPEAL OF SNAPBACK.—Section 233 of the Trade Adjustment Assistance Extension Act of 2011 (Public Law 112–40; 125 Stat. 416) is repealed.

(b) APPLICABILITY OF CERTAIN PROVISIONS.—Except as otherwise provided in this title, the provisions of chapters 2 through 6 of title II of the Trade Act of 1974, as in effect on December 31, 2013, and as amended by this title, shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to petitions for certification filed under chapter 2, 3, or 6 of title II of the Trade Act of 1974 on or after such date of enactment.

(c) REFERENCES.—Except as otherwise provided in this title, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision of chapters 2 through 6 of title II of the Trade Act of 1974, the reference shall be considered to be made to a provision of any such chapter, as in effect on December 31, 2013.

SEC. 203. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE PROGRAM.

(a) EXTENSION OF TERMINATION PROVISIONS.—Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended by striking ''December 31, 2013'' each place it appears and inserting ''June 30, 2021''.

(b) TRAINING FUNDS.—Section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)) is amended by striking ''shall not exceed'' and all that follows and inserting ''shall not exceed $450,000,000 for each of fiscal years 2015 through 2021.''.

(c) REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE.—Section 246(b)(1) of the Trade Act of 1974 (19 U.S.C. 2318(b)(1)) is amended by striking ''December 31, 2013'' and inserting ''June 30, 2021''.

(d) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking ''December 31, 2013'' and inserting ''June 30, 2021''.

(2) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—Section 255(a) of the Trade Act of 1974 (19 U.S.C. 2345(a)) is amended by striking ''fiscal years 2012 and 2013'' and all that follows through ''December 31, 2013'' and inserting ''fiscal years 2015 through 2021''.

(3) TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.—Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended by striking ''fiscal years 2012 and 2013'' and all that follows through ''December 31, 2013'' and inserting ''fiscal years 2015 through 2021''.

SEC. 204. PERFORMANCE MEASUREMENT AND REPORTING.

(a) PERFORMANCE MEASURES.—Section 239(j) of the Trade Act of 1974 (19 U.S.C. 2311(j)) is amended—

(1) in the subsection heading, by striking ''DATA REPORTING'' and inserting ''PERFORMANCE MEASURES'';

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''a quarterly'' and inserting ''an annual''; and

(ii) by striking ''data'' and inserting ''measures'';

(B) in subparagraph (A), by striking ''core'' and inserting ''primary''; and

(C) in subparagraph (C), by inserting ''that promote efficiency and effectiveness'' after ''assistance program'';

(3) in paragraph (2)—

(A) in the paragraph heading, by striking ''CORE INDICATORS DESCRIBED'' and inserting ''INDICATORS OF PERFORMANCE''; and

(B) by striking subparagraph (A) and inserting the following:

''(A) PRIMARY INDICATORS OF PERFORMANCE DESCRIBED.—

''(i) IN GENERAL.—The primary indicators of performance referred to in paragraph (1)(A) shall consist of—

''(I) the percentage and number of workers who received benefits under the trade adjustment assistance program who are in unsubsidized employment during the second calendar quarter after exit from the program;

''(II) the percentage and number of workers who received benefits under the trade adjustment assistance program and who are in unsubsidized employment during the fourth calendar quarter after exit from the program;

''(III) the median earnings of workers described in subclause (I);

''(IV) the percentage and number of workers who received benefits under the trade adjustment assistance program who, subject to clause (ii), obtain a recognized postsecondary credential or a secondary school diploma or its recognized equivalent, during participation in the program or within one year after exit from the program; and

''(V) the percentage and number of workers who received benefits under the trade adjustment assistance program who, during a year while receiving such benefits, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable gains in skills toward such a credential or employment.

