

Having a half-finished hospital in Colorado would be a national disgrace. And the hundreds of thousands of veterans across the Rocky Mountain region that this hospital would service deserve better.

I especially want to thank Chairman ISAKSON and Ranking Member BLUMENTHAL for their work on this project and for their commitment to finishing the hospital. And, I want to thank my colleague Senator GARDNER for his work—especially in the last hours—to avoid a shut down.

Mr. President, before I turn this over to my colleague from Colorado, I thank Chairman ISAKSON for his extraordinary leadership in getting this done. It was very difficult to do.

Senator ISAKSON and Senator BLUMENTHAL came to Colorado. They are both men of their word, and I have never doubted that for an instant. The chairman has set an incredible example for this body.

I also thank the Senator from Kansas for his work on this legislation.

My colleague, Senator GARDNER, from Colorado, has been a true champion for our veterans. He has helped us keep our delegation together as we have gone through a rough patch here and, through the Chair, I thank him for his leadership.

I yield the floor to my colleague from Colorado.

Mr. GARDNER. Mr. President, I reiterate the thanks my colleague from Colorado has given to Chairman ISAKSON of the Veterans' Affairs Committee as well as to the Senator from Kansas who worked closely with us to make sure we could all get behind two measures we support, both of which would provide greater care and support for our veterans.

To my colleague Senator BENNET from Colorado, through the Chair, I thank him for the work we have been able to do. This has been a tireless effort in the hours leading up to Memorial Day to make sure we provide the resources necessary to continue a hospital project in Denver that has been, no doubt, beleaguered by problems, but something we must fulfill and must continue to fulfill to complete the project, to get this thing built, and to make sure it does not result in even higher costs than it has already undertaken.

This is an effort that is going to take continued cooperation, not only by the Colorado delegation but by the Veterans' Administration itself. Over the next 3 weeks, we have been given a reprieve to make sure we can find the policies and a viable path forward to get this job done that results in a hospital that will complete and fulfill the promises we made to the veterans in Colorado.

Through the Chair, I say to my colleague Senator BENNET great thanks for his leadership on all accounts, and I thank Chairman ISAKSON on behalf of veterans across Colorado for his leadership and work in making this happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I thank all of my colleagues for the progress we have been making on a very bipartisan basis.

I particularly wish to thank the chairman of the Veterans' Affairs Committee for working so diligently on an immediate and temporary solution to advance the Aurora project and enable us to keep it going. Our visit out there illustrated to us the importance of this project which my two colleagues and friends from Colorado have described so well and eloquently.

I thank my friend from the great State of Kansas. He and I have worked to make sure veterans are really served by the CHOICE program, along with the chairman, who has understood and enabled us to work together on a bill which will be passed by unanimous consent, I hope, and will be passed by the House of Representatives, I hope, by unanimous consent. But if not, as I have committed to him, I will continue to work to make sure the 40-mile rule and choice mean veterans are served by a facility that can give them the care they need and deserve. Our heroes ought not to have to travel great distances or wait an inordinate amount of time to receive medical care that is so vital and so well deserved by them. They have earned it, and they ought to have it.

I thank my colleagues for working so well and diligently on this effort.

I yield the floor.

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

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Judge Stephen Schwebel, who is both a dispute arbitrator and president of the International Court of Justice. This letter provides a useful perspective on the investment matters that have been discussed this week.

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

MAY 5, 2015.

Senator RON WYDEN,  
*Senate Finance Committee, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR WYDEN: I have been asked to comment on statements that have recently been circulated that oppose inclusion in the projected Trans-Pacific Partnership (TPP) of provision for investor-State dispute settlement (ISDS). Please permit me to note that I addressed criticism of ISDS a year ago at some length in a speech to the Congress of the International Council for Commercial Arbitration. A copy of that speech is attached. I believe that it is of current pertinence.

For my part, as a former Judge and President of the International Court of Justice, with experience going back to 1954 in international arbitration between States, be-

tween corporations and States, and in international commercial arbitration, I remain convinced that investor-State dispute settlement is a progressive development in international law and relations that should be preserved and nurtured. It should certainly be included in the TPP and in the comparable transatlantic treaty under negotiation as it has been in more than 3000 bilateral investment treaties, and in important multilateral treaties, notably NAFTA and the Energy Charter Treaty.

A letter of April 30, 2015 written to leaders of the Senate and House by five distinguished professors of law and economics and a former Circuit Court Judge criticizes ISDS because it allows foreign investors to avoid U.S. courts by resorting to arbitral tribunals. The letter fails to take account of the fundamental fact that treaties are reciprocal. If the United States seeks to have disputes that arise between American investors and foreign governments not resolved by foreign courts, some of which may be less than objective in their treatment of foreign investors; if the United States seeks to substitute the rule of law for its exercise of diplomatic protection which if and when episodically extended is often ineffective; if the United States seeks to avoid the gunboat diplomacy of earlier era, then it must be ready to extend to foreign investors investing in the United States the option of recourse to international arbitration which their governments reciprocally extend to U.S. investors. It is of course true that U.S. courts generally have high standards in their treatment of foreign parties. It is also true that the substantive provisions of treaties providing for investor/State arbitration are consistent with U.S. Constitutional guarantees. In point of fact, few arbitral cases have been filed against the United States in ISDS proceedings and so far the United States has won them all.

A report of the Transnational Institute of 2012 charges that a small group of arbitrators has decided a majority of investor/State disputes, that this group is "riven with conflicts", and that they exhibit a "strong market orientation". An example cited is that of Marc Lalonde "who has served on the board for energy and mining company Sherritt International" while energy and mining cases "account for half of the 30 cases in which he has served as arbitrator". But in fact Mr. Lalonde earlier was a very senior official of the Government of Canada for some 20 years, serving as a Minister of the Crown—a cabinet officer, in American parlance—for Health and Welfare, Status of Women, Federal-Provincial Relations, Justice, Energy, Mines and Resources, and Finance. By parity of reasoning, he should exhibit not a strong market orientation but a strong pro-State orientation. In point of fact, Mr. Lalonde exhibits an impartial orientation and has the confidence of both governments and investors, as his colleagues in the field do as well. If they did not, the system of investor/State arbitration would not have flourished as it has.

Charges by groups and individuals that the ISDS process manifests "a serious pro-company tilt" are contrary to fact. Of 144 publicly available arbitral awards, as of January 2012, where arbitrators resolved a dispute arising under a treaty, States won 87 cases, and investors won 57. ICSID statistics show that of its disputes decided in 2013, jurisdiction was declined in 31%, the award dismissed all claims in 32%, and an award upholding claims in part or in full issued in 37%. These figures in the large hardly support the allegation of a bias against States. If investment arbitrators were truly influenced by the prospects of remuneration for extended proceedings and for further appointments, why would they terminate so

many arbitral proceedings at the jurisdictional stage? Moreover, the large majority of international arbitral awards are unanimous, a fact that suggests that arbitrators are not unduly responsive to the interests of the party that appointed them.

