

our intelligence community suggested to us, and in very strong words—that we simply move forward on the legislation that has a name that maybe says it all, and that is the USA FREEDOM Act. That is what that legislation is, and we should pass that.

We know there is work to be done on the trade legislation, and I am happy to work with Senator BROWN, Senator WYDEN, and anyone else who has a way of moving forward on that.

#### RESERVATION OF LEADER TIME

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

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

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

The legislative clerk read as follows:

A bill (H.R. 1314) to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

Pending:

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

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

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

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

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

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

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

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

Hatch modified amendment No. 1411 (to the language proposed to be stricken by amendment No. 1299), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, as we resume the debate of our Nation's trade policy, I want to take a few minutes to provide an update about where things really are, where we are going, and the possibility of a path forward.

We took a big step yesterday, and I thank all of my colleagues who voted for cloture, once again, for helping us to get closer to the finish.

I am, of course, aware that a number of Senators have concerns about the process and amendments. I understand those concerns. As I said yesterday, I would have preferred a different path for moving this bill. It was always my preference to consider more amendments and have a fuller debate on these important issues. I know that is what the majority leader wanted, as well.

Sadly, there were some who just did not want to cooperate, and instead of moving directly to the bill, we had to negotiate around a filibuster. Then, instead of bringing up and debating amendments, we spent a lot of time addressing concerns and overcoming objections.

I am not going to point fingers or complain about anyone who chooses to exercise their rights under the Senate rules to slow down the debate. We are all well aware that a number of Senators would love to prolong this debate forever to keep the TPA bill from passing. But with a bill this important, we had to find a way forward, which led to a cloture motion and yesterday's vote.

But even now that cloture has been invoked, I am still working to try to reach a reasonable accommodation to address Senators' concerns. Both sides worked late into the night to try to come up with an agreement on time and amendments in order to give Senators an opportunity to make their case. Up to now, no deal has been reached, which from my point of view is unfortunate. And keep in mind that under the rules, we don't have an obligation to do that. We bent over backwards to try to solve this problem, but so far, no deal has been reached.

I am still willing to work with my colleagues to address their concerns, although it is becoming increasingly clear that some concerns are beyond accommodation. But I am always an optimist. As I said yesterday, if any of my colleagues have a reasonable proposal to solve this impasse and allow us to consider more amendments, I am all ears. But as of right now, cloture is invoked and only pending, germane amendments can be considered without an agreement.

Until that time, however, one thing is clear: Absent an agreement on time and votes, the Senate will deal with pending amendments and vote on whether to invoke cloture on TPA this evening. I am, of course, more than willing to wait that long, but I am sure there are many in this Chamber who would prefer to see a solution come together before then.

Let's work together. Let's find a way to hear more amendments and address more issues. I hope people will be willing to work with us on a reasonable path forward, but if not, it appears that the clock, more than anything else, will determine how this debate will unfold.

#### AMENDMENT NO. 1299

Mr. President, later today the Senate will vote on the Portman-Stabenow currency manipulation amendment.

Up to now, we have all heard more than our fair share of arguments about this amendment. I want to take a few more minutes today to express my opposition to the Portman-Stabenow amendment and to explain to my colleagues why they should vote against it.

I want to reiterate that the Obama administration has made it abundantly clear that if this amendment gets adopted, President Obama will veto the TPA bill. As I have already said a number of times, a vote for the Portman-Stabenow amendment is a vote to kill TPA. That would be, indeed, tragic.

I know that all of my colleagues are aware of the statements made by Secretary Lew and the White House on this matter. I also know that a number of my colleagues who support Portman-Stabenow have said that they don't believe the President would veto the TPA bill over this amendment.

Well, let's say, for the sake of argument, that they are right—but only for the sake of argument. Let's assume that the administration is bluffing. Should we call that bluff? Should we pass the amendment and dare the President to make good on his veto threat? The answer to that question is an emphatic no.

Even if we take veto threats and administration statements of opposition completely out of the equation, one fact still remains: The Portman-Stabenow amendment is bad policy for America, and it is far too risky.

Earlier this week, I laid out four separate negative consequences that would result from the Portman-Stabenow amendment, and I would like to reiterate those concerns here today.

First, the Portman-Stabenow amendment would derail the Trans-Pacific Partnership. Once again, we know that this is the case. I have chatted with Japanese leaders, and they tell me this is the case. That is a very important aspect of what we are trying to do here. We are trying to get Japan, for the first time, to agree to a trade policy that works. I think we have a new leadership there that wants to agree, and we ought to help them.

None of our negotiating partners would sign a trade agreement that included the kinds of rules mandated by the Portman-Stabenow amendment. We have already heard from countries such as Japan that they would walk away from the agreement if the United States were making these types of demands.

Furthermore, the United States would never agree to these types of demands, either. What country would willingly sign a trade agreement that would subject their monetary policies to potential trade sanctions? No country that I am aware of.

I heard some of my colleagues respond to these claims the same way they responded to the President's veto threat. They don't believe Japan when they say they will walk away from the TPP or they say that any country refusing to accede to these types of

standards must be planning to manipulate their currency.

Now, I am all for healthy skepticism around here, but maybe—just maybe—if our government, as well as all of our negotiating partners, all say that Portman-Stabenow is bad policy that they cannot sign onto, there has to be something to those claims.

Guess what. There is something to them, which brings me to the second negative consequence that we would see under the Portman-Stabenow amendment. It would put the Federal Reserve's independence at risk and subject our own monetary policies to trade disputes and possible sanctions.

Once again, we have colleagues in the Senate who have simply decreed here on the floor that U.S. monetary policy is aimed at purely domestic objectives and that it is only other countries that manipulate their currencies to gain trade advantage. But anyone who paid attention to these issues knows that not all of our trading partners share that assessment. Other countries have already accused the United States of currency manipulation, and the Portman-Stabenow amendment would set forth a clear and accessible process for turning those accusations into trade disputes subject to possible sanctions.

We may not agree with those allegations against U.S. monetary policy. I certainly don't. But the problem is that the Portman-Stabenow amendment would take those determinations out of our hands and give them over to international trade tribunals. So whether we agree or not, we are going to find ourselves in a mess no matter what happens, should that amendment be accepted.

At this point, the proponents of this amendment will likely point out that they have included language to exempt "the exercise of domestic monetary policy" from the enforceable rules mandated by the amendment. With all due respect to the authors of the amendment, that is a red herring.

Keep in mind that the U.S. dollar is a global currency, the primary reserve currency in the world today. That being the case, our Nation's monetary policies necessarily have a global impact, making it very difficult to determine what constitutes purely domestic monetary policy and what is meant to be international. Once again, after this amendment, that extremely difficult determination will not be made here in the United States but by international trade tribunals. I don't know about my colleagues, but I have to say that causes me great alarm.

We also need to keep in mind that under currently available economic models and methodologies, it is virtually impossible to definitively measure currency manipulation. There is no clear and obvious threshold at which anyone can, with certainty, declare that a country's currency has been manipulated.

Most like to point to the standards set by the International Monetary

Fund. However, even their formulations have been unable to determine currency manipulation with any level of specificity.

For example, IMF models recently showed that in 2013, Japan's currency was anywhere between around 15 percent undervalued and 15 percent overvalued. In other words, existing standards for determining what is and what is not currency manipulation are flimsy and ill-defined. It would be very dangerous to subject U.S. monetary policies to enforceable rules based on these standards. Yet that is precisely what the Portman-Stabenow amendment would do.

Third, under the Portman-Stabenow amendment, the traditional role of the U.S. Treasury in setting U.S. exchange rate policies would be watered down and potentially overruled in international trade tribunals. Thus, adoption of the Portman-Stabenow negotiating objective cedes independence and full authority over not only monetary policy for the Federal Reserve but also the exchange rate policy for the Treasury.

Fourth, the Portman-Stabenow amendment would deal a serious setback to ongoing efforts to fight currency manipulation by encouraging our trading partners to evade regular reporting and transparency of exchange rate policies. If currency standards become enforceable and immediately subject to sanctions under a trade agreement, parties to that agreement would almost certainly start withholding full participation in reporting and monitoring mechanisms that are designed to uncover and combat currency manipulation.

Put simply, we cannot enforce rules against unfair exchange rate practices if we do not have information about them. The Portman-Stabenow amendment would make it far more difficult to obtain that type of information. Their approach would push currency manipulation practices into the shadows as countries would fear being hit with trade sanctions if a trade tribunal—once again using ill-defined standards—deems their policies to be manipulative.

As we can see, concerns about the Portman-Stabenow amendment extend well beyond the veto threats. Indeed, even if no veto threats had been issued—and make no mistake, they have definitely been issued—there are enough problems inherent in the approach taken by this amendment to warrant opposition on its own. Can we take those chances? I don't think so.

Colleagues don't have to take my word for it. Every living former U.S. Treasury Secretary, both Republicans and Democrats—every one—has expressed opposition to the approach taken by the Portman-Stabenow amendment. During the Finance Committee's consideration of the TPA bill, Congress received a letter signed by Tim Geithner, Hank Paulson, John Snow, Paul O'Neill, Larry Summers,

Robert Rubin, Nicholas Brady, James Baker, Michael Blumenthal, and George Shultz stating, among other things, that "it is impossible to get agreement on provisions that subject currency manipulation to trade sanctions in a manner that both the United States and other countries would find acceptable."

It is "impossible." That is their word, not mine.

We also received a letter from 14 former chairs of the Council of Economic Advisers, again both Republicans and Democrats, expressing similar views. The letter was signed by Alan Greenspan, Ben Bernanke, Charles Schultze, Martin Feldstein, Laura D'Andrea Tyson, Martin Baily, Glenn Hubbard, Austan Goolsbee, Alan Krueger, Christina Romer, Edward Lazear, Harvey Rosen, and Greg Mankiw.

All of these leaders—these experts in economic policy—have cautioned against requiring enforceable currency standards in our trade agreements that are subject to sanctions. They all noted such an approach, which would be required under the Portman-Stabenow amendment, would hinder our own economic policies.

Our current Secretary of Agriculture said much the same thing in a letter this week. In his letter, Secretary Vilsack stated:

Enacting a TPA currency discipline that requires an enforceable negotiating objective would likely derail our efforts to complete the Trans Pacific Partnership and cause us to lose ground on holding countries accountable on currency.

He continued, arguing:

An enforceable currency provision in our trade agreements . . . could give our trading partners the power to challenge legitimate U.S. monetary policies needed to ensure strong employment and a healthy, robust economy.

We have also heard from leaders in the business community. In fact, we received letters signed by almost every major business association in this country, including the U.S. Chamber of Commerce, Business Roundtable, and countless others weighing in either against the Portman-Stabenow amendment, in favor of the Hatch-Wyden alternative or both.

We have heard the same from agricultural organizations, including the American Farm Bureau, the National Pork Producers Council, and many others.

In short, both the business and agricultural communities overwhelmingly—overwhelmingly—oppose Portman-Stabenow. This isn't about politics, this is about sensible policy.

Now, I am not arguing that we shouldn't do anything about currency manipulation. Senator WYDEN and I have submitted an alternative amendment that would take a much more sensible and effective approach to deal with these issues.

The Hatch-Wyden amendment would put a number of tools at our disposal to

fight currency manipulation, including enhanced transparency, disclosure, reporting, monitoring, cooperative mechanisms, as well as enforceable rules—the only tool in the Portman-Stabenow amendment. The Portman-Stabenow amendment provides this single tool: enforceable rules, subject—and this is what a lot of people miss—subject to trade sanctions. This single tool is grossly unreliable and poses a serious threat to U.S. interests if we fail to monitor what is going on in international tribunals against the United States.

The Hatch-Wyden amendment would give us maximum transparency and effectiveness with the ability to specifically tailor our efforts at addressing currency manipulation.

The Portman-Stabenow amendment would tie our hands and give us no other option than to subject our trading partners and ourselves to potential sanctions based on unreliable, indefinite standards.

The Hatch-Wyden amendment would preserve the integrity of our current trade negotiations. It would pose no threats to the independence of the Federal Reserve and would not subject our own monetary or exchange rate policies to the whims of an international trade tribunal, and it would increase transparency and accountability of our trading partners' currency practices.

In pretty much every way, the Hatch-Wyden amendment provides a better approach to dealing with currency manipulation than the one offered by the Portman-Stabenow amendment.

So, once again, even if we think the President is blowing smoke when he said he would veto any TPA bill that includes Portman-Stabenow, that is no reason to vote in favor of the amendment—and I don't believe he is blowing smoke. Our alternative approach represents a better solution to a myriad of serious problems.

I urge my colleagues to oppose the Portman-Stabenow currency amendment and support the Hatch-Wyden alternative. I think my colleagues will be happy if they do that because I think I have made a very strong case this morning. There is more to be said, but this ought to cause everybody to think and to pause and to say, Should I really take the chance of voting for this? Is it really possible the President might veto it? Is it really possible it will interfere with our Federal Reserve policy? Is it really possible we could be subject to all kinds of international tribunals—over what? Something we could have avoided with the Hatch-Wyden amendment.

I could go on and on. All I can say is I hope our colleagues will vote for Hatch-Wyden. It is not a matter of wanting to win on something. It is a matter of needing to win on something for the betterment of our country and its foreign policy.

With that, I yield the floor.

Mr. WYDEN. Madam President, I ask unanimous consent that at the conclu-

sion of my remarks, Senator DURBIN, who has been very gracious to let me follow the Finance Committee chairman, be allowed to speak.

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

Mr. WYDEN. Madam President, and colleagues, Chairman HATCH has made a number of important points this morning. I wish to follow up and give a little bit of an update on where we are and touch on one issue that has not been discussed.

First, under Chairman HATCH's leadership, both sides have been working together in good faith with respect to the amendments, and I think it would be fair to say the chairman and I are optimistic that we can have a good and fair list of amendments. That is No. 1. I wish to commend both the Democrats and the Republicans who were part of that amendment discussion.

Second, with respect to the currency issue which Chairman HATCH has addressed—and I certainly share his views—I would also sum it up by saying the Hatch-Wyden approach on currency provides a wider array of tools to deal with the currency issue without undermining our monetary policy. That is really the heart of the Hatch-Wyden proposal. We wanted to come up with the widest possible array of tools but at the same time not undermine monetary policy. That is what Janet Yellen has been concerned about. She has always been concerned about what would happen if, Heaven forbid, we had another financial crisis. She doesn't want her hands tied or the hands of the Fed tied in terms of being able to fight that challenge.