''(ii) INDICATOR RELATING TO CREDENTIAL.—For purposes of clause (i)(IV), a worker who received benefits under the trade adjustment assistance program who obtained a secondary school diploma or its recognized equivalent shall be included in the percentage counted for purposes of that clause only if the worker, in addition to obtaining such a diploma or its recognized equivalent, has obtained or retained employment or is in an education or training program leading to a recognized postsecondary credential within one year after exit from the program.'';

(4) in paragraph (3)—

(A) in the paragraph heading, by striking ''DATA'' and inserting ''MEASURES'';

(B) by striking ''quarterly'' and inserting ''annual''; and

(C) by striking ''data'' and inserting ''measures''; and

(5) by adding at the end the following:

''(4) ACCESSIBILITY OF STATE PERFORMANCE REPORTS.—The Secretary shall, on an annual basis, make available (including by electronic means), in an easily understandable format, the reports of cooperating States or cooperating State agencies required by paragraph (1) and the information contained in those reports.''.

(b) COLLECTION AND PUBLICATION OF DATA.—Section 249B of the Trade Act of 1974 (19 U.S.C. 2323) is amended—

(1) in subsection (b)—

(A) in paragraph (3)—

(i) in subparagraph (A), by striking ''enrolled in'' and inserting ''who received'';

(ii) in subparagraph (B)—

(I) by striking ''complete'' and inserting ''exited''; and

(II) by striking ''who were enrolled in'' and inserting '', including who received'';

(iii) in subparagraph (E), by striking ''complete'' and inserting ''exited'';

(iv) in subparagraph (F), by striking ''complete'' and inserting ''exit''; and

(v) by adding at the end the following:

''(G) The average cost per worker of receiving training approved under section 236.

''(H) The percentage of workers who received training approved under section 236 and obtained unsubsidized employment in a field related to that training.''; and

(B) in paragraph (4)—

(i) in subparagraphs (A) and (B), by striking ''quarterly'' each place it appears and inserting ''annual''; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) The median earnings of workers described in section 239(j)(2)(A)(i)(III) during the second calendar quarter after exit from the program, expressed as a percentage of the median earnings of such workers before the calendar quarter in which such workers began receiving benefits under this chapter.''; and

(2) in subsection (e)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(ii) by inserting after subparagraph (A) the following:

''(B) the reports required under section 239(j);''; and

(B) in paragraph (2), by striking ''a quarterly'' and inserting ''an annual''.

(c) RECOGNIZED POSTSECONDARY CREDENTIAL DEFINED.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended by adding at the end the following:

''(19) The term 'recognized postsecondary credential' means a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by a State or the Federal Government, or an associate or baccalaureate degree.''.

SEC. 205. APPLICABILITY OF TRADE ADJUSTMENT ASSISTANCE PROVISIONS.

(a) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.—

(1) PETITIONS FILED ON OR AFTER JANUARY 1, 2014, AND BEFORE DATE OF ENACTMENT.—

(A) CERTIFICATIONS OF WORKERS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—

(i) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—If, as of the date of the enactment of this Act, the Secretary of Labor has not made a determination with respect to whether to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in clause (iii), the Secretary shall make that determination based on the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment.

(ii) RECONSIDERATION OF DENIALS OF CERTIFICATIONS.—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in clause (iii), the Secretary shall—

(I) reconsider that determination; and

(II) if the group of workers meets the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment, certify the group of workers as eligible to apply for adjustment assistance.

(iii) PETITION DESCRIBED.—A petition described in this clause is a petition for a certification of eligibility for a group of workers filed under section 221 of the Trade Act of 1974 on or after January 1, 2014, and before the date of the enactment of this Act.

(B) ELIGIBILITY FOR BENEFITS.—

(i) IN GENERAL.—Except as provided in clause (ii), a worker certified as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in subparagraph (A)(iii) shall be eligible, on and after the date that is 90 days after the date of the enactment of this Act, to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment.

(ii) COMPUTATION OF MAXIMUM BENEFITS.—Benefits received by a worker described in clause (i) under chapter 2 of title II of the Trade Act of 1974 before the date of the enactment of this Act shall be included in any determination of the maximum benefits for which the worker is eligible under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act.

(2) PETITIONS FILED BEFORE JANUARY 1, 2014.—A worker certified as eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974 on or before December 31, 2013, shall continue to be eligible to apply for and receive benefits under the provisions of chapter 2 of title II of such Act, as in effect on December 31, 2013.