In short, the integrity of ISDS is demonstrably high.

Your sincerely,

STEPHEN M. SCHWEBEL.

Mr. WYDEN. Mr. President, I am going to be brief because I know Chairman HATCH and I are going to be propounding some unanimous consent requests here in a moment.

On this currency issue, I want it understood that this is a serious, serious issue, and it is absolutely essential that our trade laws include tough enforceable currency rules and that we put in place those rules without doing damage to American monetary policy or to our ability to tackle the big economic challenges in the days ahead.

The Senate has a choice between the amendment offered by Senator HATCH and me and the amendment offered by Senator PORTMAN and Senator STABENOW. My view is this. The Portman amendment could outsource the question of the Federal Reserve's intent and decisionmaking to the whims of an international tribunal. This could take tools out of the economic toolbox that we could need—need greatly—during a potential financial crisis. We hope it will never happen, but the bottom line is the Congress must not set up the possibility of collateral damage for the Fed and our dollar.

The right solution, which Chairman HATCH and I have worked to offer as an alternative, will make sure that America gets the upside of cracking down on currency manipulators and avoids the downside of limiting the Federal Reserve's toolkit of monetary policy. Our view is that we strike the right balance. We make sure that we are going to have the widest array of effective tools available, including strong, enforceable rules. I think we ought to take that route. The alternative could subject our country to disputes over our own monetary policies. That means, as I indicated, that the alternative—the Portman-Stabenow amendment—would, in effect, outsource questions of the Federal Reserve's intent to the whims of an international tribunal.

Now, the Portman amendment tries to carve out domestic monetary policy. It sure sounds like a good idea. But when we have opened ourselves up to attack over our policies, other countries will not have to take our word that our policies are on the up and up. Even with that carve-out, other countries can still come after us.

For example, many countries argued that our quantitative easing policy unfairly devalued the dollar. They were dead wrong on that. But the Senate shouldn't do anything that could strengthen the hand of those countries that want to attack our monetary policies.

Now that Chairman HATCH is here, I wish to propound a unanimous consent request.

Over the past few days, Chairman HATCH and I have been working in a bipartisan and cooperative fashion to come up with a balanced package of amendments that can be voted on. I very much appreciate the work of the chairman and his bipartisan leadership and particularly of my northwest colleague, Senator MURRAY. It appears regrettable that we have come up short, but for the benefit of colleagues, I wish to propound a unanimous consent request that would be acceptable to our side. These are amendments that I believe are important for the Senate to consider as part of this debate.

I ask unanimous consent that it be in order for the following first-degree amendments to the Hatch substitute be made pending during today's session of the Senate and that no other first-degree amendments be in order:

Cruz-Grassley No. 1384 on immigration; Menendez No. 1430 on trafficking; Sullivan No. 1246 on fish and shellfish; Warren No. 1328 on financial services; Daines No. 1418 on Indian tribes; Donnelly No. 1406 on training programs; Sessions No. 1233 on congressional approval; Boxer No. 1371 on minimum wage; Paul No. 1383 on bonuses for cost cutters; Manchin No. 1413 on State effects; Paul No. 1408 on auditing the Fed; Cardin No. 1230 on human rights; Brown-Portman No. 1252 on leveling playing field; Whitehouse No. 1387 on unregulated fishing; Markey No. 1308 on clean air and water; Merkley No. 1404 on food information; Casey-Murphy No. 1436 on Buy American; Baldwin No. 1317 on trade remedy; Bennet No. 1309 on poverty/hunger;

Further, that the time until 5 p.m. today be equally divided in the usual form; that at 5 p.m. today the Senate vote in relation to the following amendments in the order listed: Hatch-Wyden No. 1411 on currency; Portman-Stabenow No. 1299 on currency; Warren No. 1327 on ISDS; Flake No. 1243 on striking TAA; Brown No. 1251 on China docking; Cruz-Grassley No. 1384 on immigration; Menendez No. 1430 on trafficking; Sullivan No. 1246 on fish and shellfish; Warren No. 1328 on financial services; Daines No. 1418 on Indian tribes; Donnelly No. 1406 on training programs; Boxer No. 1371 on minimum wage; Manchin No. 1413 on State effects; Cardin No. 1230 on human rights; Brown-Portman No. 1252 on level playing field; Whitehouse No. 1387 on unregulated fishing; Markey No. 1308 on clean air and water; Merkley No. 1404 on food information; Casey-Murphy No. 1436 on Buy American; Baldwin No. 1317 on trade remedy; Bennet No. 1309 on poverty/hunger;

Further, that no second-degree amendments be in order to the amendments prior to the votes; that all after the Brown amendment No. 1251 be subject to a 60-affirmative-vote threshold for adoption; that upon disposition of the Bennet amendment No. 1309, all other pending amendments, including Sessions No. 1233, Paul No. 1383, Paul No. 1408, Inhofe No. 1312, McCain No.

1226, and Shaheen No. 1227, to the Hatch substitute be withdrawn; that all postcloture time be considered expired; and the Senate vote on the adoption of the Hatch substitute amendment, as amended; finally, if cloture is invoked on H.R. 1314, all postcloture time be yielded back, the bill, as amended, be read a third time, and the Senate vote on passage of the bill, as amended.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, on behalf of our side, I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Mr. President, I ask unanimous consent to set aside the pending amendments and call up the following amendments: Cruz No. 1384; Menendez No. 1430; and Brown-Portman No. 1252; further, that amendment No. 1252 not be subject to any points of order under rule XXII.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, on my reservation, I don't have a problem with the Senate voting on the three amendments included in Chairman HATCH's request, but there are a number of other important amendments that are not included in that request that colleagues on my side feel very strongly about and want to have the Senate vote on. Because the chairman's request would not allow these important additional amendments to be considered, I must object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. HATCH. Mr. President, as everybody should know, both the distinguished Senator from Oregon and I have tried to work these amendments out, and we were unsuccessful. There were objections and, therefore, I apologize that we weren't able to do more. But cloture was invoked, and that is the rule, I guess.

AMENDMENT NO. 1411, AS MODIFIED

I wish to urge my colleagues to vote in favor of the Hatch-Wyden amendment No. 1411. If adopted, our amendment would strengthen the negotiating objective in the TPA bill relating to currency manipulation. Specifically, it would provide our country with a multitude of tools to address currency manipulation in the context of free-trade agreements, including enhanced transparency, disclosure, reporting, monitoring, and cooperative mechanisms, as well as enforceable rules.

As we all know, this amendment is filed as an alternative to the Portman-Stabenow currency amendment, and it is superior in a number of ways.

I know that many of my colleagues are sincerely concerned about currency manipulation and want to do something to address this issue. I share

those concerns, which is why Senator WYDEN and I introduced this alternative currency amendment that provides a more sensible approach—one that has been endorsed by leaders in the administration, the business community, and elsewhere.