We know that during that period of quantitative easing, a number of countries said the United States was manipulating our currency. Now, of course, that was an outrageous assertion. Chairman HATCH and I certainly disagree with that, but that is what we are up against. To me, what we ought to be trying to do is to provide the widest array of tools to fight these currency manipulation issues while at the same time not undermining our monetary policy. So those are two concerns.

Now, I wish to provide an update from yesterday. Yesterday, I came to the floor because colleagues were talking about excessive secrecy in the way trade policy has been made in the past. I made clear that I have very much shared that view, and I went through in considerable detail how we have put in place a new approach that I am calling the sunshine trade policy. In particular, what it means is that before any Member of the Senate and the House vote on the Trans-Pacific Partnership or any other agreement—the American people will have that agreement in their hands for close to 4 months before any Member of the Senate or any Member of the House actually votes on the Trans-Pacific Partnership.

The way it works—and I thank Chairman HATCH also for his efforts to build

this sunshine trade policy—is that before the President of the United States even signs the Trans-Pacific Partnership, that document has to be public for 60 days. On top of that, there are probably about another 2 months that the American people would have that document in their hands.

I know the Presiding Officer of the Senate is here. We welcomed her to the Senate. What this means is that when my colleague from West Virginia has a community meeting—and certainly people in West Virginia, like the rest of our country, care greatly about trade—people would be able to come to a townhall meeting in West Virginia with the Trans-Pacific Partnership document in their hands for close to 4 months before you or any other Member of Congress votes on it. So that is an awful lot of sunshine, Madam President, and it is long overdue. I thank Chairman HATCH again for working closely with me on this matter. This is required by law. It is required by law that the President of the United States make public the Trans-Pacific Partnership for 60 days before it is signed.

Beyond that, yesterday we talked about the labor and environmental issues. Once again, there is a very dramatic set of changes, and that is why the President and I have said this is the most progressive trade policy in our country's history.

For example, during the 1990s—my friend from Illinois is here. We remember all those fierce debates in the 1990s. One point that I think all Members now realize is that those labor and environmental positions meant very little. They weren't enforceable. They were off on the side. They were really shunted way out of real opportunities to affect the debate. That is different now because labor and environmental rights—I went through them in great detail yesterday—are now enforceable.

On the labor issue, we are going to comply with the International Labor Organization standards, the ILO. So this is going to be a very different day, and it is why the President and I have both said this is the most progressive trade policy in our country's history.

To just touch on one other topic briefly, I want to address some of the misstatements about what this trade package will and will not do. We have heard suggested, for example, that it is a backdoor route for immigration reform or action on climate change. We have heard some say that a future President could use trade deals to repeal the Affordable Care Act or water down Wall Street reforms. These hypotheticals somehow just seem to be getting more and more far-fetched. My sense is that at the rate these hypotheticals are going, one is bound to hear that a future President working on a trade deal might have second thoughts about the Louisiana Purchase.

Now, to me, it is pretty important to keep this debate grounded in facts, and the fact is that the bipartisan legislation passed by the Finance Committee

says in clear terms that trade deals cannot change or override American laws or regulations. Let me repeat that. Trade deals cannot change or override American laws or regulations. But there has been an awful lot of spin out there on this point, and I want to address some of those issues this morning.

Many of the hypotheticals are centered on a common part of trade agreements called investor-state dispute settlement, also known as ISDS. Over the course of three decades with this approach in our trade agreement, our country has never lost a single dispute settlement case or paid one dime in penalties. So I have heard all kinds of discussion about this. We never lost a single dispute settlement case. We have never paid a dime in penalties. In fact, our country has been sued 17 times, and if you look at the number of years we have had it, it is not as if there is some kind of tidal wave of litigation.

Some have said that even the mere threat of a lawsuit causes laws and regulations to get watered down. Again, when you have gone 17-for-17 in dispute settlement in those cases, you have to put that upfront in this discussion.

What we know is that our country has regulations challenged nearly every day in our own domestic court system, and there are thousands of lawsuits every year. This trade promotion legislation makes it clear that companies do not have greater rights under the investor-state dispute settlement approach than they do in U.S. courts.

The fact is that our country is a safe and welcoming environment for investment, but that sure hasn't been the case all over the world. Property can be stolen, governments can dream up regulations designed to discriminate against our investors, or companies in fields such as renewable energy can be targeted and punished in unfair ways. Those are companies that we think are right at the heart of a vibrant economy—renewable energy companies—and they have been targeted.

In some places, unlike the United States, there is not a reliable court to turn to for help. This raises serious questions. What happens, for example, if a Malaysian judge decides to vote against an American company and it costs them millions? In another era, our country turned to gunboat diplomacy to protect our economic interests, but, in my view, the rule of law is a better option than military force.

It is also important to recognize that there are an increasing number of cases brought by pro-environment plaintiffs. That looks to me like a positive trend, whether it is the renewable energy companies challenging a European Union state that has rolled back incentives for solar or wind energy or the ecotourism investors suing Barbados for the discharge of sewage in a wetlands area.

Skeptics have argued that the arbiters are invariably biased in favor of

corporations and that the panels that decide cases are rife with conflict. The numbers, however, tell a different story, which is that the overwhelming majority of cases are decided in favor of government. The record does not support the proposition that all of the arbiters are unprincipled individuals who allow corporations in those dispute settlements to get laws and regulations tossed out.

Finally, I want it to be clear that I will only accept a plan for dispute settlement that uses a transparent process. What is true in trade negotiations overall has to be true with dispute settlement, too. America cannot be kept in the dark. The hearing briefs, the decisions—all of the important matters must be open to the public.

My bottom line is this: The bipartisan trade legislation that is now before the Senate will go further than ever before to protect American sovereignty and affirm the fact that only democratically elected leaders write the laws in our country.

Done right, our trade policies help guarantee that American companies that have grown up here, invested here, and found opportunities to sell brand Oregon and brand America around the world are going to get the same fair treatment abroad that they get here at home.

I thank my colleague, Senator DURBIN, for his patience.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Illinois.

MR. DURBIN. Madam President, I thank the Senator from Oregon and the Senator from Utah for their leadership on this important issue. Although we may disagree on some elements, they have really poured their hearts and souls into this debate, which is one of the most important ones we have faced.

Thank you for your leadership on that.

#### ISSUES BEFORE THE SENATE

I would like to at this point kind of reflect on where we are in the Senate at this moment where we have three major issues facing us and say a word about each. I will address some aspects of the trade bill and questions about our national security that have been raised by the extension of FISA.

Before I get into those elements, in respect to the Presiding Officer of the Senate from the great State of West Virginia, I would like to reflect for a moment on McCulloch's leap.

Samuel McCulloch was a major during the Revolutionary War, and he was given the assignment of keeping the western border frontier of the United States safe, which at that time focused on Fort Henry in what is now Wheeling, WV. Major McCulloch had this famous moment when he was turned away from the gates of Fort Henry and had to ride away with the Native Americans—the Indians—in hot pursuit. He rode up the side of this hill or mountain, and as he reached the top

there were more Native Americans or Indians waiting for him. He was surrounded, in a desperate situation. As the story or legend goes, at that point, Major McCulloch went to the edge and, on his horse, with his rifle in hand, leapt off the side of this mountain or hill. The Native Americans rushed to look down, feeling that he must have died, and looked down, as the legend goes, to see him ride away on his white horse. They say he made this 300-foot leap on a horse. I don't know if he did or didn't, but that is how the story goes.

What does that have to do with what we are facing here in the Senate? It is personal, but I used to drive Route 40 in those days between St. Louis and Washington, DC, when I went to college here at Georgetown. I had a 1962 red Volkswagen, and I used to drive it back and forth. No. 1, it was a long trip. It was a long trip because there were not many opportunities to avoid cities. You went right through the middle of Indianapolis, right through the middle of Columbus, and right through the middle of Wheeling, WV. On the famous hill or mountain of McCulloch's leap, traffic would slow to a crawl—so slow that although I never stopped, I was able to read the sign above McCulloch's leap because I was stuck in traffic and it was right in front of me.

I always thought about that—well, someday I will go back and take a closer look at it. Well, I did get back to Wheeling and found out that the old Route 40 has changed a lot, and it doesn't go through Wheeling, WV. I don't get to see that sign on the side of the building, "Marsh Wheeling Stogies," and all the places that used to be there, because of the interstates.

There are amazing interstate opportunities now around Wheeling, WV; around Columbus, OH; around Indianapolis; around St. Louis; around Chicago, and it calls to mind one of the issues we are facing here at the close of this session: Why do we have such a great Interstate Highway System? Three words: Dwight David Eisenhower, the President of the United States, the successful general who led the D-day invasion and our conquest in World War II. When he was President, he envisioned the creation of an interstate highway system in America. Where did he get the idea? From Germany. He looked at their highway system and realized what an asset it was to that nation at war, that they could move people and supplies in such an efficient manner on the autobahns. He had a vision that the same thing would be available for America. He called it the Interstate Highway System. He created it in the 1950s.

Virtually everyone in America today would concede it was a brilliant idea. It has created a backbone for commerce in America. In my State of Illinois, having an interstate near your town or passing through your town is really the best thing you could have for your

economy except for one other thing—having the intersection of interstates nearby. Then you know what is going to happen. There is going to be a lot of retail, a lot of commerce, a lot of business opportunities.

So here we have this Interstate Highway System which for almost 60 years has proven to be such a great success in America.

Why do I dwell on this issue in the closing moments—we hope—of this session? There are Members of the Senate who have announced publicly that they want to put an end to this. They have said that from their political point of view, we have to put an end to this Federal, national highway transportation system. They believe it should all be done by States and the localities. They think whatever we have done is fine, but from this point forward, the Federal Government should have no role, no voice. We should not collect the Federal gas tax and put it into the construction of highways and bridges and mass transit across America.

That is their position. You would dismiss it as just a marginal political position, but it turns out they have power within the Republican Party. Add to that group those who believe we should not be collecting revenue—any more revenue—for the Federal highway trust fund. It explains where we are today.

Because of the opposition of these two groups within the Republican Party, those who want to do away with the Federal highway program and those who are unwilling to talk about any revenue for the program, today we are going to be asked for the 33rd short-term extension of surface transportation programs. Just to put this in perspective, we used to pass laws that reauthorized the Federal highway trust fund, Federal transportation trust fund for 5 and 6 years. That makes sense, doesn't it? If you are going to build a highway, it takes some time. It took a long time in Wheeling, WV, and Chicago and St. Louis. You need more than just a few months' commitment, you need several years of commitment to make an investment that pays off for America.

So we used to pass these transportation bills when I was in the House, even in the Senate. It was the easiest political lift that we were assigned. Why was it so easy? Because Members of Congress could not wait to go home and announce that Federal highway funds were going to come back home and make a difference. I was one of them. I do not know how many shovels I have collected over the years from groundbreaking for highways or scissors for ribbon cutting. We do a lot of that as politicians.

This Federal highway trust fund was a mother lode of public relations opportunities for Members of the House and Senate. Why? Because in my State 75 to 80 percent of all the money spent in Illinois on highway construction comes from Washington.

So if we can pass this bill, we can point to projects that make a dif-

ference. When I was a Congressman, there was a stretch of interstate called the Central Illinois Expressway that starts on the eastern border of my State at Danville and goes all the way across Central Illinois to Quincy, which has dramatically improved the economy of that region—dramatically.

I was happy to—every time we would complete a segment—be there for a photo and a press release. But then the argument started that maybe we should not do this and maybe we cannot afford to ask those who burn gasoline to pay a tax to build new highways and to repair the old ones.

Now we are stuck in this situation where we cannot pass a Federal highway bill. Madam President, 32 times now—32 times—we have given short-term extensions of surface transportation programs. This one is almost laughable. Listen to this: We are going to extend the Federal highway trust fund for 60 days. What can you build in 60 days? Well, you can fill a pothole—maybe quite a few of them, as a matter of fact. But if you are going to repair a bridge, 60 days does not really give you much to work with. If you are going to build a new highway, that is out of the question.

So what we are doing, limping along, extending the Federal highway trust fund for 60 days, 6 months, sadly, is ignoring the obvious. There are darn few things you can point to with certainty that the government can do to help build the American economy, but one, I am sure, is infrastructure, which used to be a bipartisan issue. Democrats and Republicans alike agreed: build the infrastructure for business to keep businesses, to attract businesses, and to create opportunities for jobs in America—not anymore.

Under the Republican leadership of the House and the Senate, they have refused to even schedule a hearing for a markup for the Federal highway trust fund. Nope, not going to do it. They want to extend this Federal highway trust fund for 60 days. They, I guess, believe that if you fill enough potholes you can build a highway. I don't think so. They think America can patch its way to prosperity. I don't think so.

I think we have to look at the obvious. If we are committed to this country, to its future, to building the economy and creating jobs and keeping them, if we want our children and grandchildren to have infrastructure that builds competition into the 21st century, you cannot do it with a 60-day highway bill. It cannot be done. I had a long discussion with my Democratic caucus over the last several weeks and told them I think we are making a serious mistake. I think this "go along, get along, 60 days, we are living for a week for Memorial Day" attitude has to come to an end.

I think the Republican leadership in the House and Senate has to stand and accept responsibility. That means passing a Federal highway bill, a Federal transportation bill. It is not just high-

ways and bridges, as critically important as they are; it includes mass transit.

In the State I represent, Illinois, downstate we love our highways. You get up to the Chicago metropolitan area, we love our highways still, but without mass transit we could not move all the people we need to move to keep the economy humming in the Chicagoland area. Twenty percent of this Federal Transportation bill goes to mass transit. Now, I am all for it. I support that; more people in trains, more people in buses, fewer people on the highways, less congestion.

I think we ought to look at the big picture, too, even beyond the Federal Transportation bill. Can you imagine when that tragedy occurred on Amtrak just a little over a week ago—I believe eight people lost their lives and hundreds were injured—that the very next day, the next day, the House of Representatives held a hearing and decided to cut the appropriations for Amtrak. It is a classic case of "what are they thinking?" We want Amtrak to be safe, reliable, efficient. The people of America have told us they want it to grow.

If you want to ride an Amtrak train in my State, coming into Chicago or going out of Chicago, you better get a reservation because those cars on Amtrak trains are packed. Sadly, most Amtrak rolling stock is about 30 years old, and we are not investing in Amtrak for our future. Where I live, Amtrak makes a big difference. Without Amtrak service out of Chicago, headed downstate in Illinois, I can tell you a lot of university presidents will tell you they will not have enough students.

The students come from Chicago down to Champaign-Urbana to the University of Illinois; to Charleston, at Eastern Illinois University; Carbondale for Southern Illinois. They take that west side of our State run on Amtrak down to Quincy University in Western Illinois, Knox College.