(3) QUALIFYING SEPARATIONS WITH RESPECT TO PETITIONS FILED WITHIN 90 DAYS OF DATE OF ENACTMENT.—Section 223(b) of the Trade Act of 1974, as in effect on the date of the enactment of this Act, shall be applied and administered by substituting ''before January 1, 2014'' for ''more than one year before the date of the petition on which such certification was granted'' for purposes of determining whether a worker is eligible to apply for adjustment assistance pursuant to a petition filed under section 221 of the Trade Act of 1974 on or after the date of the enactment of this Act and on or before the date that is 90 days after such date of enactment.

(b) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—

(1) CERTIFICATION OF FIRMS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—

(A) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—If, as of the date of the enactment of this Act, the Secretary of Commerce has not made a determination with respect to whether to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall make that determination based on the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment.

(B) RECONSIDERATION OF DENIAL OF CERTAIN PETITIONS.—If, before the date of the enactment of this Act, the Secretary made a determination not to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall—

(i) reconsider that determination; and

(ii) if the firm meets the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment, certify the firm as eligible to apply for adjustment assistance.

(C) PETITION DESCRIBED.—A petition described in this subparagraph is a petition for a certification of eligibility filed by a firm or its representative under section 251 of the Trade Act of 1974 on or after January 1, 2014, and before the date of the enactment of this Act.

(2) CERTIFICATION OF FIRMS THAT DID NOT SUBMIT PETITIONS BETWEEN JANUARY 1, 2014, AND DATE OF ENACTMENT.—

(A) IN GENERAL.—The Secretary of Commerce shall certify a firm described in subparagraph (B) as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974, as in effect on the date of the enactment of this Act, if the firm or its representative files a petition for a certification of eligibility under section 251 of the Trade Act of 1974 not later than 90 days after such date of enactment.

(B) FIRM DESCRIBED.—A firm described in this subparagraph is a firm that the Secretary determines would have been certified as eligible to apply for adjustment assistance if—

(i) the firm or its representative had filed a petition for a certification of eligibility under section 251 of the Trade Act of 1974 on a date during the period beginning on January 1, 2014, and ending on the day before the date of the enactment of this Act; and

(ii) the provisions of chapter 3 of title II of the Trade Act of 1974, as in effect on such date of enactment, had been in effect on that date during the period described in clause (i).

SEC. 206. SUNSET PROVISIONS.

(a) APPLICATION OF PRIOR LAW.—Subject to subsection (b), beginning on July 1, 2021, the provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.), as in effect on January 1, 2014, shall be in effect and apply, except that in applying and administering such chapters—

(1) paragraph (1) of section 231(c) of that Act shall be applied and administered as if subparagraphs (A), (B), and (C) of that paragraph were not in effect;

(2) section 233 of that Act shall be applied and administered—

(A) in subsection (a)—

(i) in paragraph (2), by substituting ''104-week period'' for ''104-week period'' and all that follows through ''130-week period)''; and

(ii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by substituting ''65'' for ''52''; and

(II) by substituting ''78-week period'' for ''52-week period'' each place it appears; and

(B) by applying and administering subsection (g) as if it read as follows:

''(g) PAYMENT OF TRADE READJUSTMENT ALLOWANCES TO COMPLETE TRAINING.—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 236 that leads to the completion of a degree or industry-recognized credential, payments may be made as trade readjustment allowances for not more than 13 weeks within such period of eligibility as the Secretary may prescribe to account for a break in training or for justifiable cause that follows the last week for which the worker is otherwise entitled to a trade readjustment allowance under this chapter if—

''(1) payment of the trade readjustment allowance for not more than 13 weeks is necessary for the worker to complete the training;

''(2) the worker participates in training in each such week; and

''(3) the worker—

''(A) has substantially met the performance benchmarks established as part of the training approved for the worker;

''(B) is expected to continue to make progress toward the completion of the training; and

''(C) will complete the training during that period of eligibility.'';

(3) section 245(a) of that Act shall be applied and administered by substituting ''June 30, 2022'' for ''December 31, 2007'';

(4) section 246(b)(1) of that Act shall be applied and administered by substituting ''June 30, 2022'' for ''the date that is 5 years'' and all that follows through ''State'';