Unlike the Portman-Stabenow amendment, the Hatch-Wyden amendment would not derail the TPP negotiations. Unlike Portman-Stabenow, the Hatch-Wyden amendment poses no threat to America's monetary independence. Unlike the Portman-Stabenow amendment, the Hatch-Wyden amendment would prevent future trade and currency wars. And unlike Portman-Stabenow, the Hatch-Wyden amendment would promote greater monitoring and transparency of our trading partners' currency practices and keep manipulation practices out of the shadows. And, probably most importantly, unlike Portman-Stabenow, the Hatch-Wyden amendment would not kill TPA.

The PRESIDING OFFICER. All time has expired.

Mr. HATCH. I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. In fact, 30 seconds will be fine.

Indeed, of the two currency amendments that are now pending in the Senate, the Hatch-Wyden amendment is the only one that stands a chance of ever becoming law.

I urge my colleagues to support our amendment to allow us to more effectively address currency manipulation without killing the TPA bill.

With that, I yield the floor.

The PRESIDING OFFICER. All postcloture time has expired.

The question is on agreeing to amendment No. 1411, as modified, offered by the Senator from Utah, Mr. HATCH.

Mr. WYDEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

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

The result was announced—yeas 70, nays 29, as follows:

[Rollcall Vote No. 186 Leg.]

#### YEAS—70

Alexander	Cardin	Cotton
Ayotte	Carper	Crapo
Barrasso	Cassidy	Cruz
Bennet	Coats	Daines
Blumenthal	Cochran	Donnelly
Booker	Collins	Durbin
Boozman	Coons	Ernst
Cantwell	Corker	Feinstein
Capito	Cornyn	Fischer

Flake	Lee
Gardner	Manchin
Grassley	McCain
Hatch	McCaskill
Heitkamp	McConnell
Heller	Mikulski
Hoeben	Moran
Inhofe	Murkowski
Isakson	Murray
Johnson	Nelson
Kaine	Paul
Kirk	Perdue
Klobuchar	Risch
Lankford	Roberts
Leahy	Rounds

#### NAYS—29

Baldwin	Hirono	Sanders
Blunt	King	Schatz
Boxer	Markey	Schumer
Brown	Menendez	Sessions
Burr	Merkley	Shelby
Casey	Murphy	Stabenow
Franken	Peters	Udall
Gillibrand	Portman	Warren
Graham	Reed	Whitehouse
Heinrich	Reid	

#### NOT VOTING—1

Enzi

The amendment (No. 1411), as modified, was agreed to.

#### AMENDMENT NO. 1299

The PRESIDING OFFICER. The question now occurs on amendment No. 1299, offered by the Senator from Michigan, Ms. STABENOW, for herself and Mr. PORTMAN.

The Senator from Ohio.

Mr. PORTMAN. Mr. President, I ask unanimous consent to address just for 1 minute, equally divided between Senator STABENOW and myself, this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, reserving the right to object—and I am not going to object—I think the Senator deserves a minute, but I would ask that I be given a minute after he finishes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Ohio.

Mr. PORTMAN. Mr. President, we just adopted an amendment that puts this Senate squarely in opposition to currency manipulation. Now the question is whether we have the courage of our convictions. The only difference between the amendment we just voted and the one we are about to vote on is whether we actually have enforcement as part of that.

I want you to be able to tell your workers that you not only disagree with currency manipulation but you want to be able to do something about it.

I yield for my colleague.

Ms. STABENOW. Mr. President, you have just heard a former U.S. Trade Representative who has led negotiations, a Senator who supports fast-track, tell you that this is a reasonable policy to include in TPA. Sixty Members signed a letter a year ago to the President of the United States saying any new trade agreement must include enforceable currency provisions.

This amendment makes that letter mean something. Currency manipulation has cost us 5 million jobs and

counting. Enough is enough. Please join us in supporting the amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise in opposition to the Portman-Stabenow amendment No. 1299. This is important to me. There has been a lot of debate and discussion on this amendment. Currency manipulation is a complex issue. But the fact is the vote on this amendment is not complex at all. A vote for the Portman-Stabenow amendment is a vote to kill TPA. We know that. The administration has made it abundantly clear that President Obama will veto any TPA bill that contains this amendment.

A vote for the Portman-Stabenow amendment is also a vote to kill TPP. We know that as well. Many of our negotiating partners have already indicated that they will not agree to standards required by this amendment.

The President of the United States opposes this amendment. The Secretary of the Treasury opposes this amendment. The Secretary of Agriculture opposes this amendment. All living former Treasury Secretaries, Republicans and Democrats alike, oppose the approach taken by this amendment.

All I can say is, that being the case, I urge my colleagues to vote no on the Portman-Stabenow amendment.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 1299.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

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

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 187 Leg.]

#### YEAS—48

Ayotte	Gillibrand	Murphy
Baldwin	Graham	Peters
Blumenthal	Grassley	Portman
Blunt	Heinrich	Reed
Booker	Heitkamp	Reid
Boxer	Hirono	Sanders
Brown	King	Schatz
Burr	Klobuchar	Schumer
Capito	Leahy	Sessions
Cardin	Manchin	Shaheen
Casey	Markey	Shelby
Collins	McCaskill	Stabenow
Donnelly	Menendez	Tester
Durbin	Merkley	Udall
Ernst	Mikulski	Warren
Franken	Moran	Whitehouse

#### NAYS—51

Alexander	Corker	Hatch
Barrasso	Cornyn	Heller
Bennet	Cotton	Hoeben
Boozman	Crapo	Inhofe
Cantwell	Cruz	Isakson
Carper	Daines	Johnson
Cassidy	Feinstein	Kaine
Coats	Fischer	Kirk
Cochran	Flake	Lankford
Coons	Gardner	Lee

McCain	Risch	Thune
McConnell	Roberts	Tillis
Murkowski	Rounds	Toomey
Murray	Rubio	Vitter
Nelson	Sasse	Warner
Paul	Scott	Wicker
Perdue	Sullivan	Wyden

## NOT VOTING—1

Enzi

The amendment (No. 1299) was rejected.

## AMENDMENT NO. 1327

The PRESIDING OFFICER. The question now occurs on amendment No. 1327, offered on behalf of the Senator from Massachusetts, Ms. WARREN.

The Senator from Massachusetts.

Ms. WARREN. Mr. President, I ask unanimous consent to be heard for 2 minutes on this amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to also be heard for 2 minutes in opposition.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

Ms. WARREN. Mr. President, together with Senator HEITKAMP, Senator MANCHIN, and a dozen other Senators, I propose a simple change to the fast-track bill. This amendment protects America's sovereignty and the rule of law by turning off fast-track for trade agreements that include investor-state dispute resolution—ISDS. This is not a partisan issue. Experts on the left and the right agree that ISDS is a real threat. According to the director of trade policy at the Cato Institute, purging both the TPP and the TTIP of ISDS makes sense economically and politically. In a recent letter, more than 100 law professors wrote that ISDS threatens domestic sovereignty and weakens the rule of law. A provision to give corporations special rights to challenge our laws outside of our legal system should not be part of our free-trade agreements.