Over and over again, Amtrak service is a critical part of our State and its economy. Yet those in leadership on the Republican side don't believe in it. They want to see it go away, just like they want to see the Interstate Highway System come to an end. I think they are wrong. I think they are shortsighted. I think the public of this country has to speak up.

So I guess I am serving notice here. This 60-day extension will go through. I understand that. But from this point forward, it is not going to be automatic anymore. It is not going to be: Well, we will do another 60 days and then we will do maybe 180 days. No. I think we need to have a moment in the Senate and in the House where this convenient extension, at the expense of America's future, comes to an end. It is time for the Republican Speaker and the Republican majority leader to lead, to call together their committees and to pass Federal highway trust fund.

They have 60 days—60 days from the end of this month to get it done. That

is enough. I hope they do it. Because if they don't, many of us are not going to stand by again and say: Let's just let this new approach of patchwork America become the symbol of our future.

The second issue which we still have not resolved, is what to do about the PATRIOT Act. It was 9/11/2001. I was in a meeting just off the Senate floor. We had just seen, on a small television in our room, the second plane crash into the New York Trade Towers. It was pretty clear at that moment this was not just an accident. This was done by design.

It was not 15 minutes later that somebody broke into the room and said: Leave immediately. Get out. There is another plane on the way. We evacuated the United States Capitol Building. I have never seen anything like it in my life. Tourists everywhere ran out those doors and stood out on the grass and looked at one another and said: Where are we supposed to go? What are we supposed to do? It had never happened before.

Because of that experience and the tragedy of losing 3,000 American lives, we came together as a nation and said: We are going to stop this from happening again. We passed something called the PATRIOT Act, which empowered our government to go further than it had ever gone to keep us safe. We put a sunset on it. That was a wise idea. We said: It is not permanent law. It is going to be reviewed in a matter of 2 or 3 years because we are acting now with this emotional feeling about what has happened to America. We think we are doing the right thing, but we want to reflect on it and revisit it on a regular basis.

Why? Because we are dedicated to the safety of this country, No. 1—security and safety—but we are also dedicated to the rights of American citizens, our rights to privacy. So we wanted to strike the right balance. We thought we did, but we would return to it. Now, we are returning again.

Here is the basic question we face; that is, what will be the reach of our Federal Government in gathering information to keep us safe? Specifically, in this case, we are talking about telephone records, not the substance of your phone conversations but your records. Whom did you call? How long did the call last? Whom did that person call? How long did the call last? Maybe two or three generations of telephone information.

"Bulk collection" is the term that is used. It means, basically, that if you suspect someone in my home downstate area code of 217 in Illinois, if you suspected someone in that area code of being involved in terrorism or connected with a terrorist, the Federal Government would have the power to reach in and gather all of that phone information from area code 217.

You might say to yourself: Well, why would they want to take all of it? They certainly have a name or telephone number of the suspect. No, bulk collec-

tion suggests gathering all of that information. Many of us have questioned over the years whether that is needed or if it was too far.

I have offered amendments in the past which were unsuccessful because we did not know details about what the government was doing, and I could not disclose it. It was classified at that time, how much we were gathering, how often we were gathering. So over the years, my amendments would not succeed, but the cause continued to grow, to the point where we now have a USA FREEDOM Act, which says, basically, the Federal Government can reach into area code 217 to go after a suspect, that suspect's phone records, and the people that suspect may be in touch with.

So we are more or less localizing it, particularizing it, going to an individual rather than collecting all of this information, bulk collection. This is what USA FREEDOM Act does. It limits government reach. Now, we do not want to limit it to the point where it endangers us. So we went and asked the professional, the intelligence agencies and the Department of Justice: Is this new version of the law enough to keep America safe?

They came back to us and they said yes. As a result, we have a bipartisan bill, which has passed the House of Representatives, Democrats and Republicans, supported by Speaker BOEHNER, the Republican leader, passed overwhelmingly the USA FREEDOM Act, and it has now come over the Senate. Why do we have to take this up now? Because at the end of May, the authority of the Federal Government to collect information on telephone records expires. The sunset I talked about recurs.

So we have an obligation to do something before the end of May. I believe we should call up the USA FREEDOM Act that passed in the House of Representatives and pass it here. We are told by the President, the Attorney General, the head of our intelligence agencies that this is enough authority to keep us safe and not go too far. I failed to add, a recent court case in the State of New York found that this bulk collection of telephone records was illegal. So we clearly have to act and do something. We can, but it is tied up in knots. This morning, the majority leader came to the floor and took exception to some Members of his own party as well as my party and our position supporting the USA FREEDOM Act. I hope that he will give us a chance to pass that, and I hope there is a bipartisan majority to pass it.

The last issue which I wish to address is the trade bill that is pending. It is a controversial measure. I will not go into any depth. I can't add a great deal to what has been said by so many people on the floor about this legislation. But the currency question raises an interesting question for us. There are ways to have unfair trade practices that are not very obvious, and there

are some that are. One of the obvious ways to deal unfairly in trade is to dump a product in another country.

What does that mean? It means if you are going to create and fabricate a ton of steel in Brazil and then sell it in the United States for less than your cost of production, you are dumping it. That is exactly what happened to us about 12 years ago. Brazil, Japan, and Russia decided to dump steel in the United States.

Why would any country want to sell steel at lower than the cost of production. They are going to lose money on it, right? They saw that in the short term, but in the long term they knew what would happen. U.S. steel producers couldn't compete. They couldn't sell at that price. So they kept dumping steel in the United States until more and more steel companies in America went out of business.

Oh, they filed their grievances for unfair trade practices, and therein lies the problem. Those grievances—those complaints—went to the International Trade Commission, which sat down to study the issue and make a decision on the issue. By the time they made a decision and found out that yes, there was dumping on, and yes, it was unfair to the United States, all of the U.S. steel companies that were affected had lost and gone out of business.

So when you have a trade agreement, it isn't just a matter of having provisions. They need to be enforceable in a timely fashion or we will lose business and we will lose jobs in America.

We have two other issues before us now. One of them relates to currency. You can price a product by the value of your currency against another country's currency. China and Japan have developed quite a reputation in the world for their currency manipulation to make sure they always had an advantage over the United States, no matter how good we were.

So currency is an important issue that has been brought up in an amendment today, and it is an indication to everyone who follows this debate of the complexity of the debate on trade.

There is a second issue that was brought up by Senator WYDEN of Oregon, who is the ranking member of the Senate Finance Committee, and that is the whole issue of what to do when you have a dispute with another country about a provision of law.

Here is an illustration. Australia passed a law, which required warnings on their tobacco packaging so that people in Australia understood the health risk of using tobacco. That is not uncommon. We do it in the United States. But Philip Morris, an international company that had offices in Hong Kong, protested to Australia that these labels, which discouraged people from buying their tobacco products, would cost them business. And they used this investor trade dispute mechanism, which meant they didn't have to go through the courts of Australia. They went through this basic mechanism,

this tribunal created by the trade agreement. The net result of it was that Australia faced this prospect: Either to remove the law requiring labeling or to pay Philip Morris for the effectiveness of that labeling on their profits.

The argument for this separate tribunal is that you cannot always trust the courts of the country. I heard that from my friend from Oregon. But also, when you take this out of the court system and let it be decided by corporate leaders, it really puts you at risk.

What is going to happen when some company protests in America about our environmental laws, about our banning toxic chemicals, about our tobacco warnings? That means in addition to going through the courts of the United States, it may also go through a tribunal. I worry about that. Again, that is an aspect of trade which most people don't think about, but it could affect each and every one of us very personally.

We are likely to finish this session this weekend, I hope, and we have three important issues. We are probably going to extend the highway trust fund for 60 days—and I hope that comes very soon.

I see my friend from Tennessee on the floor. I want to say a word congratulating him for his leadership on the Senate Foreign Relations Committee and bringing about an extraordinary bill which passed on the floor of the Senate related to the negotiations with Iran. It is one of the highlights, I might say to my friend from Tennessee, of what we have achieved this year. I thank him for that.

I don't know if he serves on any appropriate committee, but if he could take his skill and wisdom to create a bipartisan highway trust fund bill, we need it, and I hope we can do it.

Secondly, I hope we can pass the USA FREEDOM Act. It is the right thing to do, striking a balance between security in America and privacy.

Finally, we are likely to complete this part of the trade debate. I hope we have a fulsome debate on the amendments, which raise some important issues, two of which I have spoken to this morning. It is important that we do this business and we do it right. A lot of people are counting on us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Madam President, I rise today to speak on the matter before us, which is the trade promotion authority that is so important to our Nation.

I realize that whenever we deal with issues such as this, there are always parochial issues that people deal with in order to make sure their State's interests are represented well. I realize, for instance, that issues such as the Ex-Im Bank are very important to various people around our country based on manufacturing operations that hap-

pen to be in their States, and I respect that.

I appreciated yesterday that we were able to move beyond an issue that was holding us up and get to a place where we are going to be able to vote on some final amendments and, hopefully, move trade promotion authority into fruition.

I know we have talked a lot about these parochial issues. I want to move back to those in just one moment, but I want to talk about the importance of trade promotion authority and an agreement that I hope will come to fruition after we pass this, which is TPP.

I know that many in our country—especially now as we see things on our television screen and in newspapers about unrest that is taking place around the world—have been concerned about our foreign policy. We have been concerned about the effectiveness of what we have been doing.

One of the areas that our committee focused on this last week was much of what is happening in the South and East China Seas at present. Because of those activities, I was in Southeast Asia within the last 12 months.

Let me just say that there are concerns there among friends, people who want to move more toward a Western-based value system in their countries. They are very concerned about many of the activities that are taking place in the South China Sea but also about the economic dominance that is occurring now in China as it continues to export not only its strength into the South China Sea but also its economic dominance.

They have been very concerned about the fact that our pivot to Asia really hasn't borne much fruit. They haven't really been able to see anything very substantial taking place in that regard. I think people on both sides of the aisle have concerns about what is happening in that area.

But here we have an opportunity to do something that has nothing to do with military might, has nothing to do with things that could evolve down the road such as kinetic activity or anything along those lines.

We have an opportunity now to hugely shape that part of the world by passage of this trade promotion agreement, which will allow the countries to finally put their last deal on the table. Without this, there is no way we are going to get to a final TPP agreement that will bring that region more closely aligned to the United States.

It calls us to do much greater business with them, which will help people in Tennessee. It will help people in West Virginia. It will help people all across this country to be able to export goods to other places. But, importantly, it will draw those countries more closely to the United States, and it will act as a buffer against the dominance that is taking place now with China.

In meeting after meeting, constantly I was asked: Will the United States

come together and deal with this issue in an appropriate way? Will the United States actually be our partner? Will the United States work with us to make sure that our economies expand as the United States' economy expands? Will we be able to count on the United States to enter into an agreement where we have a balance, where we have the opportunity not just to export our goods to China and deal with China but also have the opportunity to deal with the United States? Can we count on the fact that the United States is going to promote free enterprise, is going to promote the rule of law, is going to promote anticorruption, is going to move away from state-owned enterprises, which in many cases is dominating that area?

I just want to say that TPP—and passage of TPA, in order to cause us to come to a final agreement on TPP—is in our national security interest. It is the best way for us to counter what is happening in the region that we consider to be a threat. It is the best way to promote American values.

In the process, what we are doing is actually raising the standard of living of Americans. So this is a win-win. Again, I know we have a lot of parochial issues that people care about rightly—I don't challenge that—and that could possibly get in the way. I hope that over the course of the next several hours, we will figure out a way to appropriately deal with amendments that allow people to voice concerns, especially concerns that they have in their own respective States. But I hope, when we move beyond that, when we move beyond disposing of those amendments as a group, that we will come together and pass this TPA, which, more than anything else we can do now in the region, will cause us to be a bulwark and will cause us to allow people to move toward the Western values that we hold so dear.

That brings me to an issue, first, on the national security front. We have a host of former Secretaries of Defense who have signed a letter—people on both sides of the aisle, former generals who have worked in the region. They know how important TPA is and TPP following on. They know how important they are to our national security interests.

In addition, I think you know we have had 10 Treasury Secretaries who signed a letter talking about one of the amendments that may be on the floor dealing with currency.

I don't know what the office of the Presiding Officer is like right now, but we are being inundated with emails, especially from the auto industry, regarding this currency issue. During the crisis, I know the Presiding Officer was serving in the House of Representatives, and I was in the Senate. During the auto crisis, the Senate debated issues relative to the auto crisis. I know the House did the same. But during that crisis, President Bush, late in December, decided that he would use

U.S. taxpayer monies to bail out the auto industry. And President Barack Obama, who was elected and came into office shortly thereafter, followed up on what President Bush had put in place. Through something called TARP, which was unexpectedly put in place to be utilized to bail out the financial industry—again, something that was regrettable and had to take place—the auto industry was bailed out. Taxpayers of the United States bailed out the auto industry to the tune of \$80 billion. So \$80 billion we invested in the auto industry.

What that did was not just bail out the large entities that needed the money, but it bailed out the supply chain that worked to support what they did in their manufacturing operations. And so the taxpayers of this country, in a massive way, in an unprecedented way, back in 2008 and 2009, injected taxpayer money—taxpayer money—into private enterprises to make sure they would survive. It was obviously controversial. Today, obviously, many jobs have stayed in place as a result of that. People certainly have differing opinions about what should have happened during that time.

I fear what is happening right now is that the auto industry is back and asking for another bailout. In our office anyway, and I think other offices around the Capitol, we are hearing from the auto industry right now about a currency provision—a provision they want inserted in TPA in order to give them another bailout. They want to ensure, as we move into this agreement, that they will have a competitive advantage.

I think all of us understand that the President has said he would veto TPA if it has this currency provision in it. We have had Treasury Secretaries—10 of them, highly respected on both sides of the aisle—who have told us we should not have currency provisions of this type in a TPA agreement. I think we understand the difficulties having these currency provisions in TPA will create in actually completing the TPP agreement, which again I have mentioned before. Obviously, it is important to us economically, but it is hugely important to us from a national security standpoint and from our national interest standpoint.

So I know these currency issues sometimes are difficult to deal with. I think it is important certainly for Senators to be able to express concerns about things that may happen in their own States, and I respect that. I respect that, but I hope as a body we will rise above giving another bailout to the auto industry because, if we do, it will greatly complicate our ability to enter into an agreement called TPP, which will be in our national interest, it will be in our economic interest, and it certainly is something Treasury Secretaries, Defense Secretaries, and others who know of the great national interest at stake oppose.