(5) section 256(b) of that Act shall be applied and administered by substituting ''the 1-year period beginning on July 1, 2021'' for ''each of fiscal years 2003 through 2007, and $4,000,000 for the 3-month period beginning on October 1, 2007'';

(6) section 298(a) of that Act shall be applied and administered by substituting ''the 1-year period beginning on July 1, 2021'' for ''each of the fiscal years'' and all that follows through ''October 1, 2007''; and

(7) section 285 of that Act shall be applied and administered—

(A) in subsection (a), by substituting ''June 30, 2022'' for ''December 31, 2007'' each place it appears; and

(B) by applying and administering subsection (b) as if it read as follows:

''(b) OTHER ASSISTANCE.—

''(1) ASSISTANCE FOR FIRMS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 3 after June 30, 2022.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 3 pursuant to a petition filed under section 251 on or before June 30, 2022, may be provided—

''(i) to the extent funds are available pursuant to such chapter for such purpose; and

''(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

''(2) FARMERS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 6 after June 30, 2022.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 6 on or before June 30, 2022, may be provided—

''(i) to the extent funds are available pursuant to such chapter for such purpose; and

''(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.''.

(b) EXCEPTIONS.—The provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, shall continue to apply on and after July 1, 2021, with respect to—

(1) workers certified as eligible for trade adjustment assistance benefits under chapter 2 of title II of that Act pursuant to petitions filed under section 221 of that Act before July 1, 2021;

(2) firms certified as eligible for technical assistance or grants under chapter 3 of title II of that Act pursuant to petitions filed under section 251 of that Act before July 1, 2021; and

(3) agricultural commodity producers certified as eligible for technical or financial assistance under chapter 6 of title II of that Act pursuant to petitions filed under section 292 of that Act before July 1, 2021.

SEC. 207. EXTENSION AND MODIFICATION OF HEALTH COVERAGE TAX CREDIT.

(a) EXTENSION.—Subparagraph (B) of section 35(b)(1) of the Internal Revenue Code of 1986 is amended by striking ''before January 1, 2014'' and inserting ''before January 1, 2020''.

(b) COORDINATION WITH CREDIT FOR COVERAGE UNDER A QUALIFIED HEALTH PLAN.—Subsection (g) of section 35 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraph (11) as paragraph (13), and

(2) by inserting after paragraph (10) the following new paragraphs:

''(11) ELECTION.—

''(A) IN GENERAL.—This section shall not apply to any taxpayer for any eligible coverage month unless such taxpayer elects the application of this section for such month.

''(B) TIMING AND APPLICABILITY OF ELECTION.—Except as the Secretary may provide—

''(i) an election to have this section apply for any eligible coverage month in a taxable year shall be made not later than the due date (including extensions) for the return of tax for the taxable year, and

''(ii) any election for this section to apply for an eligible coverage month shall apply for all subsequent eligible coverage months in the taxable year and, once made, shall be irrevocable with respect to such months.

''(12) COORDINATION WITH PREMIUM TAX CREDIT.—

''(A) IN GENERAL.—An eligible coverage month to which the election under paragraph (11) applies shall not be treated as a coverage month (as defined in section 36B(c)(2)) for purposes of section 36B with respect to the taxpayer.

''(B) COORDINATION WITH ADVANCE PAYMENTS OF PREMIUM TAX CREDIT.—In the case of a taxpayer who makes the election under paragraph (11) with respect to any eligible coverage month in a taxable year or on behalf of whom any advance payment is made under section 7527 with respect to any month in such taxable year—

''(i) the tax imposed by this chapter for the taxable year shall be increased by the excess, if any, of—

''(I) the sum of any advance payments made on behalf of the taxpayer under section 1412 of the Patient Protection and Affordable Care Act and section 7527 for months during such taxable year, over

''(II) the sum of the credits allowed under this section (determined without regard to paragraph (1)) and section 36B (determined without regard to subsection (f)(1) thereof) for such taxable year, and

''(ii) section 36B(f)(2) shall not apply with respect to such taxpayer for such taxable year, except that if such taxpayer received any advance payments under section 7527 for any month in such taxable year and is later allowed a credit under section 36B for such taxable year, then section 36B(f)(2)(B) shall be applied by substituting the amount determined under clause (i) for the amount determined under section 36B(f)(2)(A).''.