I urge my colleagues to support this amendment.

I yield to Senator HEITKAMP.

Ms. HEITKAMP. Mr. President, I would like to take just a few minutes to say I want everyone to remember the day you voted on this amendment because in 10 years, when you look back and you see the mischief that will be created with ISDS without controls and without a broader framework for investor-state dispute settlements, you will be questioning why you did not support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Colleagues, for three decades, our country has never lost an investor dispute case and never paid one dime in penalties. Let me repeat that. We have never lost an investor dispute case and have never paid a dime in penalties. Here is our record: 17 cases, 17 victories.

These provisions are about raising the world to our economy's level of

safety for investment. Without these protections, our small businesses with investments abroad will have nowhere to turn if a corrupt government steals a factory or a crooked judge targets them unfairly.

Each of our States has businesses that started in a garage, grew up, and looked abroad for new chances to expand. Let's make the world safer for the American brand.

I urge rejection of this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1327, offered by the Senator from Massachusetts, Ms. WARREN.

Mr. CARDIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

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

The result was announced—yeas 39, nays 60, as follows:

[Rollcall Vote No. 188 Leg.]

## YEAS—39

Baldwin	Heinrich	Paul
Bennet	Heitkamp	Peters
Blumenthal	Hirono	Reed
Booker	King	Reid
Boxer	Klobuchar	Sanders
Brown	Leahy	Schatz
Cantwell	Manchin	Schumer
Cardin	Markey	Shaheen
Casey	Menendez	Stabenow
Connelly	Merkley	Tester
Durbin	Mikulski	Udall
Franken	Murphy	Warren
Gillibrand	Murray	Whitehouse

## NAYS—60

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

## NOT VOTING—1

Enzi

The amendment (No. 1327) was rejected.

The PRESIDING OFFICER. The Senator from Utah.

## AMENDMENT NO. 1227

Mr. HATCH. Mr. President, I raise a point of order against the Shaheen amendment No. 1227, as it is not germane to the substitute amendment.

I also ask unanimous consent that the votes in this series be 10 minutes in length and that there be 2 minutes equally divided prior to each vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. I thank the Chair.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent to speak for 1 minute on my small business amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. SHAHEEN. Mr. President, I understand it is not germane, so we are not going to vote on it. But I think it is important, as we are thinking about trade, to keep in mind that 40 percent of large corporations are able to trade internationally, but among small and medium-sized businesses, it is only 1 percent. Yet, 95 percent of markets are outside of the United States. What this amendment would do is it would allow small businesses to be able to get access to those international markets because it would provide help for them in exporting.

This is a program we passed with the Small Business Jobs Act. It worked very well. We need do this.

There is no score to this amendment. The CBO said there is no cost, and this is something we can do. We can help our small businesses, where two-thirds of jobs are being created. I hope that my colleagues will consider this in the future and that we can get this passed.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank the distinguished Senator. We intend to work with her and see what we can do. I want to put that in the RECORD.

The PRESIDING OFFICER. The Chair sustains the point of order, and the amendment falls.

## AMENDMENT NO. 1251

The PRESIDING OFFICER. The question now occurs on amendment No. 1251, offered by the Senator from Ohio, Mr. BROWN.

There is 2 minutes equally divided.

The Senator from Ohio.

Mr. BROWN. Mr. President, before President Obama or President Hillary Clinton or President LINDSEY GRAHAM decides that China should be admitted to the Trans-Pacific Partnership, this amendment ensures that Congress play a role in that decision. A vote for this amendment is not a poison pill. It does not kill TPP or TPA. This amendment simply spells out a process for future countries to join the Trans-Pacific Partnership. It would require the President to notify Congress of intent to enter into negotiations, and it would require certification from Senate Finance and House Ways and Means and final approval by a vote of both Houses of Congress.

It is pretty simple. Before the world's second largest economy—the People's Republic of China—becomes part of TPP, there should be vigorous public debate and there should be congressional approval.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise in opposition to the Brown amendment,

No. 1251. I agree that it would not be advantageous for the United States to become part of a trade agreement that includes China—or any other country, for that matter—without adequate oversight and approval by Congress. However, all of our existing trade agreements require congressional approval before new parties can be added after the agreement is signed. It is also required under our TPA bill.

The very possibility of a trade agreement with the United States is a powerful incentive we can use to encourage other countries to raise their standards and institute reforms in order to meet the objectives of existing agreements. If we require a separate congressional vote before our negotiators can even talk to new countries, we will be giving up one of our best tools that we can use to spur reform and advance our country's values abroad.

I urge my colleagues to vote against the Brown amendment.

I yield the floor.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

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

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 189 Leg.]

#### YEAS—47

Ayotte	Grassley	Portman
Baldwin	Heinrich	Reed
Bennet	Hirono	Reid
Blumenthal	Kaine	Sanders
Booker	King	Schatz
Boxer	Klobuchar	Schumer
Brown	Leahy	Sessions
Cardin	Manchin	Shaheen
Casey	Markey	Shelby
Collins	Menendez	Stabenow
Coons	Merkley	Tester
Donnelly	Mikulski	Udall
Durbin	Moran	Warner
Franken	Murphy	Warren
Gillibrand	Paul	Whitehouse
Graham	Peters	

#### NAYS—52

Alexander	Feinstein	Murray
Barrasso	Fischer	Nelson
Blunt	Flake	Perdue
Boozman	Gardner	Risch
Burr	Hatch	Roberts
Cantwell	Heitkamp	Rounds
Capito	Heller	Rubio
Carper	Hoeven	Sasse
Cassidy	Inhofe	Scott
Coats	Isakson	Sullivan
Cochran	Johnson	Thune
Corker	Kirk	Tillis
Cornyn	Lankford	Toomey
Cotton	Lee	Vitter
Crapo	McCain	Wicker
Cruz	McCaskey	Wyden
Daines	McConnell	
Ernst	Murkowski	

#### NOT VOTING—1

Enzi

The amendment (No. 1251) was rejected.

#### AMENDMENT NO. 1226

The PRESIDING OFFICER. The question now occurs on amendment No. 1226, offered on behalf of the Senator from Arizona, Mr. McCAIN.

The Senator from Arizona.

Mr. McCAIN. Mr. President, this amendment is to try to repeal one of the great ripoffs in the history of this body. We waste \$15 million a year on a catfish inspection office which is not only duplicative but disgraceful. This is a classic example of protectionism and the kind of thing we are trying to avoid with a free-trade agreement. It is an outrage.