I thank the chair for the time. I hope as a body we will do what is good for our Nation and not just for a small group of people; that we will do something that will stand the test of time; we will do something that will increase the standard of living for these pages who sit before us today and cause them to be safer; that will cause American values to be more prolific and certainly benefit our Nation's economy.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I ask unanimous consent to speak as in morning business.

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

#### HIGHWAY TRUST FUND

Mrs. SHAHEEN. Madam President, in just 10 days, authorization for the highway trust fund will expire. The fund will run out of money entirely by the end of July, which means transportation projects in New Hampshire and across this country will grind to a halt.

What is Congress's response to this crisis? This week, leadership will bring to the floor yet another inadequate short-term extension of the highway trust fund authorization, and there is no plan whatsoever to address the insolvency of the fund. In other words, once again, we are kicking the can down the road. But in this case the road is overwhelmed by traffic, badly in need of modernization, and filled with patches and potholes. For a country that seeks to remain competitive in the 21st century global economy, this is totally dysfunctional and unacceptable.

I know my colleagues and the Presiding Officer travel around the city of Washington. Sometimes I feel like I am in a Third World country when I travel along the roads in DC. There are few more basic and necessary functions of government than providing for modernized highways, bridges, and other infrastructure. Yet Congress is grossly neglecting this responsibility. China spends about 9 percent of their gross domestic product on infrastructure, Brazil spends about 8 percent, but infrastructure spending in the United States has fallen to just 2 percent of our GDP. That is half of what we were spending in the 1960s.

Our highways and bridges face a more than \$800 billion backlog of investment needs, including nearly one-half trillion dollars in critical repair work, and Americans spend a staggering 5.5 billion—that is billion not million—hours stuck in traffic each year. Yet earlier this month, the majority party in Congress voted almost unanimously for a budget resolution that will slash Federal funding for transportation by 40 percent over the next decade. This is just irresponsible. This isn't about cutting fat and extravagance from the transportation budget; this is about cutting the muscle, the sinew of our Nation's critical transportation infrastructure.

Last week, I went with the mayor and the city manager to Concord—New Hampshire's capital city—to inspect one of three bridges that are critical to the city of Concord. It is rusted out and it is now closed—the Sewalls Falls Bridge. Our office had worked with the city and U.S. DOT to get the approvals to replace this bridge. The city of Concord lined up all the permits—and then nothing. Because of uncertainty about Federal funding for the project, it was stopped dead in its tracks, until the city and State last week, when they realized we weren't going to act, stepped in with short-term funding in anticipation we would finally do the right thing.

Well, thousands of other road and bridge projects across the country have been put in this same jeopardy and limbo because of our failure to do our job. This neglect is creating bottlenecks in our economy, it is hurting our global competitiveness, and it is killing jobs, especially in the construction trades, where employment still has yet to recover from the recession. According to a Duke University study, providing Federal funding to meet the U.S. Department of Transportation's infrastructure requests would create nearly 2½ million jobs.

Earlier this month, I joined with a bipartisan group of eight Senators who previously served as Governors: Senators KING, ROUNDS, KAINE, HOEVEN, WARNER, CARPER, MANCHIN, and myself. We sent a letter to our Senate colleagues urging them to commit to fully funding national infrastructure priorities and putting a stop to the destructive, dysfunctional short-term fixes that have become routine in recent years.

Madam President, you are too young to remember, but I remember being in elementary school when Dwight Eisenhower championed our great Interstate Highway System. That was a visionary move. I remember talking about it in class and being excited about it. The National Interstate and Defense Highways Act of 1956 ensured dedicated Federal funding to build a network that today encompasses more than 46,000 miles of roadways. That system has transformed our economy and it has created countless millions of jobs, but it is now six decades old. Its dedicated funding mechanism—the highway trust fund—is in constant shortfall and today is just 2 months away from becoming insolvent.

So for Congress to pass yet another short-term extension is damaging and dysfunctional. It kicks the can down a road that is crumbling, congested, and increasingly uncompetitive. It is time for Congress to come together, on a bipartisan basis, to break the cycle of patchwork fixes. It is time to pass a 5- to 6-year funding bill that will allow government at all levels to plan long-term capital investment projects and to build a 21st century transportation system that meets the needs of our 21st century economy.



Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

EXCITING NEWS ON CANCER

Mr. TOOMEY. Madam President, I rise to speak about an amazing presentation I have had the privilege of witnessing twice now in the past several months at the University of Pennsylvania, at the medical center there. I want to speak a little about the work some scientists and doctors are doing that is extremely exciting and has great implications for all of us.

Let me start with a little background and some facts. In 2014, over 585,000 Americans died from cancer. There were over 1.6 million new cases diagnosed. I think it is fair to say that every one of us has a family member, a very close friend or we know somebody closely who has been afflicted with some form of this terrible disease. The fact is cancer is on the verge of overtaking heart disease as the leading cause of death in America.

Now, we have made a lot of progress on many forms of cancer, but we still have a long way to go. I want to speak a little about a very exciting new therapy, but let's start with talking about cancer a little bit itself.

The fact is cancer cells have this protective shield, if you will. It is a shield that allows the cancer cell to hide from our immune system. If our immune system were able to function normally with respect to cancer cells, we wouldn't have cancer. The immune system would destroy the harmful cells, but that doesn't happen in cancer, and it is because of this protective shield. So imagine if we could develop a therapy that would penetrate that protective shield and allow our immune system to break through and destroy the cancer cells.

Astonishingly, the very viruses that have been responsible for killing millions of people around the world—HIV, polio virus, measles—are now being used to create exactly this capability—this capability to break through cancer's protective shield.

Researchers at the University of Pennsylvania—a team of researchers led by Dr. Carl June—have developed a process to harness the body's immune system and enable it to identify, track down, attack, and destroy an important form of leukemia, a blood cancer that is most often found in children. In their trial, 90 percent of the patients with this relatively rare form of recurrent leukemia went into remission after they got this groundbreaking treatment and their cancer has not returned.

Dr. June and his colleagues don't ever say this, but they may be on the verge of curing leukemia, and it is very exciting. So let me talk a little bit specifically about this form of leukemia. Acute lymphoblastic leukemia is the most common cancer in children ages 1 through 7. For young children, this is the most common form of cancer that afflicts them. There are 60,000 cases in

the United States alone of acute lymphoblastic leukemia. It is hard to say, so it goes by ALL. This cancer results when abnormal white blood cells accumulate in the bone marrow. The leukemia cells then are carried through the bloodstream to other organs and tissues, including the brain, liver, and other areas, where they continue to grow and divide.

Now, most ALL patients can be successfully treated with conventional chemotherapy, expensive and sometimes dangerous bone marrow transplants, and stem cell transplants. These therapies have improved enormously, and they work in most cases. I think about 80 percent of ALL cases can be cured with these conventional treatments. But the recurrent ALL—those who don't respond and are not cured by these conventional treatments—their prognosis is much worse. Approximately 3,000 pediatric patients relapse after the bone marrow transplant procedures, and most of these relapses are early relapses and, candidly, have a pretty dismal outcome—only a 15- to 20-percent survival rate for children with these kinds of relapses. This is where this new therapy comes in. It is called chimeric antigen receptor—or CAR-cell therapy.

What happens is doctors remove T-cells from the cancer patient. T-cells are a type of white blood cell we all have as part of our immune system. They then take those T-cells and they insert new genes from an inactive, harmless component of the HIV virus. They actually use part of the HIV virus to get into the T-cells, which gives the T-cells a new capability. Specifically, they develop the capability to identify and link to a protein that is on the surface of the cancer cell. That is the shield that protects the cancer cell. This enables the T-cell, in turn, to then destroy that cancer cell. So that is the idea. The T-cell is taken out, it is modified with a component of the HIV virus, and it is then injected back into the patient, where it multiplies massively and begins this wonderful search-and-destroy mission—searching for the cancer cells it has been programmed to find and killing them.

This treatment is specific to every individual patient and works in part because it works with a patient's own T-cells. So that creates a whole set of protocols and challenges. You have to make sure that you are withdrawing a person's T-cells. You can go through almost a manufacturing process whereby you transform them so that they can be used for this purpose.

One of the most exciting things about this therapy is that after a patient has been treated, after they have gotten their modified T-cells put back into their body and after the T-cells have served their purpose, they don't just vanish; they remain in a person's system. They remain as part of the immune system, sort of on standby, ready and able to attack if the cancer should emerge.

They are still in the trial phase of this new process. Dr. June and his team were willing to take on the most difficult cases. In fact, that is all they were allowed to take on initially. The first 30 patients they tried this therapy on had already undergone chemotherapy several times and the chemotherapy had failed. In fact, everything had failed for these patients. They had no treatment options left. By the time they got to Dr. Carl June and his team, these patients had weeks to live.

In the first trial, 27 of the 30 patients were cancer free 1 month later—So 1 month after receiving the treatment, no cancer—and 78 percent of the patients were alive 6 months after the treatment.

Now, 125 patients have received this personalized cellular therapy at the University of Pennsylvania for several kinds of leukemia. They have modified the treatment to address other forms of cancer, including non-Hodgkin's lymphoma, for instance. In more than 90 percent of the pediatric leukemia cases they treated, the patients are still in remission. Four out of five adults with non-Hodgkin's lymphoma have had complete remissions.

This is amazing stuff. It is very exciting. Scientists, medical researchers, and doctors across the country who are following this have been blown away by the success, and they refer to it as "a major breakthrough," as "phenomenal," and it has been what "we've been . . . hoping for."

Just last year, the FDA agreed that the progress is so stunning that they granted what they call "breakthrough therapy" designation for this therapy, for this treatment, because of the success they have shown in the early trials. This designation is going to allow Dr. June's team to treat more patients more quickly who are in these very difficult circumstances.

In fact, the University of Pennsylvania is already working with Novartis in anticipation of the time that they will be able to roll this out as a standard treatment, where it will one day—hopefully soon—no longer be considered experimental and no longer be the last resort for patients but an early resort. The conventional treatments—chemotherapy and bone marrow transplants and stem cell treatments—tend to have very unfortunate adverse side effects. It has been necessary because they can be successful. But one of the wonderful things about this therapy is there are no lingering side effects.

So it is enormously encouraging. It is very exciting. One of the things that are most exciting about this is that this technique conceptually could very well apply to any number of cancers, maybe all cancers. It is not a small matter. It is a challenge. But these guys are meeting this challenge. The challenge is to design the transformation of the T-cell in a way that will pierce that shield, that unique shield for each form of cancer, and they are making remarkable progress. They

have also made tremendous progress on fighting multiple myeloma, which is another blood cancer that is very serious.

I should point out that Dr. June and his team at the University of Pennsylvania are not alone in pursuing this general direction. MD Anderson in Texas is working to use the common cold virus—the virus that causes the common cold—to help fight brain tumors in a similar fashion.

Penn researchers have already developed a way to engineer immune cells in mice to fight a very dangerous form of brain cancer, and that has been so successful in the animal trials that this fall they will be able to begin human trials on this as well. This kind of brain cancer that they will be trying to treat affects over 22,000 Americans. It is called glioblastoma. People who are diagnosed with stage IV glioblastoma are in very dire circumstances. The mean survival rate is less than 18 months. This is, in fact, the form of cancer that took the life of Senator Kennedy, a former colleague of so many of us. This is extremely exciting. And “60 Minutes” did a profile on some doctors at Duke University who are using a reformulated version of the polio virus. Instead of HIV, they are using the polio virus in a similar fashion to enable our immune system to attack this brain cancer, glioblastoma.

I am, frankly, fascinated and incredibly excited about the progress these scientists and these doctors are making. But along the way, to get there, it costs money, and there has been a struggle for the funds to get this done. Dr. June’s study has been supported by the NIH, by the Leukemia & Lymphoma Society’s Specialized Centers of Research Grant Program, and a Stand Up To Cancer-St. Baldrick’s Dream Team translational research grant.

In 2008, the NCI had originally denied funding because they thought this was perhaps too risky. Fortunately, the Leukemia & Lymphoma Society and the Alliance for Cancer Gene Therapy stepped in.

After they treated the first several patients, despite their success, they ran out of money and they had to stop treating patients for over a year while additional funding was lined up.

The fact is, this research funded by the NIH has given us tremendous strides in early detection and treatment methods and survival rates for a variety of cancers but especially for this work.

I know my colleagues and I are committed to continuing to fund the kind of research that makes these breakthroughs possible in a responsible way. I wanted to come down to the floor today and talk about how important this is and how exciting this is. I personally think we are in an extraordinarily exciting moment for health care for our whole society. Technology is producing spectacular breakthroughs, and it seems to be happening

on an accelerating basis. Some of the big, gigantic intellectual breakthroughs of recent years—the Human Genome Project, the gene sequencing—the technology that is available now wasn’t even imagined a few years ago. The combination of these things is enabling us to make discoveries and breakthroughs and treatments that were beyond human imagination just a few years ago. So I think we could be on the threshold of some absolutely stunning and wonderful developments. Personalized medicine is a big part of it. Understanding how our genes contribute to the health care problems we have but also can be used to combat these problems—I think this is all readily within reach. I am very excited about it.

In closing, I guess my message is that when we think about where we are and how close we are to these stunning cures for some amazingly devastating diseases, I think we should set our goal at curing these diseases. Our goal shouldn’t be to figure out how we treat this, how we extend life for a few months. We will do that for as long as we have to, but our goal should be to cure. Our goal should be to cure cancer. Our goal should be to cure heart disease. Our goal should be to cure Alzheimer’s. We are going to be able to do this. We should make this a goal. We should make this a priority.

We have a lot of competing priorities for the limited resources available to the Federal Government. I can’t think of any that are higher than this extremely noble effort, and I can’t think of any reason not to support it. It is within reach. The progress is stunning and exciting, and it is happening all across America and very much in Pennsylvania. I am proud of the work that is being done in Pennsylvania, and I look forward to seeing it continue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I am speaking today on the underlying bill, but I do want to indicate, supporting my friend from Pennsylvania, that there is incredible, exciting work being done with the National Institutes of Health that is focused on those cures. I think the challenge for us is that the budget that was passed will actually end up cutting NIH, and with this very bad policy of sequestration that I hope we are going to be able to fix—if that continues, then we will not only not have the ability to move forward on exciting cures, but we will actually be seeing NIH cut, which I think would be foolish and devastating to all of us in the long run and, for a lot of reasons, going in the wrong direction. So I hope we can work together on a bipartisan basis to fix that.

