

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

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

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

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

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

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

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

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

Polluters could seek to undermine the President’s Clean Power Plan or the toxic mercury pollution under the Mercury and Air Toxics Standards or they could sue because they had to

spend a little money to make sure they didn’t dump toxins into our waterways—drinking water.

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

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

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

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

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

#### TOXIC REFORM

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

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

What we did in this bill is to understand that we had to negotiate certain items out of it, and one of the items we had to negotiate was how far the original bill went in preempting State laws, which we have now addressed. Credit goes to 450 organizations that—although they still oppose this bill—pushed hard for those changes. Credit also goes to Senators WHITEHOUSE, MERKLEY, and BOOKER, who told me they wanted to try to negotiate some changes. I blessed them, and they went

and did it. For that I have to thank a Senator who is no longer with us, Ted Kennedy. He taught me that, as a chairman, you need to understand that sometimes you have to turn to your colleagues and let them move forward. And I was happy to do that.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As Lisa Heinzerling, a professor at Georgetown University Law Center and

former senior EPA official pointed out in a recent blog titled, "Toxic Ambiguity: the Dangerous Mixed Messages of the Udall-Vitter Bill to Reform TSCA," these are serious loopholes that must be addressed.

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

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

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

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

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

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

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

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

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

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

I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Delaware.

#### TRADE

Mr. CARPER. Mr. President, I wish to harken back about 6 months, if I could, to the election of last November. For me there were at least three takeaways from that election. No. 1,

the voters of this country want us to work together and across party lines. No. 2, they want us to get things done. Among the things they want us to get done is to find a way to strengthen the economic recovery that has been underway now for several years.

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

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

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

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

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

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

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