Nine times the Government Accountability Office has said this is a waste of millions of taxpayer dollars. It is outrageous, and I urge my colleagues to vote aye on the amendment, because it is an absolute outrage and disgrace.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I appreciate the distinguished Senator's amendment, but I have to raise a point of order against McCain amendment No. 1226, as it is not germane to the substitute amendment.

The PRESIDING OFFICER. The point of order is sustained, and the amendment falls.

#### AMENDMENT NO. 1312, AS MODIFIED

The PRESIDING OFFICER. The question now occurs on amendment No. 1312, as modified, offered on behalf of the Senator from Oklahoma, Mr. INHOFE.

There is 2 minutes of debate.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am afraid this may end up out of order. If we are going to pursue this further, it seems as though the forgotten continent has always been, in our experience, the African continent. So we are going to address equal trade with Africa, and that is the upcoming area on which we need to be concentrating. Ten years from now, we will look back and see that those were the real, live economies, and we have to quit ignoring them.

I withdraw the amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, it is with regret that I raise a point of order against Inhofe amendment No. 1312, as it is not germane to the substitute amendment.

The PRESIDING OFFICER. The point of order is sustained, and the amendment falls.

#### AMENDMENT NO. 1243

The PRESIDING OFFICER. The question now occurs on amendment No. 1243, offered on behalf of the Senator from Arizona, Mr. FLAKE.

There is 2 minutes equally divided.

If no one yields time, time will be charged equally to both sides.

The Senator from Washington.

Ms. CANTWELL. Mr. President, speaking against the Flake amendment No. 1243, this amendment would strike the extension of the Trade Adjustment

Assistance Act. I support trade, but I am not going to tie the hands of the American workers from getting retrained or small businesses from getting Ex-Im support or making sure that we have enough people to do enforcement. If we are going to have trade, we will also have to have the tools to do trade.

I urge my colleagues to defeat the Flake amendment and keep TAA.

Mr. WYDEN. Mr. President, this trade package is about bringing our policies into 2015. This amendment would throw us back into the 1950s.

President Kennedy, who first proposed TAA, called it a program to afford time for American initiative, American adaptability, and American resiliency to assert itself. To me, those sound like sound bipartisan priorities.

This package will expand TAA and help ensure workers are not knocked off stride in tough times. Let's not turn our backs on this country's workers. Let's not break the bipartisan compact this bill represents.

I strongly urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Arizona.

Mr. FLAKE. Mr. President, I urge support for the amendment. Time and time again when we do TAA, along with TPA, we find GAO—or whoever studies it—finds that it is duplicative and wasteful. There are other Federal programs that do the same thing. And we find that people are claiming that because the stipulations are so loose, people in jobs that have nothing to do with trade or nothing to do with dislocations because of trade are actually claiming benefits because of it.

It is a large bill, and it is duplicative and wasteful, and we ought to get rid of it.

I yield back.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1243.

Mr. FLAKE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. HATCH (when his name was called). Present.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

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

The result was announced—yeas 36, nays 62, as follows:

[Rollcall Vote No. 190 Leg.]

#### YEAS—36

Alexander	Crapo	Gardner
Barrasso	Cruz	Grassley
Boozman	Daines	Inhofe
Cassidy	Ernst	Isakson
Cornyn	Fischer	Johnson
Cotton	Flake	Lankford



Lee	Risch	Sessions
McCain	Roberts	Shelby
McConnell	Rounds	Thune
Moran	Rubio	Tillis
Paul	Sasse	Vitter
Perdue	Scott	Wicker

## NAYS—62

Ayotte	Feinstein	Murphy
Baldwin	Franken	Murray
Bennet	Gillibrand	Nelson
Blumenthal	Graham	Peters
Blunt	Heinrich	Portman
Booker	Heitkamp	Reed
Boxer	Heller	Reid
Brown	Hirono	Sanders
Burr	Hoeven	Schatz
Cantwell	Kaine	Schumer
Capito	King	Shaheen
Cardin	Kirk	Stabenow
Carper	Klobuchar	Sullivan
Casey	Leahy	Tester
Coats	Manchin	Toomey
Cochran	Markey	Udall
Collins	McCaskill	Warner
Coons	Menendez	Warren
Corker	Merkley	Whitehouse
Donnelly	Mikulski	Wyden
Durbin	Murkowski	

## ANSWERED "PRESENT"—1

Hatch

## NOT VOTING—1

Enzi

The amendment (No. 1243) was rejected.

## CHANGE OF VOTE

Mr. CORNYN. Mr. President, on roll-call vote No. 190, I voted nay and intended to vote yea. Since it will not change the outcome of the vote, I ask unanimous consent that I be recorded as voting yea.

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

## AMENDMENT NO. 1221, AS AMENDED

The PRESIDING OFFICER. The question now occurs on amendment No. 1221, as amended, offered by the Senator from Utah, Mr. HATCH.

Under the previous order, there is 2 minutes of debate, equally divided.

Mr. BARRASSO. Mr. President, I yield back all time.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, all time is yielded back.

The question is on agreeing to the amendment.

Mr. BARRASSO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

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

The result was announced—yeas 62, nays 37, as follows:

[Rollcall Vote No. 191 Leg.]

## YEAS—62

Alexander	Capito	Cornyn
Ayotte	Cardin	Cotton
Barrasso	Carper	Crapo
Bennet	Cassidy	Cruz
Blunt	Coats	Daines
Boozman	Cochran	Ernst
Burr	Coons	Feinstein
Cantwell	Corker	Fischer

Flake	Lankford
Gardner	McCain
Graham	McCaskill
Grassley	McConnell
Hatch	Moran
Heitkamp	Murkowski
Heller	Murray
Hoeven	Nelson
Inhofe	Perdue
Isakson	Portman
Johnson	Risch
Kaine	Roberts
Kirk	Rounds

## NAYS—37

Baldwin	King	Reid
Blumenthal	Klobuchar	Sanders
Booker	Leahy	Schatz
Boxer	Lee	Schumer
Brown	Manchin	Sessions
Casey	Markey	Shelby
Collins	Menendez	Stabenow
Donnelly	Merkley	Tester
Durbin	Mikulski	Udall
Franken	Murphy	Warren
Gillibrand	Paul	Whitehouse
Heinrich	Peters	
Hirono	Reed	

## NOT VOTING—1

Enzi

The amendment (No. 1221), as amended, was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that the mandatory quorum call with respect to the cloture vote be waived.

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

Mr. HATCH. Mr. President, I don't want to take too much time, but I do just say in advance of this next vote that I am very appreciative of my colleagues who have worked with us to get to this point. This next vote is obviously a big one. I hope we can keep together. The bipartisan coalition of Senators who have helped get us this far has been important. I think we will once again.

I just want to reiterate that this is a good bipartisan bill, one that reflects the priorities of Senators from both parties and in both Chambers of Congress. This next vote will take us one step closer to allowing Congress to set the terms of our trade negotiations and giving our negotiators the tools they need to get the best deals possible. This bill will do a lot of good for the American economy, our workers, and our job creators looking to sell more of their products overseas.