AMENDMENT NO. 1299

Madam President, let me first say, coming to the floor on the Portman-Stabenow amendment, that I ask unanimous consent to add two more cosponsors today: Senator TESTER and Sen-

ator MARKEY. That brings us to a total of 30 bipartisan cosponsors on this very important, commonsense amendment outlining the importance of the biggest 21st-century trade barrier, and that is currency manipulation. So I thank everyone who has joined together to cosponsor this.

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

Ms. STABENOW. I also know there has been a tremendous amount of energy going on trying to defeat this amendment in the last day, and there are a lot of comments being made on the floor. I do want to first of all say in response to comments from someone whom I greatly respect, the Senator from Tennessee, who has played an incredibly important role in moving forward on some important foreign policy issues, that I would caution that we call support for manufacturing—whether it be autos or others or supply chains or materials manufacturing—somehow a bailout when we are talking about protecting American jobs—I would point to the fact that there is a very important company, Alcoa, in Tennessee that just received an advanced technology vehicle loan. I was proud to author that loan program back in 2007 in the Energy bill. They make aluminum, as we all know, and they are retooling to be able to benefit from Ford Motor Company’s policy of moving to aluminum to take 700 pounds out of the F-150 truck to make it more energy efficient. Alcoa is benefiting, a Tennessee company. I don’t consider that loan a bailout any more than I consider any other loan programs we put together for manufacturing a bailout.

But I would suggest that we have literally millions of jobs across our country connected to the supply chain, whether it is autos, whether it is dishwashers, whatever it is that we are making.

We have manufacturers—large and small—telling us that if we are going to move forward and give negotiating objectives to this administration to negotiate a trade agreement with 40 percent of the global economy in Asia, we better understand that the No. 1 trading barrier used by Asian companies is currency manipulation—No. 1. I find it astounding. It would almost be funny if it were not so crazy. There are these arguments, on the one hand, that somehow, setting up a negotiating principle and just saying that if you negotiate something on currency, we want it to be enforceable for the first time—not just words—we have a lot of words. We have years and years of lots of words about currency manipulation. But this time, if you actually negotiate something, we want it to be enforceable. And somehow that is going to bring down the Trans-Pacific Partnership. If that is the case, then we have a lot more to be worried about than this amendment, in my judgment, in terms of what sounds like not a very good agreement overall.

We are continually hearing, on the one hand, that things are getting better with China, that Japan does not do this anymore, and that the Bank of Japan does not do this anymore. But if they do not do this anymore, then why do they care? How can anyone with a straight face say they will walk away from a major Trans-Pacific Partnership because we say to our negotiators, on the list of things we think are important on behalf of American businesses and workers, that we count currency manipulation in that list. And by the way, if you do something—and we do not prescribe what it ought to be—it ought to be enforceable.

I am astounded at the amount of energy going into this to say this is a poison pill. The reality is that in the House of Representatives this amendment would actually pick up votes, and there is going to be a lot of need to pick up votes in the House of Representatives.

I do not know anybody who says they are voting for this and that somehow because this is in here—or somebody who is not voting for it—they would not actually vote for the TPA.

It is amazing to me, and it is amazing to me that my partner in this is a former U.S. Trade Representative who sat at the negotiating table, who supports TPA, who is saying that this is reasonable and will not interfere with the ability to negotiate.

As I said before, I would like to go further. I would like to say that you do not get fast-track authority unless you do something on currency because this has cost us over 5 million jobs and counting. But that is what this amendment says. This creates maximum flexibility for the administration. It simply says on the list of things that are important that we care about wages, we care about the standard of living, we care about protecting the environment, we care about intellectual property rights, and we care about currency manipulation. And if you put something in there, it should be enforceable under the international rules under the WTO and meet the definition of the IMF. We are not mandating the outcome of any particular negotiation. If simply having this in here means that Japan walks away, then there is something else going on here that we ought to all be very, very concerned about.

We have also heard that this will affect countries to attack us on our domestic policy, including quantitative easing. Our amendment explicitly exempts domestic monetary policy. In fact, in the text of the amendment, it says: "Nothing in the previous sentence shall be construed to restrict the exercise of domestic monetary policy."

In the side-by-side by the leaders of our Finance Committee—by the way, they have no such exemptions, which is interesting. Some have contended that by adopting our amendment, particularly Japan will walk away. They really cannot have it both ways. Either the

Bank of Japan is or is not doing what they have done for 376 times in the last 25 years—376 times, despite the fact that they signed on the dotted line with 188 countries, signed on the dotted line through the International Monetary Fund: We are part of the IMF, and we will not manipulate our currency. And they have done it 376 times. So if they are not going to do it anymore, why should they care that we put this in as a priority for the United States, for our workers and manufacturers? And if they care so much and if they would walk away just by our simply raising this and saying we ought to do something enforceable, it is obvious there is going to be 377. And we ought to all be extremely concerned about that, because what does that mean? What are we really talking about?

It means foreign products are cheaper here and American products are more expensive there, and in a global economy, when our manufacturers are competing not to get into Japan but competing around the world with Japan, we have already seen the results at other points in time—anywhere from \$6,000 to \$11,000 more on the cost of one vehicle. Think about that. As a consumer, you are going to buy a car, and there is a \$6,000, \$8,000, \$10,000, \$11,000 difference in price. That is a big deal. That is a very big deal. I mean, for all of us who say we want a level playing field on trade, that our people are smart and competent and compete successfully with anybody, we ought to care about this—that when the Bank of Japan intervenes, we are seeing anywhere from a \$6,000 to \$11,000 difference in the cost of an automobile. This has cost us over 5 million good-paying jobs in America.

I thought that was supposed to be our priority. That was our job—to be fighting, but not for the Bank of Japan. In fact, Ford Motor Company says they will compete with anybody around the world, but they cannot compete with the Bank of Japan. So this is about a level playing field.

Why does it matter? It is not just about selling in Japan. Unlike America, the Japanese have a preference for buying their own vehicles as a matter of patriotism in their country. I wish we had the same. So it is not just about getting into Japan, the little, small islands of Japan. It is about competing with them on everything in between. It is about the 1.2 billion people who live in India, where we are trying to sell to them and Japan is trying to sell to them. If they can sell a vehicle for \$6,000 or \$10,000 less, what do you think is going to happen? It is about the 200 million people in Brazil, whom we are trying to sell to and Japan is trying to sell to.

They are fighting so much, even having a negotiating principle that says: If we put language in, it ought to be enforceable. If they are fighting so much, it must be because they are really looking at those countries and saying: You know what; we want that \$6,000

difference. We want that \$10,000 difference. We do not want anything to get in the way of that.

Frankly, protecting Japan, Japanese auto-makers and suppliers, and Japanese workers is not our job. It is not our job. Our job is to stand up for American workers and American businesses, and that is what this amendment is all about.

By the way, the issue of currency manipulation affects every part of the economy—agriculture, medicines, and every part of the economy. All we are saying is to give us a shot here. Give American manufacturers and workers a shot, at least by saying in fast-track that we want something done on currency. If you do it, it should be enforceable.

Countries have been signing up for years saying they will not manipulate their currency and nobody has ever enforced it. No one has ever enforced it. All we are asking is if we negotiate something, it should have enforceable standards. It is not enough to have a handshake agreement anymore.

How many years do we have to go on and how many millions of jobs do we have to lose, when all we get is good-faith assurances and handshakes?

Let me say this. I hope when this debate is done, the intensity to defeat this amendment that our manufacturers promote—by the way, they always support free trade. These are folks who are in the global economy, and they want to trade. But if we are going to put aside American manufacturers, American suppliers, American workers, I hope the next thing we will do is to focus on fast-tracking the middle class and have as much intensity, as many late-night calls, and as many meetings together to make sure we have a minimum wage in this country, to make sure we have a long-term investment in transportation that will not only deal with safety and fixing roads and bridges and transit and rail for our farmers but that creates millions of jobs. I hope we have as much intensity on that.

I hope we have as much intensity on lowering the cost of college so kids have a fair shot to do what we want them to do, which is work hard, to get the grades, to go to college, and to go to work. I hope we have as much intensity around that.

If we had more intensity around fast-tracking the middle class, we would not have to worry so much about what we are doing on trade agreements.

I hope we have intensity about closing loopholes that are allowing companies to go overseas on paper while they still drive on our roads, breathe our air, drink our water, and send their kids to schools here but avoid paying their fair share because they moved on paper.

I hope we have as much intensity around that. I hope we have as much intensity about making sure that in this global economy, we have a race up to increased standards of living, wages with which you can care for your family and send the kids to college and do

all the things that we want to do for our families rather than having a race to the bottom where somebody is told if you just work for less and lose your pension and health care, we can be competitive. So let's have fast-track. Let's have fast-track about the things that really matter to people in this country, which is getting back to having a middle class where you can stay in the middle class.

While we are at it, let's pass an amendment that makes it clear we get how important currency manipulation is—when we are giving up our right to amend a trade agreement, when we are giving up our right to be able to use a 60-vote threshold on a trade agreement. And at least there ought to be a provision in there that says: Do your best on currency. And, by the way, if you get some language, how about we make it enforceable this time? Five million jobs and counting—that is what we lost and that is enough.

I hope my colleagues will come together and support the Portman-Stabenow amendment.

The PRESIDING OFFICER. The Senator from Georgia.

#### MEMORIAL DAY

Mr. ISAKSON. Madam President, as Chairman of the Veterans' Affairs Committee in the Senate, and on the eve of Memorial Day, I think it is appropriate that we pause for a moment. We debate as Democrats and Republicans today on the floor of the Senate currency, trade, national security, fast-track, and the issues of the day in a contentious debate. We do so freely. We do so without fear of retribution. We do so when we go home tonight knowing we are at peace and comfort and knowing that we are in a safe nation. We are because of the men and women who have worn the uniform, sacrificed, and given their lives so America could exist today.

I think it is only appropriate that each of us on the Senate floor take a moment to pause and give a prayer for our soldiers who risked their lives and gave their lives for our country.

For me, as the Chairman of the Veterans' Affairs Committee, I make an effort to go to the American cemeteries all over the world to make sure we are still taking care of them and honoring those who sacrificed the way they should be honored.

I want to share with the Senate a brief story to point out how important Memorial Day really is.

On Memorial Day in May of 2007, I went with Senator BURR and other Members of the Senate to the American Cemetery in Margraten in the Netherlands where over 8,000 Americans are buried who fought in the Battle of the Bulge to root the Nazis out of Germany and liberate the Jews from concentration camps. They were successful, but they died.

I walked down the rows of crosses and Stars of David looking at each name—ostensibly looking for Georgians so I could say a brief prayer for

them. I came to the end of row H, toward the back of the cemetery, the last cross in that cemetery, and it said the following: Roy C. Irwin, New Jersey, died December 28, 1944. A tear welled up in my eye because that was the day I was born.

Mr. President, 70 years later I have existed as a free person in a free society, been elected to the United States Senate, served in the military, raised a family, have had nine grandchildren, and have had all of the joys everybody in the Senate has had thanks to people like Roy C. Irwin, who on the day I was born died on the battlefield of the Battle of the Bulge in the Netherlands while fighting for democracy, freedom, the liberation of Europe, and saving the Jewish people.

No matter what we debate or how contentious it gets, we must remember what Memorial Day is all about. It is about those who made the ultimate sacrifice for you and me to engage in this debate and to move our country forward.

One other point. We should say a special prayer for the parents of those young Americans who fought and died in Iraq and Afghanistan and the current wars today. We had a tragedy with the fall of Fallujah, and we had a tragedy with the fall of Ramadi. We need those parents to know their sons and daughters did not die in vain; they died for a cause that ultimately will prevail because we, as Senators, will see to it that America does what America always does, and that is liberate the oppressed of the world and only ask for one thing when we leave, and that is a couple of acres to bury our dead who sacrificed for democracy, freedom, and liberty.

On this Memorial Day, as chairman of the Veterans' Affairs Committee, I say thank God for the American soldiers who fought and died for our country, and thank God for the United States of America.

I yield back my time.

The PRESIDING OFFICER. The Senator from Alabama.

#### AMENDMENT NO. 1299

Mr. SESSIONS. Madam President, I appreciate the opportunity to share some remarks and show my support for the Portman-Stabenow currency amendment.

I think we are at a point in world history and world trade where our mercantilist trading partners have gotten to be very clever. On occasion, they use a variety of tools, some of which are used all of the time. Among these, we are seeing that we are unfairly subjecting American manufacturing to currency manipulation, and this is not free trade. It is not free trade. Currency manipulation and other trade barriers are just as much of an obstacle to free and fair trade as are tariffs. That is one of the things that we have to get a handle on if we are going to protect our workers here in America.

After the Korea trade agreement, which I voted for, the numbers did not

materialize that were promised. In 2010, before the trade agreement passed, President Obama's Web site said:

... the U.S.-Korea trade agreement ... [would] add an estimated 70,000 jobs from increased goods exports alone, with additional job potential from the further opening of Korea's large services market to American firms, and other measures.

Well, that is what I had hoped would happen. He said it was an advancement of the idea of free and fair trade and so forth.

His own Web site said that the U.S.-Korea trade agreement would increase exports of American goods by \$10 billion to \$11 billion and that the agreement would help create 70,000. Well, I guess 4 or 5 years have passed now. Have we achieved a \$10 billion increase in exports to our ally, our friend, our tough, smart trading partner Korea? Did we get that kind of improvement? The answer is no. We are at \$0.8 billion, less than \$1 billion. But what about Korea's imports to the United States? Did they go up or down? Korea's imports to the United States during this time have increased by \$12 billion. It almost doubled the trade deficit between our countries.

I am saying this because it raises a fundamental question: What is happening here? In this trade agreement, people have been pretty careful—the promoters of it. They have not promised it would reduce the trade deficit, they have not promised it would create new jobs, and they have not promised it would increase wages. They suggest it. They say things like it will increase job prospects or wages in export industries. Well, we only export 13 percent of what we make. So this has been the only promise that they made.

I have asked the President—written him—and asked other colleagues: Tell me if you believe this agreement is going to increase jobs. Tell me what studies and documents you have that say it will increase wages. Tell me or show me any reports or data that would suggest this trade agreement we now have before us would in some way reduce our surging trade deficits, which hit a virtual record last month—or at least in March. They are not going to give an answer, and I have to tell you why—because jobs are going down, not up, and the trade deficit is going up and not down, and that is not good.