(c) EXTENSION OF ADVANCE PAYMENT PROGRAM.—

(1) IN GENERAL.—Subsection (a) of section 7527 of the Internal Revenue Code of 1986 is amended by striking ''August 1, 2003'' and inserting ''the date that is 1 year after the date of the enactment of the Trade Adjustment Assistance Reauthorization Act of 2015''.

(2) CONFORMING AMENDMENT.—Paragraph (1) of section 7527(e) of such Code is amended by striking ''occurring'' and all that follows and inserting ''occurring—

''(A) after the date that is 1 year after the date of the enactment of the Trade Adjustment Assistance Reauthorization Act of 2015, and

''(B) prior to the first month for which an advance payment is made on behalf of such individual under subsection (a).''.

(d) INDIVIDUAL INSURANCE TREATED AS QUALIFIED HEALTH INSURANCE WITHOUT REGARD TO ENROLLMENT DATE.—

(1) IN GENERAL.—Subparagraph (J) of section 35(e)(1) of the Internal Revenue Code of 1986 is amended by striking ''insurance if the eligible individual'' and all that follows through ''For purposes of'' and inserting ''insurance. For purposes of''.

(2) SPECIAL RULE.—Subparagraph (J) of section 35(e)(1) of such Code, as amended by paragraph (1), is amended by striking ''insurance.'' and inserting ''insurance (other than coverage enrolled in through an Exchange established under the Patient Protection and Affordable Care Act).''.

(e) CONFORMING AMENDMENT.—Subsection (m) of section 6501 of the Internal Revenue Code of 1986 is amended by inserting '', 35(g)(11)'' after ''30D(e)(4)''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to coverage months in taxable years beginning after December 31, 2013.

(2) PLANS AVAILABLE ON INDIVIDUAL MARKET FOR USE OF TAX CREDIT.—The amendment made by subsection (d)(2) shall apply to coverage months in taxable years beginning after December 31, 2015.

(3) TRANSITION RULE.—Notwithstanding section 35(g)(11)(B)(i) of the Internal Revenue Code of 1986 (as added by this title), an election to apply section 35 of such Code to an eligible coverage month (as defined in section 35(b) of such Code) (and not to claim the credit under section 36B of such Code with respect to such month) in a taxable year beginning after December 31, 2013, and before the date of the enactment of this Act—

(A) may be made at any time on or after such date of enactment and before the expiration of the 3-year period of limitation prescribed in section 6511(a) with respect to such taxable year; and

(B) may be made on an amended return.

(g) AGENCY OUTREACH.—As soon as possible after the date of the enactment of this Act, the Secretaries of the Treasury, Health and Human Services, and Labor (or such Secretaries' delegates) and the Director of the Pension Benefit Guaranty Corporation (or the Director's delegate) shall carry out programs of public outreach, including on the Internet, to inform potential eligible individuals (as defined in section 35(c)(1) of the Internal Revenue Code of 1986) of the extension of the credit under section 35 of the Internal Revenue Code of 1986 and the availability of the election to claim such credit retroactively for coverage months beginning after December 31, 2013.

SEC. 208. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (B)(i), by striking ''September 30, 2024'' and inserting ''September 30, 2025''; and

(2) by adding at the end the following:

''(D) Fees may be charged under paragraphs (9) and (10) of subsection (a) during the period beginning on July 29, 2025, and ending on September 30, 2025.''.

(b) RATE FOR MERCHANDISE PROCESSING FEES.—Section 503 of the United States–Korea Free Trade Agreement Implementation Act (Public Law 112–41; 125 Stat. 460) is amended by adding at the end the following:

''(c) FURTHER ADDITIONAL PERIOD.—For the period beginning on July 15, 2025, and ending on September 30, 2025, section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied and administered—

''(1) in subparagraph (A), by substituting '0.3464' for '0.21'; and

''(2) in subparagraph (B)(i), by substituting '0.3464' for '0.21'.''.

SEC. 209. CHILD TAX CREDIT NOT REFUNDABLE FOR TAXPAYERS ELECTING TO EXCLUDE FOREIGN EARNED INCOME FROM TAX.