But we are not there yet. We need to get past this next hurdle. I urge my colleagues to vote yes on cloture.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President and colleagues, the Senate now has an opportunity to throw the 1990s NAFTA play book into the dustbin of history and begin a new forward-thinking era in trade. This can be a momentous day for creating more economic opportunity for our people, transparency and sunshine and the forward march of American values.

The legislation can help us pry open the booming markets for our exports. It will strengthen the American brand in the fight against trade cheats and

bad actors who block our way. It will raise the bar for worker rights, environmental safeguards, and human rights. It will help strip out the excessive secrecy that makes people skeptical about trade. Colleagues, in a sentence, this is how you begin to get trade done right.

I yield the floor and urge support for cloture.

## CLOTURE MOTION

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

The legislative clerk read as follows:

## CLOTURE MOTION

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

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

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

The question is, Is it the sense of the Senate that debate on H.R. 1314, as amended, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

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

The yeas and nays resulted—yeas 61, nays 38, as follows:

[Rollcall Vote No. 192 Leg.]

## YEAS—61

Alexander	Feinstein	Murray
Ayotte	Fischer	Nelson
Barrasso	Flake	Perdue
Bennet	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Cantwell	Heitkamp	Rubio
Capito	Heller	Sasse
Carper	Hoeven	Scott
Cassidy	Inhofe	Shaheen
Coats	Isakson	Sullivan
Cochran	Johnson	Thune
Coons	Kaine	Tillis
Corker	Kirk	Toomey
Cornyn	Lankford	Vitter
Cotton	McCain	Warner
Crapo	McCaskill	Wicker
Cruz	McConnell	Wyden
Daines	Moran	
Ernst	Murkowski	

## NAYS—38

Baldwin	Collins	King
Blumenthal	Donnelly	Klobuchar
Booker	Durbin	Leahy
Boxer	Franken	Lee
Brown	Gillibrand	Manchin
Cardin	Heinrich	Markey
Casey	Hirono	Menendez

Merkley	Reid	Stabenow
Mikulski	Sanders	Tester
Murphy	Schatz	Udall
Paul	Schumer	Warren
Peters	Sessions	Whitehouse
Reed	Shelby	

## NOT VOTING—

Enzi

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 38.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Utah.

Mr. HATCH. Mr. President, soon the Senate will vote on final passage of the Bipartisan Congressional Trade Priorities Act of 2015. This is a historic piece of legislation that will renew trade promotion authority.

As I have already said here on the floor many times, this bill has been a long time coming. I personally have been focused on this for the last 4 years, but I know that for those whose lives and livelihoods revolve around American trade, the wait has been much longer.

This is an important bill, no doubt about it, and likely the most important bill we will pass this year. It is important to President Obama, and I know it is important to many of us here in this Chamber. It shows that when the President is right, we will support him.

From the beginning, TPA has been a bipartisan effort. Despite the difficulties we have faced here on the floor, I am glad it has remained that way throughout the process.

I am very appreciative of all those who have put in so much time and effort to get the bill to this point.

Going back to last year, I want to thank the former chairmen, Max Baucus and Dave Camp, who helped get the ball rolling on this TPA bill.

I would especially like to thank the staff, who put in a great deal of time on the initial draft of this legislation, including Amber Cottel, former staff director of the Senate Committee on Finance; Bruce Hirsh, former chief trade counsel; and international trade counsel Lisa Pearlman.

I want to thank my colleagues on the Committee on Finance, whose input and support has been instrumental both in drafting and developing this legislation as well as helping it move forward. Most notably, I thank the ranking member on the Committee on Finance, the coauthor of this current legislation, Senator RON WYDEN. His commitment to his principles and constituents has been admirable. Although it has taken a lot of time for the two of us to get to this point, his efforts have undoubtedly improved the substance of the bill and helped broaden its support. I very much appreciate the efforts of Senator WYDEN in the drafting the bill and getting it through the committee and here on the floor.

There are other Senators who played key roles in getting us to where we are. I want to thank our distinguished majority leader and the majority whip. I

also thank Senators CARPER and MURRAY.

Obviously, every Senator who has voted and worked to get us to this point deserves thanks. I will thank you all individually as the clerk calls the roll for this last vote.

Of course, I want to thank my staff on the Committee on Finance, who worked long hours for many months to get us here, and Senator WYDEN's staff as well. On the Republican side, I particularly want to thank Everett Eissenstat for leading the way, and his family, Janet, Alex, and Jacob Eissenstat, for lending him to us for so many hours. I want to thank the rest of the Republican trade staff: Shane Warren, Rebecca Eubank, Karen Rosenbaum, Sahra Su, Andrew Rollo, and Kenneth Schmidt. I also want to thank my senior team: Chris Campbell, Mark Prater, Jay Khosla, Jeff Wrase, and Bryan Hickman. And of course I need to thank our communications team: Julia Lawless, Aaron Forbes, Amelia Breinig, and Joshua Blume.

On the Democratic side of the committee staff, I want to thank Josh Sheinkman, Jocelyn Moore, Mike Evans, Jayme White, and Elissa Alben for all their hard work, and others as well who worked on that side.

I also thank the Senate Republican leadership staff, who put a lot of blood, sweat, and tears into this endeavor. From their staffs, I need to particularly thank Sharon Soderstrom, Hazen Marshall, Brendan Dunn, Terry Van Doren, Erica Soares, Antonio Ferrier, Russ Thomasson, and Johnny Slemrod. From the Republican cloakroom staff, I want to single out the efforts of Laura Dove, Robert Duncan and Megan Mercer.

Of course, we need to mention the efforts of our attorneys at the legislative counsel's office, particularly Margaret Roth Warren and Thomas Haywood, who did a lot of heavy lifting in putting together the bill and the amendments.

The Parliamentarian's office has been immensely helpful as well. From their staff, I would like to thank Elizabeth McDonough, Leigh Hildebrand, Thomas Cuffie, and Michael Beaver.

Throughout this process, we received assistance from the United States Trade Representative. I thank Ambassador Froman and his staff for all their assistance in this effort.

Really, the list of people I need to thank is too long to cover in a single floor speech. I just hope it is clear to everyone on both sides of the floor who worked on this bill just how appreciative I am.

As far as the Senate is concerned, we have one more vote to go on this bill, but that is not the end for the bill. I am committed to working with my colleagues in the House and with the administration to get this bill across the finish line. As I said earlier this week, for me, the work on TPA doesn't finish until we have a bill on the President's desk.

I look forward to continuing this particular effort and to working with my colleagues on whatever challenge comes next.

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

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I will be brief.

It would be an understatement to say there have been strong differences of opinion here in this Chamber and in our country with respect to this legislation. I have said from the very beginning that opponents of this effort—trade promotion authority—have a number of very valid points.