Well, why do they persist in this? I suggest that it is an ideology. I have suggested that it is almost a religion. We are for any trade agreement or any file or stack of papers that has "trade agreement" on it. Why? Well, I recall that back in the late 1990s, then-Federal Reserve Chairman Alan Greenspan was before I believe the Budget Committee, which I was a member of, and I asked him a question. The question was this: Mr. Greenspan, if we are trading with a country and they stop buying all products from the United States and block our sales to them but want to sell products to the United States

and want us to buy their products, should we buy them or not buy them? That is a pretty simple question, and I remember it well. Should we buy from them? What do you think his answer was? Yes.

I believe that is an extreme idea. I think that is an idea that in theory could have some validity, but you have to know, colleagues and friends, it is out there. It is a fundamental part of the movement for trade agreements that people don't really care whether they are reciprocal or not, and they are not worried about whether they shut down plants and facilities in your community, whether people lose their jobs, because their theory is that you are getting a better product at a cheaper price, and that is the only thing that counts, that is the most important thing, and somehow this is going to all work out.

The Wall Street guys who manage capital can move their capital to anyplace in the world, and they think they will do fine. But nobody is thinking about what it is like in the real world where people's jobs are at stake, where our steel industry is under stress and we are facing competition that is not fair. I just feel strongly about that.

I am reversing, in a way, my position on trade. I believe it is time for this country and this Congress to begin to ask tougher questions about why we continue to have huge trade deficits, why we continue to have a decline in wages, a decline in median family income—\$3,000 since 2009—and why all of these things are happening. Part of it is that we have been unwilling—unlike our trading competitors—to ask these kinds of questions. I think we are operating on a religious view of trade.

How do you deal with that?

Mr. Dan DiMiccio wrote a very important article in *Forbes* magazine a few months ago. The title of it is "Fast Track' To Nowhere: Congress Shouldn't Give Obama Power To Ram Through TPP." He is a former CEO—actually, CEO emeritus, I think—of Nucor Steel. They have steel plants all over America, and they are in one of our most vibrant, competitive industries. They deal with foreign competition every day. He lives with it. Currency and issues like that are critical to him and anybody in the steel industry, automobile industry, or manufacturing industry. These things are real. It is not academic. It is not theory. It is real.

He said a number of things in this very important article. He talked about the cheerleaders for trade and said they make a big mistake.

That's net trade—not gross trade. In other words, net exports increase our economic size while net imports shrink it. This is not a liberal plot, or a Tea Party plot, or a protectionist plot. It is basic and uncontroversial economic math that the TPP cheerleaders either don't understand or don't want to.

He goes on to say:

In 2013, the U.S. economy amounted to \$16.8 trillion. Consumption was 68% of GDP.

Investment was about 16%. Government procurement was about 19%. But net trade subtracted about 3% from our economy (because imports exceeded exports.) This shrinkage is cumulative, compounding year after year.

America is the picture of an unbalanced economy, disproportionately relying upon unsustainable consumption. Investment is too small. . . . Stated another way, we need to produce more of what we consume.

Isn't that true? So this theory—it doesn't make any difference where products are made as long as they are cheaper? This is comparative advantage? People can manipulate their currency, they can subsidize their industry so they can have more exports, more people working, and it makes no difference to us, and we can allow American businesses to fail?

Then he talks about mercantilism. This is the strategy of most of our competitors. He said: "Free trade was crafted as an antidote to mercantilism, not an enabler of it." So he says our trade policies have not confronted our competitors' mercantilism and therefore we have enabled them and have allowed them to continue.

Then he quotes President Reagan. I know a lot of people say President Reagan believed in total free trade. He did not. He was a realist.

This is what Mr. DiMiccio says:

President Reagan gave a speech that established the principle of "free and fair trade with free trade and fair traders." More specifically, he established the 3 R's: Rules, Reciprocity, and Results.

"Rules" mean that the trade must be rules based and every nation should follow them. "Reciprocity" meant that there will be reciprocal reduction in tariffs, quotas and other barriers rather than one-sized reduction. "Results," the point forgotten most, meant that America must gain a net benefit from trade arrangements rather than being taken advantage of.

I believe it. My father always taught me that a good trading agreement, a good contract, a good business deal was when both parties received advantages.

Another person who knew Ronald Reagan well was Clyde Prestowitz. Clyde was the President's counselor to the Secretary of Commerce in President Reagan's administration and Vice Chairman of President Clinton's Commission on Trade. He negotiated Asia trade agreements with Japan and others. He was there. In his article he makes a very harsh statement about President Obama's statements. He said: Will the Japanese be driving Chevys in Tokyo?

The President suggested we want to see more American-made cars being driven in Tokyo. He quoted the President as saying:

Why wouldn't we want to rewrite those rules so there is some reciprocity and we can start opening up the Japanese market? That would be good for American workers.

Mr. Prestowitz responded to the President's statement saying:

Hearing that amazingly ignorant statement one could only wonder if there is no one in the White House to prevent the President from embarrassing himself. Apparently he is unaware of the endless efforts of U.S.

trade negotiators over the past 50 years to open up the Japanese market. As one of the Reagan administration's lead negotiators with Japan and as the Vice Chairman of President Clinton's Commission on Trade and Investment in the Asia-Pacific Region, I can assure the President that reciprocity in trade with Japan has been the aim of every agreement signed by both Republican and Democratic administrations for half a century. I can also say that virtually no former U.S. negotiator believes the TPP will achieve reciprocity with Japan.

They have nontrade barriers that Mr. DiMiccio lays out in his article; he names them. These are not allowing for free trade, reciprocal trade that produces results that are beneficial to America.

We can do better. We absolutely need more trade. We need to continue to negotiate good trade agreements, but this creates a situation that is dangerous.

What kind of numbers do we have about this agreement? Do we have any studies, anybody who says anything other than what I believe, which is that it is going to be a net negative to our balance of trade?

Well, the *Wall Street Journal*, that usually support trade agreements, had an article by Mr. Mauldin that examines a study by Mr. Peter Petri, professor of international finance at Brandeis University. This was just released this week, May 18—or at least this article was. He talks about the auto sector. Mr. Petri has done this study—the only study I know of that has dealt with the question.

The article says: In the transportation sector, led by cars, the TPP could boost imports to the United States from Japan by \$30.8 billion by 2025, compared with export gains to Japan of \$7.8 billion, according to Mr. Petri. That sounds like the Korea agreement.

So we would export \$7.8 billion more, but Japan would export \$30.8 billion more to us. The result is what? Less American manufacturing on net, more cars being bought from abroad, and a greater detriment to our trade balance. That is just the way it is.

So I believe we need to get away from the religious view of trade and we need to do what President Reagan said, which is to look at the results. Don't tell me some theory. Let's live in the real world. It is our duty to see our manufacturers, our workers get a fair chance to compete in the world marketplace. We are not sufficiently there now.

A part of this trade agreement that I have mentioned before and that I am very concerned about and that has gotten very little discussion and that needs to be discussed, I will take a minute to discuss it.

According to the Congressional Research Service—our own group—the TPP's "living agreement" provision is "unprecedented." Indeed, I am one of the few, I think, who went to the secret room to read the secret document, and when it described the living agreement, it said it was unprecedented. I presume

I will not be arrested for making that quote from the secret document.

The United States Trade Representative's Web site is very candid about the purpose of this living agreement provision. It is to "enable the updating of the agreement as appropriate to address trade issues that emerge in the future as well as new issues that arise with the expansion of the agreement to include new countries."

It creates a commission—another commission—consisting of representatives from each member nation, which has vast powers to govern the agreement and govern, to some degree, the countries that participate in it. Among the powers given to the Commission is the authority to consider any matter relating to implementation and operation of the agreement and to consider amendments and modifications.

What we have to understand is that this is a new entity, an international entity, of which we are a member, and it gets to meet and vote and set new behaviors unlike what we approved in the Senate. But it can be amended as time goes by. It is unprecedented. This has not been done before.

While the TPP states that those amendments must be agreed to "in accordance with the applicable legal procedures of each party," that phrase is not defined. The TPP "Chapter Summary"—a book that is provided to Members when we go to the secret room—states that this amendment process would occur similar to the process that occurs under the WTO, the World Trade Organization.

So it says how the—procedure is being handled like WTO. But under WTO and its implementing legislation, changes to the agreement and the addition of new parties are not to be approved by Congress, and, more importantly, not by consensus or a unanimous vote. The "Chapter Summary" states that this process will be similar to the WTO under which the WTO can be—members can be added and certain amendments adopted by a two-thirds vote.

So it gives the appearance of having consensus as the basis.

In addition, new member nations under WTO can be added by only a two-thirds majority vote—that is pretty clear—and apparently would be cleared under this agreement.

So we have asked the President: What does this mean? Can China be added by a simple majority vote? We vote no and it happens anyway?

We asked the U.S. Trade Representative staff about this situation. They didn't have an answer. This is a staff of the administration pushing for the bill. They simply asserted that changes to the TPP affecting U.S. law would require congressional approval. We asked whether USTR would agree to make that explicit in the TPP so we didn't have—wouldn't have any ambiguity, and they have declined to give us a reply.

So if it is true that congressional approval is required, then why shouldn't

they be willing to have it explicitly in the TPA and the TPP? In fact, there are already examples in the TPP of other countries making clear that certain procedures must comply with their domestic law. Why don't we make it ours? I have offered an amendment to that effect. I am disappointed that it is apparently not going to be given a vote.

While the TPA states no standard trade agreement that has not been legislatively implemented can trump existing Federal, State or local law or prevent any Federal, State or local government from amending or modifying its law, the implementing legislation of a trade agreement would do these things and could—and certainly will—in many areas. It will delegate congressional authority when we pass it to the new TPP Commission.

So by voting for it, we have delegated authority, it will be contended and probably correctly, that we gave it to them to amend the law. This is especially important because the whole purpose of fast-track is to implement and expedite this legislation.

So I think these trade agreements need to be considered carefully by Congress and the American people before the United States cedes one iota more of American authority and sovereignty, and Congress must retain the power to carefully review and vote on all future changes to these trade agreements.

So I have offered this amendment. As Mr. Mark Hendrickson recently wrote in *Forbes* magazine, discussing what I had said about this: TPP cannot be an "open-ended document" lest "the rule of law and republican government itself be lost."

That is why TPA must provide strong and enforceable protections against this kind of overreach.

We just have to be careful. The normal process for treaties is a rigorous one. It requires, in the end, a two-thirds vote. So they have written this not as a treaty but as an agreement. It will be moved forward in a way so that when the final agreement hits the floor, it will be unamendable, it will be not subject to a 60-vote threshold to move forward, and it can be passed within 20 hours, without a single amendment, on a simple up-or-down vote.

I really believe it is time for us, colleagues, to move away from a religious view of trade to ask what is happening in the real world. If our businesses, our manufacturers, and our American workers are not being treated fairly on the world stage, we should take action to ensure they are. I believe in trade, and I have supported it over the years. But I think it is time for us, in light of declining wages, a declining middle class, surging trade deficits, to ask ourselves: Can't we do better with our trade agreements? Here we have this huge one, representing 40 percent of the world economy, creating a new commission with all kinds of powers to

be able to add new members that we may not approve of, and we are just going to pass it, hardly without reading it. Very few Senators have been to the secret room to see what is in the document.

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

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Florida.

#### ISSUES BEFORE THE SENATE

Mr. NELSON. Mr. President, I am going to speak on the three bills that are pending before the Senate: The trade bill, the highway bill, and the continuation of the PATRIOT Act.

Every one of us is in love with our cars. America is in love with their cars. Every one of us can remember the first time we learned to drive. I started out on country roads in an International pickup truck with cow bodies on the side—those are the wooden slats that go out—so I could put my heifers on the little Ranch that I had, so I could haul them around. That is how I got to and from high school. Every one of us has a different story like that. America has been spoiled because of the automobile. It has now become an exceptionally creature-comfort room in which we can suddenly climb in and lose ourselves in beautiful music, comfortable seats, while easily accessible in the cup holder is a cup of coffee. But America's love affair with the automobile will not do us any good if we don't have any roads to drive on and especially if the roads are just filled with potholes or if you can't go across the bridges because they are in danger of falling down.

Of course, that leads us to the obvious; that here in front of us is the highway bill, a transportation bill which involves other things as well—transportation safety and considerable transportation enhancements in urban areas. But we can't get together, even though probably every one of the Members of the Senate would agree we have to pass a highway bill.

The problem is we can't figure out how to fund it. It has to be funded with something called revenue. It either has to be taken out of the general revenues of the U.S. Government—and Lord knows those revenues are being cut back with this meat-cleaver approach across the board called the sequester, the results of which—for example, we have had the Joint Chiefs up here telling us this is going to severely hamper their ability to protect the national security. We have had the head of NIH up here telling us about the consequences of the sequester in the past. A few years ago, when the sequester kicked in, he had to cancel 700 medical research grants, all of which almost all of us would support because of the extraordinary medical research successes that were going on. So general revenue out of the U.S. Treasury is going to be hard to come by to fund the highway bill. If we do this month, 2-month, 6-month extension, all that is saying is that we are going to pull that out of general revenue.

Then, transportation companies, departments of transportation back in our respective States, can't plan on building the roads because they have to have such lead times for the design and engineering and the eventual building of the roads. It is similar to building an aircraft carrier. Money cannot be appropriated for an aircraft carrier in 1 year. It is going to take, in the case of an aircraft carrier, a decade to build. Well, it doesn't take a decade to build most of our roads, but clearly one has to plan ahead to know the money is there so you can proceed.

What good is America's love affair with the automobile if we don't have the efficient roads to drive on? Where is the money coming from? Well, some people have suggested a sales tax, others have suggested updating the gas tax, and others want to look to general revenue. It is time for us to come together and determine what that should be.

I can say to the Senate that this Senator will consider anything that will give us the revenue so we can build this crumbling infrastructure, particularly roads and bridges. One of the things that immediately does is it creates all kinds of jobs. I have seen one commentary. I don't know that this is accurate, but it illustrates the point. If you spend \$1 billion in building roads, there is some huge number of thousands and thousands of construction jobs.

So let's get real. Let's come up with the revenue. Now that is the Finance Committee. One place to start is the gas tax. The gas tax has not been updated. Also, when it is updated, it needs to be calculated for the increases in the cost of living over time. Since it is a user tax, it perhaps needs to be combined with other sources of revenue because we are going to have to face the music and come up with the revenue. One of the issues that is holding us up right here, right now, on a Friday afternoon just before Memorial Day weekend, is figuring out what we are going to do on continuing the highway bill authorization.

Mr. President, one of the other issues in front of us is the trade bill. This Senator is one of the Democrats who has voted for the trade bill known as fast-track, which is to enact a procedure that when the Pacific trade agreement is negotiated, finalized, and announced, it can be considered by the Congress, after ample time for examination, and it would then be considered with an up-or-down vote, instead of the normal process where it would be subject to amendment.