(a) IN GENERAL.—Section 24(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) EXCEPTION FOR TAXPAYERS EXCLUDING FOREIGN EARNED INCOME.—Paragraph (1) shall not apply to any taxpayer for any taxable year if such taxpayer elects to exclude any amount from gross income under section 911 for such taxable year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2014.

SEC. 210. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, in the case of a corporation with assets of not less than $1,000,000,000 (determined as of the end of the preceding taxable year)—

(1) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2020 shall be increased by 2.75 percent of such amount (determined without regard to any increase in such amount not contained in such Code); and

(2) the amount of the next required installment after an installment referred to in paragraph (1) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

SEC. 211. COVERAGE AND PAYMENT FOR RENAL DIALYSIS SERVICES FOR INDIVIDUALS WITH ACUTE KIDNEY INJURY.

(a) COVERAGE.—Section 1861(s)(2)(F) of the Social Security Act (42 U.S.C. 1395x(s)(2)(F)) is amended by inserting before the semicolon the following: '', including such renal dialysis services furnished on or after January 1, 2017, by a renal dialysis facility or provider of services paid under section 1881(b)(14) to an individual with acute kidney injury (as defined in section 1834(r)(2))''.

(b) PAYMENT.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

''(r) PAYMENT FOR RENAL DIALYSIS SERVICES FOR INDIVIDUALS WITH ACUTE KIDNEY INJURY.—

''(1) PAYMENT RATE.—In the case of renal dialysis services (as defined in subparagraph (B) of section 1881(b)(14)) furnished under this part by a renal dialysis facility or provider of services paid under such section during a year (beginning with 2017) to an individual with acute kidney injury (as defined in paragraph (2)), the amount of payment under this part for such services shall be the base rate for renal dialysis services determined for such year under such section, as adjusted by any applicable geographic adjustment factor applied under subparagraph (D)(iv)(II) of such section and may be adjusted by the Secretary (on a budget neutral basis for payments under this paragraph) by any other adjustment factor under subparagraph (D) of such section.

''(2) INDIVIDUAL WITH ACUTE KIDNEY INJURY DEFINED.—In this subsection, the term 'individual with acute kidney injury' means an individual who has acute loss of renal function and does not receive renal dialysis services for which payment is made under section 1881(b)(14).''.

SEC. 212. MODIFICATION OF THE MEDICARE SEQUESTER FOR FISCAL YEAR 2024.

Section 251A(6)(D)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(6)(D)(ii)) is amended by striking ''0.0 percent'' and inserting ''0.25 percent''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THUNE. 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 12, 2015, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 12, 2015, at 2:15 p.m., to hold a hearing entitled ''The Civil Nuclear Agreement with China: Balancing the Potential Risks and Rewards.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on May 12, 2015, at 2:30 p.m. in room SR–418, of the Russell Senate Office Building, to conduct a hearing entitled ''Exploring the Implementation and Future of the Veterans Choice Program.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. THUNE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 12, 2015, at 2:30 p.m.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. THUNE. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on May 12, 2015, at 3:30 p.m.

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

SUBCOMMITTEE ON PERSONNEL

Mr. THUNE. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on May 12, 2015, at 5:30 p.m.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. THUNE. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on

Armed Services be authorized to meet during the session of the Senate on May 12, 2015, at 2 p.m.

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

SUBCOMMITTEE ON SEAPOWER

Mr. THUNE. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on May 12, 2105, at 9:30 a.m.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. THUNE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on May 12, 2015, at 11 a.m.

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

RAUL HECTOR CASTRO PORT OF ENTRY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 1075 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1075) to designate the United States Customs and Border Protection Port of Entry located at First Street and Pan American Avenue in Douglas, Arizona, as the ''Raul Hector Castro Port of Entry.''

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

Mr. McCONNELL. I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 1075) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR WEDNESDAY, MAY 13, 2015

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 tomorrow morning, Wednesday, May 13; 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 be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, and that the time be equally divided, with the majority controlling the first half and the Democrats controlling the second half; finally, that following morning business, the Senate then resume consideration of the motion to proceed to H.R. 1314.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. 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 5:44 p.m., adjourned until Wednesday, May 13, 2015, at 9:30 a.m.