There is no question in my mind, colleagues, that there has been way too much secrecy in the past, so Senator HATCH and I set out to make some very significant changes in that. Now, starting with the TPP but with all other agreements, the American people will have that agreement in their hands for close to 4 months before anybody votes here in the Senate or in the House on TPP or a trade agreement. I think that is a step toward a sunshine trade policy.

Second, I thought opponents were spot-on with respect to their comments that we needed a completely new regime with respect to enforcing our trade laws. Again and again the American people say: What are you talking about in terms of passing a new trade deal if you aren't doing a better job of enforcing the laws on the books? So we set about to put in place a tough enforce act to go after cheats. We had Senator BROWN's leveling the playing field, which I think is a very important piece of legislation, and an early warning system so that for the first time, rather than waiting until it is too late, businesses and labor unions and others would see what is coming. I think that is a significant step forward.

Many skeptics said there isn't an aggressive approach to protect labor and the environment. It essentially gets shunted to the side. Now we have enforceable standards in this area.

Because of the good work of Senator BEN CARDIN, for the first time, colleagues, human rights will be a significant factor in trade legislation.

Finally, we put in place a new process so that this body can put the brakes on a bad deal. We have always talked about fast-track because we want people to have an opportunity to consider a new agreement. We also ought to put the brakes on a bad deal.

I will close with this point: At the end of the day, colleagues, we have always known that one of the paths to more good-paying jobs in our country is exports. There are going to be 1 billion middle-class people—1 billion—in the developing world in 2025. These will be people with money, colleagues. They are going to buy our wine, our computers, our helicopters, our planes, and all kinds of goods and services with the American brand. They are going to buy

our products because they buy and use our products with great pride. We all ought to appreciate the opportunity for more exports.

I know there are strong differences of opinion on this legislation. I want it understood that we tried especially hard—and I appreciate the help of Chairman HATCH—to address as many of those concerns as we possibly could.

With that, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. For the information of all Senators, we are using postclosure debate time now. No Senator has to speak if he or she chooses not to. Any Senator who speaks will be limited to 1 hour. So this can go on for as long as Senators want or for as short a time as Senators prefer, provided no one is seeking recognition. But if anyone does seek recognition, they are limited to 1 hour, at which point the Chair puts the question. So I can't tell you with specificity when the vote will occur, but it will occur when no one is seeking recognition.

Once this bill is concluded later this evening, under the regular order, the cloture motions on the two FISA bills will ripen an hour after we convene tomorrow, which could be as early as 1 a.m. tonight.

So just to reiterate, if no Senators are seeking recognition, we would move to a vote shortly. If any Senator seeks recognition, they are limited to 1 hour. At the end of that, if no other Senator is seeking recognition, we will put the question and start the vote.

So I know of no other debate on this bill.

The PRESIDING OFFICER. Is there further debate?

The Senator from Oregon.

Mr. MERKLEY. Mr. President, I am seeking recognition.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I think it is important, at this point in time, for us to be reminded of the concerns of working people across our Nation.

This has been an intense debate, because so often, in the course of the trade agreements we have pursued, the balance on the other end has been simply that millions of jobs have left this Nation.

We have lost 5 million jobs and 50,000 factories. That is a tremendous loss for workers across the States seeking for the foundation of successful families because there is no government program that can compare to the value of a living-wage job.

What we have seen in the wake of NAFTA and the free-trade agreements that have followed is not only a tremendous loss of jobs but a tremendous increase in inequality in this Nation.

Now, we have heard the opinion of some that this is a completely different structure and that we should not be concerned about this being the result of this particular agreement, this

particular set of standards, that are going to be brought back to us in the Trans-Pacific Partnership. I disagree, and I disagree deeply, and I am going to tell you why.

Let's start with the most fundamental issue on level playing field, which is wages that are roughly comparable.

The old agreements have no minimum wage. This agreement has no minimum wage. We are creating a structure of a group of seven very poor nations with very low wages, five affluent nations with higher wages. Think about the difference between running an operation in Vietnam or Malaysia or Mexico with a minimum wage of less than \$2 per hour and in Vietnam a minimum wage of only about 60 to 70 cents, depending on what part of the country you are in.

Think of the difference between that and the minimum wage in the United States. It is a 10-to-1 differential. If you throw in the type of benefits and the labor standards and the environmental standards, it is a differential of probably at least 20 to 1. That is why we are losing jobs in manufacturing. Now, is there anything that puts a minimum wage into this agreement and addresses this key missing factor? There is not.

Then let's turn to the rest of the labor and the environmental objectives that are embedded. We have heard a lot that we are now going to have enforceable environmental standards and enforceable labor standards. But the fundamental structure disagreement is the same as agreements we have had before.

Now, I applaud my colleagues who are working to tighten the enforcement on cheating on tariffs. That is important. But those are not enforceable labor standards and those are not enforceable environmental standards.

Therefore, we can look back at the history of similar agreements and say: When did we ever bring any sort of action on environmental standards government-to-government?

The answer is: We have not.

When did we ever bring a complaint on labor standards?

The answer is: We have done it once. We did it in Guatemala. That was 7 years ago. We still don't have any resolution of that single complaint, that single challenge.

So in order to have something that was fundamentally different, we would have to have something like snapback tariffs—a situation where a country deeply violated its promises on labor standards, deeply violated its standards or promises on environmental standards, and that there be some sort of quick and certain reversal of the benefits of trade agreements, but there is nothing like that in this agreement. There is no change.

So here we are, repeating the same basic structure that has existed in the other agreements, with no changes for America and therefore no improvement

for the workers of the United States of America.

Now, there are objectives that have been placed into fast-track, but those objectives require an agreement to come back with areas to be addressed, such as human rights and so forth that have been much vaunted. Those are objectives. Those are not standards.

If we were serious about saying what an agreement had to have in it to come and get the privileges of fast-track, we would have converted those objectives into standards. That was one of the amendments that we never debated on the floor of the Senate, so we never wrestled with this deep deficiency.

Then, of course, we have the investor-state dispute settlement portion of this, and we have been affirmed here that we normally win when we are challenged. And that is correct—we have mostly won when we are challenged. We have won because we have out-lawyered the other side because, in general, we don't expropriate. But we have not won under all the trade agreements.

We lost a case on tuna that was dolphin-free or dolphin-friendly tuna labels. Why did we lose it? Because under the WTO, Mexico challenged it. Under WTO, they challenged it and said: This discriminates against the way we fish, and we lost. We lost on turtles. We lost on cotton.

What happened last week? Well, we lost on the labeling of food grown in the United States of America. The WTO said we cannot label our beef as USA made or raised or born or harvested.

I tell you this. I want to live in a country where, if our legislators, at the local level, at the State level, at the Federal level, want to pass a law that informs every citizen about where food is grown because the citizens want to know, it should be possible to do so.