Put a trade bill together with another 11 nations in the Pacific region. If it were subject to the amendatory process in the Senate and the House, it would get pecked to death. It would never survive the legislative wars; thus, the need for this trade promotion authority, the TPA, that we have in front of us.

I believe we will pass it, I believe it will be an overwhelmingly bipartisan

vote, and I believe a big vote out of the Senate will send a significant message to the House, where there are some rumblings of a problem. At the end of the day, when the Joint Chiefs come in front of you and say that this is one of the most important things for them for the national security interests of the United States in that region of the world, the Pacific arena, then at the end of the day, it likely will pass, and in this Senator's judgment it will be in the interests of our country.

Mr. President, the third issue that is before the Senate is the PATRIOT Act. Now, every one of us, if we were here—whether you were here or not, you remember exactly where you were on that fateful day of September 11, 2001. A number of us were in a room right off the floor, right over here on the west front. We were in a meeting with the Democratic leader, the majority leader, Senator Daschle. The meeting started at 9 a.m. We saw on this grainy black-and-white TV what had happened in New York. The human mind wants to play tricks and deny the reality of what was happening; that, in fact, it was no accident that two planes had flown into the two distinct towers of the World Trade Center, but all doubt was cast aside when suddenly someone burst into the room and said, "The Pentagon has been hit."

We leapt to the window overlooking the west side of the Mall and looked in the direction of the Pentagon, and sure enough there was the black smoke rising where the third plane had hit. I immediately raced to a telephone to try to reach my wife because we had just moved into an apartment overlooking the southwest corner of the Pentagon. I wanted to tell her to get out of the apartment and move down into the basement. I couldn't reach her.

By the time I came back, the room was vacated. Out in the hallway, I saw security take the majority leader and the minority leader off in a different direction to a prearranged place for the congressional leadership in times of national security threats and national attack. I will never forget going down those major stairs right out this door of the Senate Chamber, and at the bottom of the stairs the Capitol Police shouting at the top of their lungs: Get out of the building. Get out of the building. Run. Run.

They had heard the reports that there was a fourth airplane inbound. That was a fateful day.

I huddled up outside with Senator Rockefeller, trying to get hold of our staff to tell them to vacate. Later in the day, the Capitol Police told Senator Rockefeller and me not to come back to the Capitol Complex. We ended up at Senator Rockefeller's home. I was still desperately trying to get my wife on the telephone. I will never forget the eerie silence over Washington because all air traffic had been stopped, and that silence was pierced by F-15s and F-16s as they were flying CAPs over the Nation's Capitol.

Well, because of that attack that killed some 3,000 Americans—the first time, by the way, that we were rudely awakened to the fact that our national security was not protected here at home by two big oceans; that an enemy could, in fact, attack and attack within—then how to go after them to prevent it in the future.

That led to the PATRIOT Act. That led to trying to give our intelligence community and the NSA, the National Security Agency, the tools to, when the bad guys are planning—wherever they are, abroad or here—and we get some snippet of evidence that they are planning a dastardly deed, we can give our intelligence community and our law enforcement the tools to try to go after them.

Now, let me give you an example. It used to be that if we would invade somebody's privacy by going after their telephone, we would have to get a court order to be able to tap that telephone. Well, then came the present-day technology. The terrorist does not use just one telephone. The telephone they use now is multiple cell phones and, therefore, you had to update the law to allow you to be able to go after them and see whom they were calling—not from one telephone but from multiple telephones.

That is just one example of how the law was updated. The law was also updated to allow the NSA to be able, at the request of the telephone companies, to obtain the business records—not the private conversations but only the business records—which showed that on such and such a date this number called this number and for how long. All the telephone companies did not comply. A lot of them did.

The PATRIOT Act was enacted to allow a process whereby you would go to a special court classified for national security information, called the FISA Court, and that court would give the appropriate legal authority for the NSA to obtain those records.

Now, this whole disagreement in front of the Senate is over how you hold those business records. It has been misstated on the floor of the Senate that this is obtaining private conversations, invading privacy. This is just a question of how you hold those records.

There will be an attempt to extend the current law, toward which I have some degree of positive attitude, and that is at the request of the NSA. Those records are held by NSA—the telephone business records.

But the legislation that we are going to vote on, the USA FREEDOM Act, is a change—a slight change—of the current law. It says that those records would still be retained by the telephone companies; that they would have to retain those records and not destroy them for some period of time; that if the government suspects terrorist activity, it would go to get a court order to obtain the business records of a particular number or person subject to a judge's order, just as we do if law enforcement or the FBI wants to go into

our home and get evidence. They have to go to a court to show probable cause to the judge that, in fact, there may have been a crime committed.

This is the same process. You go to the classified court that can handle the classified information. The court gives an order to obtain those business records. Why is that important? It is important because we might get a snippet of information about such and such a terrorist or such and such a number that has been used by the terrorist or someone suspected to have been talking to a terrorist. Then, in order to protect ourselves, the intelligence community and law enforcement are going to have to go and get the records so they can see where that call went and then, from that person or number, where it went one more hop, with a limit of two hops.

This Senator prefers not to have those limitations. But that is not what is in front of us. So this Senator from Florida is going to support the USA FREEDOM Act because it is so necessary that by the end of this month the PATRIOT Act does not cease to exist because of all the other provisions in it that allow our intelligence community to try to get the information to protect us before the terrorists can strike.

I can tell you, as a former member of the Intelligence Committee at the time that this PATRIOT Act was drawn up and later amended, and I can tell you as a senior member of the Senate Armed Services Committee, it is my judgment that this is clearly in the national security interest. We cannot take the risk to let the PATRIOT Act cease to exist so that we do not have the tools to protect ourselves.

My final comment is that every day these bad guys are trying to do us in. Every day they are trying all kinds of things to find what is the little flaw or what is the little defect in our defenses. If we do not continue this legislation, as I am suggesting it be amended by the legislation in front of us, then, in fact, we are not giving just a little crack in the door for the terrorists to get in, we are opening up the entire barn door. That clearly is not in the interests of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

THE MIDDLE EAST AND THE PRESIDENT'S LEADERSHIP

Mr. THUNE. Mr. President, I rise today to speak to the evolving situation in the Middle East. I have grave concerns, as do a majority of Americans, with the President's handling of the current situation in that region of the world. Under this President's watch, the world has become increasingly unsafe. Under this President's watch, despots have dug in, and the most horrific terrorist organization we have ever seen has risen to power and thrives.

This week the reality of this failure was brought to the forefront of the

world's attention. The fall of Ramadi marks the capture of another major city. We lost more than 1,300 U.S. soldiers in Anbar Province. Thousands more were wounded. We fought across every foot of Al Anbar and now a handful of ISIS fighters have seized its provincial capital. For those in Ramadi, this was not just a setback; this cost them everything. Hundreds have already been executed at the hands of ISIS. But the White House does not see it that way. The White House has tried to spin a different narrative, downplaying the significance of this defeat.

When this narrative is challenged, the White House doubles down. The White House Press Secretary said: "Are we going to light our hair on fire every time that there is a setback in the campaign against ISIL?" Such comments are dumbfounding and disturbing. The Obama administration is not only demonstrating a complete lack of situational awareness but a total disconnect with how this conflict is being viewed by the rest of the world.

In fact, this week, President Obama chose to lecture the graduating class of the Coast Guard Academy about climate change while Ramadi burned. To ISIS combatants in Syria and Iraq, the fall of Ramadi was a definitive victory. Even if it hands Ramadi back tomorrow, ISIS has shown it still has the capability to make major advances. To those living in Ramadi, ISIS has already won. Regardless of what happens next, for many of those people, their lives have been destroyed.

To potential recruits around the world, ISIS just won again, despite U.S. air strikes and 3,000 trainers for the Iraqi Army. However, according to Secretary of State John Kerry, the fall of Ramadi was only ISIS taking advantage of "a target of opportunity."

Does the Obama administration not understand how terrorist organizations operate? ISIS is not going to line up and go toe-to-toe with the United States. It is going to seek out targets of opportunity wherever it can and avoid conflict where it knows it will lose. That is how it operates. That is how it has been operating since the beginning of this conflict, all the way back to January of 2014, when President Obama referred to ISIS as the junior varsity of terrorist organizations.

Ramadi can be retaken. America can defeat ISIS. But we cannot beat ISIS with half measures while consistently underestimating its capabilities. This terrorist organization must be stomped out. It must be defeated.

In Syria, ISIS is now in control of Palmyra, an ancient site with irreplaceable monuments that may soon be destroyed. Called the "Venice of the Sands," this may be yet another historical scar left by ISIS that will never heal.

President Obama often speaks of regional powers needing to step up and take the lead. Well, let's just be honest

here for a moment. The United States has the most powerful military in the history of the world. If our President does not show a little leadership, no one else is going to step up and lead.

If we are not going to utilize our overwhelming technological superiority to fight this enemy, at the very least—at the very least—embedding spotters with Iraqi forces to make air strikes more effective, why would others want to contribute their far more limited resources? We need our President to show absolute conviction that defeating ISIS is his No. 1 priority, not trying to reach a mediocre compromise on an Iranian nuclear deal, not having Secretary Kerry fly to Sochi to shake hands with Putin while he still occupies the territory of other countries, and not having a summit at Camp David to lecture our allies on what America thinks is in their best interests.

There is a terror organization killing people, as we speak, in a country that we fought to liberate from a brutal dictator. We had won in Iraq. We had defeated this insurgency until it was determined, for political reasons, that we should pack up and go home. The President claims he does not want to get into another prolonged war.

Well, unfortunately, that is exactly what he is doing. There is no way to defeat ISIS with half measures. There is no way to negotiate with ISIS. Unless ISIS is defeated, it will grow and spread like a cancer. This President, throughout his administration, has shown himself to be crippled by indecision. Against ISIS, we need decisive action. We need it now.

HONORING AMERICAN FIGHTER ACES

Mr. President, I also want to speak today to recognize the tremendous and selfless service of America's veterans. This week Congress honored American Fighter Aces, the 1,447 military pilots who have earned the special distinction of destroying five or more hostile aircraft in air-to-air combat, by awarding them the Congressional Gold Medal.

Of these distinguished aviators, 10 hailed from South Dakota. While they are no longer with us today, their heroism and valor have not only built the foundation of the modern air superiority that our Armed Forces employ today but have shaped who we are as South Dakotans and Americans.

Becoming an ace was no easy feat. In World War I, the pioneers of dogfighting faced perilous situations in wood and canvas biplanes that had limited ranges and could barely top 100 miles an hour. Still, these innovators refined the still-adolescent technology of flight and forever changed the nature of modern war.

Decades later, American pilots proved invaluable in turning the tide of World War II. Fighters flew attack and bomber escort sorties over Europe and attack and fleet protection missions in the Pacific. Just 2 weeks ago, when America and the world celebrated the 70th anniversary of V-E Day, 56 World



War II-era aircraft in various formations flew over the National World War II Memorial, the National Mall, and the U.S. Capitol in an impressive display of the air power that helped secure victory for the allies.

The aerial parade included an F6F Hellcat, which one of my heroes, my dad Harold, flew off the USS *Intrepid* in the Pacific theater.

While my dad was one aerial victory short of achieving ace, his squadron mate and fellow South Dakotan, the late CAPT Cecil Harris, racked up 24 victories.

Harris, a farm boy from Cresbard, SD, ended the war as the second-highest Navy ace. South Dakota also produced the second-highest ace in the Marine Corps during World War II, Medal of Honor recipient Joe Foss. Foss earned the title of “ace” in just 1 week in 1942 on his way to a total of 26 air victories.

Foss’s service and leadership continued after the war. He helped organize the South Dakota Air Guard unit. He was recalled to duty in the Korean war. He went on to serve two terms as South Dakota’s Governor and even as the first commissioner of the American Football League.

Our airport in Sioux Falls, Foss’s hometown, is home to the South Dakota Air National Guard 114th Fighter Wing and is appropriately named Joe Foss Field.

South Dakota is also proud and grateful for the service of our other eight aces: Clarence Johnson, from Aberdeen, who was killed in action over Holland in 1944; Robert Graham from Beresford; Robert Buttke from Lemmon; LeRoy Grosshuesch from Menno; Leslie Clark, from Mitchell; Arthur Johnson, Jr., from New Effington; Gene Markham from Turton; and Robert “Duke” Hedman, from Webster, who achieved ace in a single day over Burma on Christmas Day in 1941.

When you come from rural America, it can be hard sometimes to see how one might fit into the larger scheme of global events, let alone the defining moments in our history. Yet when the world erupted in chaos over the Second World War, these were 10 South Dakotans in the thick of it. These are but 10 heroic examples of the dedicated selflessness South Dakotans have shown in conflicts past and present. South Dakotans have always punched above their weight when it comes to military service.

As the age of jets arrived and the capabilities of aerial firepower and defense systems have increased, the title of “ace” became even more elusive. Still, on Wednesday, we celebrated the 40 American aces from the Korean war, as well as two pilots and three weapons systems officers from the Vietnam war.

The maturation of our air combat capabilities, from the origins of aerial combat in biplanes to the sophisticated airframes and advanced weapons systems on which we rely today, rest

heavily on the courage of American fighter aces. These aviators represent the best of our American Armed Forces and helped shape history with their courage.

As we reflect on the gallant service of America’s fighter aces, may we also remember all those who answered the call to serve, all those who supported the effort on the homefront, and those to whom, I should say, we are forever indebted—those who made the ultimate sacrifice.

This Memorial Day, as a free and grateful nation, may we remember those who have fought and died for this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I rise to talk and continue the conversation we were having in the Senate about trade and the need to pass trade promotion authority, all geared toward hopeful entry and final conclusion of a Trans-Pacific Partnership Agreement that this Senate will be able to vote on to approve or disapprove, if it is not a good bargain, and eventual conclusion of a treaty with the European Union, TTIP, and what we can do to make sure we are fashioning a trade partnership in this country to truly grow our economy.

One of the things that have made me so passionate over the years about public service has been the economic circumstance and the conditions of rural America, what happens to Main Streets across our great Nation that are suffering. They have more boarded-up storefronts than they have ever had at any other time in history. Perhaps one of the greatest things we could do right now to help Main Street, to help create new jobs and opportunities, is to pass trade promotion authority later today, tomorrow, whenever we get to it—to make sure it passes without provisions that could break up any future negotiations but do so in a way that allows agreements to be entered into like the Trans-Pacific Partnership—all benefiting rural America and particularly rural Colorado.

To make rural America more successful, we have to find new ways to bring new value to those things we can produce in rural America, whether it is wheat crops, corn crops or a small manufacturing business. How do we add value to what is produced in and across rural America?

According to a 2012 Peterson Institute for International Economics study, it is estimated that industries across this country could see a 2-percent increase in added value as a result of a finalized Trans-Pacific Partnership Agreement. So when we talk about adding value to crops, and we talk about adding value to goods produced in rural America, this study shows that if we pass the trade promotion authority and move to the successful conclusion of TPP, it adds value to what we produce across this country, creating jobs and opportunity.

There are a lot of people who are concerned about the trade promotion authority, people who are maybe opposed to it, people worried it may not create the kind of value others believe it will.

But the conservative Heritage Foundation had a study that showed trade was adding \$1.7 billion to our GDP in 2013. In fact, this same study showed that, according to the Heritage Foundation, trade brings value to the average American household of over \$13,000 per family. That is \$13,000 per family added to income in a household, that they would be able to succeed with to achieve greater opportunity, to raise their value of life, to raise their quality of life—all because of and possible through trade.

Trade promotion authority is the first step we will take in this Chamber and across the hall to the House of Representatives to make sure we are giving the tools to our negotiators to develop the best, strongest, possible agreement.

Now this agreement doesn’t just say do whatever you want, this agreement has sideboards on it, firewalls that create opportunities to enter into the best deal possible to direct our negotiators to tear down barriers.

Some of the concerns I hear from people who may be unsure about the passage of trade promotion authority seems to be: This is about big business, isn’t it? This is only going to benefit those corporations that are the biggest in the United States.

But that is simply not true, because what free-trade agreements allow us to do is to tear down trade barriers. It allows us to break those barriers that are creating impediments to doing business. In fact, if you are in a big business, corporate welfare has become a common way that you are actually trying to succeed in this country. Corporate welfare, where you have a lobbyist you can pay—or a team of lobbyists you can pay—to provide, to get or to gain a special tax preference or maybe there is a trade barrier you would like thrown up against some other nation that is importing goods into the United States, and this big corporation says, you know what, we think we can stop this through special interest favors—so what is an advantage in big business is corporate welfare.

By entering into a free-trade agreement by passing trade promotion authority, allowing us to tear down those trade barriers like the TPP will, it actually helps all businesses in this country by eliminating corporate welfare, by taking out the advantage that a big business has to hire lobbyists to curry favor through legislation, giving small businesses an equal opportunity with that value that they added through a trade agreement to sell their goods around the world.

So the Trans-Pacific Partnership, trade promotion authority, these are agreements that focus on sending goods from Main Street to Malaysia,

what we can do to create economic opportunity in Colorado and beyond, because everybody in Colorado is benefiting right now from free markets and free trade; 265,000 Colorado jobs are supported by trade with nations that are represented in the Trans-Pacific Partnership. In fact 48 percent of all Colorado goods, 48 percent of the goods we create in Colorado, were exported to nations represented in the TPP, the Trans-Pacific Partnership.

In a State that exported over \$8.4 billion worth of goods, we can see the kinds of jobs and economic opportunity that trade promotion authority will lead to. In fact, there have been economists who have talked about pillars of our economy; one pillar being lower taxes, one pillar being spending restraint, one pillar being lessening the regulatory burden on businesses around this country. But another pillar is trade, the ability to create goods in the United States to send them overseas. That creates jobs and opportunity for all of us. Whether it is our agricultural commodities, whether it is manufacturing in Colorado, aerospace or technology, we know we will benefit from a strong agreement that tears down barriers giving big and small businesses alike the opportunity to enter into a promising economic opportunity that we will all share in.

#### MEMORIAL DAY

Mr. President, I also rise to talk about this upcoming weekend. People and families across this country will be celebrating Memorial Day, sharing time with family and friends celebrating the weekend. In Colorado, normally you would be celebrating by possibly going to the lake or going on a hike in the mountains or down the river, but unfortunately the weather may not be as nice as it has been in past years. We are receiving much needed rain and moisture, but it may not let up in time for a lot of the outdoor activities that we would normally enjoy over Memorial Day.

But one thing that will not be dampened, one thing that will not stop is the observation of Memorial Day and the tribute, the thoughts, the remembrance that we pay to those who served our country. Now, it may be a little wetter than normal, there may be more tents than perhaps the jackets we usually have, but Coloradans across the State will still go to the cemeteries paying their respects. They will still share stories with their families about the members of their family who have served this country, who have given so much and sacrificed so greatly for this country.

It is 70 years ago this year that one of the Colorado Guard units was involved in World War II in the liberation of Dachau. Seventy years ago, Felix Sparks was one of the first to arrive on that atrocious scene. That is something that will no doubt be on the minds of many veterans in this country and in Colorado this year, the sacrifices they have given so people all

around this world will be able to enjoy liberty, share in the democracy that free people have, and where we can continue to provide opportunities to enrich liberty, to promote democracy. That is what this Nation will continue to do thanks to the sacrifices of our veterans and the noble goals and efforts of those men and women in uniform today.

I wish the people in this country a very good Memorial Day.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Colorado.

#### ORDER FOR RECESS

Mr. GARDNER. Mr. President, I ask unanimous consent that following the remarks of Senator BLUMENTHAL for up to 5 minutes, the Senate recess today until 2 p.m., and that the time during recess count postcloture.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Connecticut.

#### MEMORIAL DAY

Mr. BLUMENTHAL. Mr. President, I join my friend and colleague from Colorado in celebrating and saluting on this historic day the service and sacrifice of so many of our military men and women who have given their lives so we can enjoy the precious freedom all of us will benefit from over this weekend. The freedom to gather as we wish, speak as we please, worship, and gather together with friends—all of these freedoms are due to the service and sacrifice of the men and women whose lives we celebrate this weekend.

#### IDENTITY THEFT OF VETERANS

As it happens as well, my office is issuing a report that shows our veterans and servicemembers often are victims of practices around the discounts and promotions that will be offered this weekend. Many retailers will offer sales and discounts to our veterans and, in fact, our veterans are twice as likely as the ordinary population and the general public to be victims of identity theft and fraud because they are asked to provide information in connection with taking advantage of these discounts.

I am proposing reforms to be adopted by the Department of Defense under existing authority, and these reforms will save veterans from identity theft and fraud when retailers offer discounts but demand sensitive personal information.

A national recognition of service card will honor our heroes and save them from scammers who may prey on them after they provide this information. Retailers who commendably—and I emphasize commendably—offer veterans discounts, especially around this holiday and others, should not put them at undue risk in verifying their status.

As Memorial Day approaches and as we celebrate it today, the Department of Defense should adopt the rec-

ommendations of the report I am offering today. And I will offer legislation, if necessary, to compel these kinds of reforms. Our veterans and servicemembers need and deserve commonsense protections so discounts don't become really bad deals. The reforms, such as the national recognition of service card, can guarantee privacy and protection for our veterans and servicemembers, even as they take advantage of the discounts and promotions that will be offered to them over this Memorial Day weekend, and avoid disclosure of information to third parties who may not protect that information as they should.

#### USA FREEDOM ACT

I want to say a few words about the choice currently before this body in connection with the USA FREEDOM Act and the PATRIOT Act—words that come to mind over this Memorial Day weekend so often and frequently on our lips. This issue before our body is a profoundly important one. It has been framed as a question of whether the Senate passes the USA FREEDOM Act or the short-term extension of the PATRIOT Act that authorities say is a compromise.

There is supposedly a compromise before this body, but let's keep in mind that the USA FREEDOM Act is, in fact, a compromise. It reflects the views of hawks and doves, Democrats and Republicans, the House and the Senate, the Congress, the executive branch, and the judiciary.

Many of us have made significant concessions to reach the USA FREEDOM Act. In fact, I have wondered at times whether to walk away from this so-called compromise because it does too little in the way of reform and perhaps shortchanges the proposals I and others have made to protect privacy and balance that protection with the very profoundly important need to preserve our national security.

A short-term extension is not a compromise. The USA FREEDOM Act is, in fact, already a compromise, and that is why I have opposed and will continue to oppose a short-term extension, even when it is portrayed and depicted as a compromise, as has happened so far.

Another important point here is that a short-term extension will not solve our problem. A short-term extension is simply an invitation for more uncertainty, more litigation, more expense, and, in fact, more compromise to our national security.

The Second Circuit Court of Appeals has made it absolutely crystal clear that if Congress authorizes section 215, the Second Circuit will read it as disallowing bulk collection. That court held: "If Congress fails to reauthorize Section 215 itself, or reenacts Section 215 without expanding it to authorize the telephone metadata program . . . the program will end."

That means if Congress passes the so-called short-term reauthorization, phone companies in New York, Connecticut, and Vermont will not be able

to comply with a bulk collection order. Around the Nation, the court of appeal's ruling is the law of the land, or should be given that respect, and it will be unclear around the land and throughout this country what kind of order, in fact, is demanding of them. The result is likely to be legal uncertainty that will last long after Congress decides to act.

The only way to avoid endless litigation is to pass legislation that specifies what section 215 allows, what it does not allow, and the only proposal that does that task is the USA FREEDOM Act.

I continue to believe that one of the central core provisions of the USA FREEDOM Act is that it requires transparency and the adversarial process, containing reforms that I proposed to make sure that this FISA Court is no longer a secret tribunal considering arguments in secret and issuing secret opinions—exactly the kind of court that prompted our rebellion from England. When it operates and when it hears arguments, it should hear both sides—it should hear from an adversary to the government that offers a different point of view. Courts make better decisions when they hear both sides of the argument. That is why I proposed from the start a constitutional advocate who will make arguments against the government without compromising the need for timely warrants and other surveillance and without in any way reducing the secrecy of this court where it is appropriate.

I hope this body reaches a result that includes the USA FREEDOM Act. I hope we pass it. I urge my colleagues to join in supporting it.

I yield the floor.

I suggest the absence of a quorum.

Mr. President, I withdraw my observation about the absence of a quorum.

#### RECESS

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

Thereupon, the Senate at 1:07 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. PERDUE).

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

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I suggest the absence of a quorum.

Mr. LEAHY. Will the Senator withhold?

Mr. WHITEHOUSE. I withhold.

The PRESIDING OFFICER. The Senator from Vermont.

#### USA FREEDOM ACT

Mr. LEAHY. Mr. President, I have been having a lot of people ask me where we are on the USA Freedom Act of 2015, and we actually have a very in-

teresting, easy choice: We can either pass the bipartisan bill the House of Representatives passed with a majority of Republicans and a majority of Democrats voting for it, or we can let the expiring provisions of the USA PATRIOT Act sunset at the end of the month. Some may prefer that. I think the House made a number of improvements which protect our freedoms and protect our security, and that is what we ought to pass.

Some people have talked about short-term extensions. Well, we could have a 2-day extension or we could have a 5,000-year extension; we would be extending something that doesn't exist. The fact is that the House gave us the USA FREEDOM Act in plenty of time to act upon it, to amend it if we wanted to, to send it back and go to a conference. But now the House has adjourned and gone on recess. If we don't vote for their bill, we will end up at the end of the month with nothing. There will be nothing to extend. We could feel good about passing an extension, but we can't extend something that is dead.

I have worked for more than two years with Members of Congress from both parties and in both Chambers to develop the USA FREEDOM Act of 2015. It is a commonsense, balanced reform bill that protects Americans' privacy, while also ensuring our national security.

The bill doesn't go nearly as far as the bill I first introduced in October of 2013 with Congressman SENSENBRENNER. It doesn't go as far as the USA FREEDOM Act that was filibustered last November by Senator MCCONNELL and others. At that time, the incoming majority leader wanted to wait and see how it would be with a Republican majority and was able to rally his Members to delay reform. But we shouldn't delay it any further. Americans deserve to have their privacy restored and their national security protected. There should be no more excuses.

In the bill Senator LEE and I have introduced and supported, the USA FREEDOM Act of 2015—it has not just our support, it has the administration's support, it has the support of the Director of National Intelligence, the Attorney General, the FBI Director, a supermajority of the House of Representatives, the technology industry, privacy and civil liberties groups, librarians, and the NRA. I mean, when are we ever going to find all these groups coming together? Well, they came together because they know the USA FREEDOM Act is a good bill, and the support for our bill continues to grow.

Just yesterday, national security experts at the conservative Heritage Foundation concluded that the USA FREEDOM Act "strikes a balance between maintaining our national security capabilities and protecting privacy and civil liberties." Why? Because it is a reasonable and responsible bill. When

we get the civil liberties groups, the NRA, the Heritage Foundation and privacy groups together, we have something.

I have been here 41 years. I have seen very few pieces of legislation where these diverse groups come together, and they did because the USA FREEDOM Act is a responsible and reasonable bill. But even if they hadn't come together, it is the only option left for any Senator who wants to avoid a sunset of the surveillance authorities at midnight on May 31. We won't be in session. The other body won't be in session. The one thing that will happen is our current authorities will sunset. They will go away. Wow. Can't you hear the cheers from some of our enemies?

Last year when the current Senate majority leader led the filibuster of the USA FREEDOM Act, we were told that the Senate needed more time to consider the issue and that the new Senate would take up the matter under new leadership. All right. We have known the sunsets were coming for years. That is why I brought up the bill last year. There has been nothing done on this urgent matter this year—no public hearings and no committee markups, unlike the six public hearings I held in the Judiciary Committee last year.

In contrast, the House leadership has acted responsibly and decisively. They moved the USA FREEDOM Act of 2015 through the Judiciary Committee and passed this bipartisan bill overwhelmingly.

We had significant debate on this issue this week. I have heard Senators across the political spectrum who have spoken at length on the Senate floor about their views. Most of these Senators have urged us to reform the government's bulk collection program—which is, of course, the same way the vast majority of Americans feel. But there have also been voices urging more surveillance. We have heard the familiar fear-mongering and demands for a data-retention mandate on the private telecom companies. Well, I disagree with those Senators who voiced that perspective, but they have at least been heard.

Unfortunately, the clock has been running. The House worked very hard, they completed their work, and they left. They are not coming back until after the surveillance authorities are set to expire. And the House leadership has made clear that they will not pass an extension. Even if they were in session and we passed an extension, they made it very clear to Republican and Democratic leadership that they will not take it up.

So here is the choice. It is a very simple one. We can let the three provisions at issue expire—some may like that; frankly, I don't—or we can pass the bipartisan and bicameral USA FREEDOM Act of 2015.

We all know that the NSA has for years been using section 215 of the USA PATRIOT Act to sweep up phone