We should not give away our sovereignty to international panels that can make decisions that wipe out our consumer laws or our environmental laws—and there was a proposal to make sure we did not end up with that in this agreement, and it was defeated.

So we still have this substantial risk of losing future cases, just as we lost on dolphins, just as we lost on turtles, and just as we lost last week on the labeling of food in the United States of America.

This particular issue of labeling our food goes to the heart of who we are—free people who want to make decisions for the health and safety of our families. The way we do that is when we buy things, we find out information, and that information has to be on the label.

I was reading here earlier an article about how shrimp is raised in Vietnam. It is farmed in pools, and it doesn't meet any of the standards we would like, so they get artificial documentation and it is shipped at high volumes into the United States. Consumer Reports came out with a report recently,



and they said: Don't buy shrimp unless it is produced in the United States, particularly don't buy it if it comes from Vietnam.

There is another example of why we should, if we want to be able to, have labels on our food that say "Made in America" or "Made in Vietnam." Consumers should have a choice, so they can see Consumer Reports and find out that shrimp is full of deadly bacteria, when they receive Consumer Reports, and find out that shrimp is full of antibiotics that are put in because of deadly bacteria, and they don't want their children exposed to those bacteria. If they don't want them exposed to bacteria, they should be able to make that decision, but we can't do that if we give away our sovereignty to international dispute resolution panels.

So there are a host of problems inherent in this trade agreement and in this fast-track that have not been resolved.

We have not addressed having a minimum wage and steadily over time reducing the disparity between the lowest paid countries and the highest paid countries so our workers will not be at this massive disadvantage.

We have not addressed the enforcement of labor provisions because we have not developed anything different from what we have done before, and we are unable to enforce them. We have only tried once, and we are still out after 7 years with Guatemala. We haven't even tried with the environmental side, it is so difficult.

We have left intact an international panel of corporate lawyers who on one issue can be the advocate, on the next can be the judge. It is full of conflict of interest. We haven't addressed that.

So here is the bottom line: Do we want to live in an America where the middle class is going to be wiped out because we have pulled out all the barriers between very low-wage countries, low-enforcement countries, low-labor-standard countries, low environmental standards, and our economy—which then creates tremendous pressure for our own wages and standards to diminish. Why does it create pressure? Because companies say: You know what. If you push for higher wages or better working conditions, we are going to move our factory overseas or they say: You know what. We already have a factory overseas. We are going to increase our production there and decrease our production here. That is the pressure here on wages and working conditions in the United States of America.

What about the people overseas? This agreement is designed so companies who are producing in China—which will not be part of the agreement at this point in time—can say: If you raise your wages and your working conditions, we will go to Malaysia, and if Malaysia raises theirs, we will go to Vietnam.

So it isn't good for the foreign workers any more than it is for the American workers.

There was an article yesterday in the Washington Post. The columnist or the op-ed writer said: It is basically like this. This agreement is, like previous agreements, very good for the investor class. Because if companies can produce things at the lowest possible cost, that will raise their stock prices.

However, he said, it is really bad for the working class because less and less will go to the workers under these types of competitive pressures between the United States or taking the work overseas or between one nation overseas and another nation overseas.

So I will conclude this simply by saying: This is why I voted against this fast-track, because this fast-track is deeply flawed. It does not address the fundamental issues that have been identified in previous agreements. Going down this track and bringing the Trans-Pacific Partnership to this Chamber, with no ability to mend it, no ability to extend debate because debate will be limited, no ability to hold it to the normal standards in the Senate in terms of closing the debate—because of all that, this is simply the wrong direction to go.

In this final effort, in this final set of time before we take the final vote, let's recognize it is important that we, as Senators representing the citizens of the United States, not simply fight for the investor class; let's fight to make work work for working Americans.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from Kentucky.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Madam President, I know of no further debate.

The PRESIDING OFFICER. Is there any further debate?

If not, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mrs. BOXER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

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

The result was announced—yeas 62, nays 37, as follows:

[Rollcall Vote No. 193 Leg.]

#### YEAS—62

Alexander	Ernst	Murkowski
Ayotte	Feinstein	Murray
Barrasso	Fischer	Nelson
Bennet	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Cantwell	Hatch	Rounds
Capito	Heitkamp	Rubio
Cardin	Heller	Sasse
Carper	Hoeven	Scott
Cassidy	Inhofe	Shaheen
Coats	Isakson	Sullivan
Cochran	Johnson	Thune
Coons	Kaine	Tillis
Corker	Kirk	Toomey
Cornyn	Lankford	Vitter
Cotton	McCain	Warner
Crapo	McCaskill	Wicker
Cruz	McConnell	Wyden
Daines	Moran	

#### NAYS—37

Baldwin	King	Reid
Blumenthal	Klobuchar	Sanders
Booker	Leahy	Schatz
Boxer	Lee	Schumer
Brown	Manchin	Sessions
Casey	Markey	Shelby
Collins	Menendez	Stabenow
Donnelly	Merkley	Tester
Durbin	Mikulski	Udall
Franken	Murphy	Warren
Gillibrand	Paul	Whitehouse
Heinrich	Peters	
Hirono	Reed	

#### NOT VOTING—1

Enzi

The bill (H.R. 1314), as amended, was passed.

The PRESIDING OFFICER. The majority leader.

#### ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, for the benefit of all Senators, let me indicate where we are. Without reaching an agreement to go forward, which we have not reached at this point, the next vote will be at 1 a.m. If that changes, I will be the first to let everyone know. If it does, obviously we will try to expedite the process. But as of this moment, we will be voting at 1 a.m.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### ORDER FOR RECESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that following the remarks of Senator WYDEN for 5 minutes, the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon.

Mr. WYDEN. Mr. President, as we bring this very dramatic chapter in U.S. trade policy to its conclusion in the Senate, I wish to take a few minutes to acknowledge the many people who helped in ways large and small to

bring about the passage of the Bipartisan Congressional Trade Priorities and Accountability Act.

First and foremost, I thank Chairman HATCH for his partnership throughout the process. I think Chairman HATCH and I can smile a bit looking back on some very spirited debates in the process of getting to this point. I do want colleagues to understand that Chairman HATCH has been a true leader in this bipartisan effort in the Finance Committee and on the floor. I thank Chairman HATCH and his staff for all they have done.

I think both Chairman HATCH and I also want to acknowledge our partner in the House, Chairman RYAN. All through the discussions, Chairman HATCH, Chairman RYAN, and myself, all tried to make sure that we would have a bipartisan, bicameral collaborative effort. The three of us obviously don't see eye to eye on everything, but we thought it was very important to try to come together and move an extraordinarily important and challenging economic policy forward for the country. Chairman RYAN has been there every single step of the way, and we look forward to returning the favor as he moves this historic package through the House and on to the President's desk.

We also thank Leader MCCONNELL for his work in shepherding this package through the process. It has not been easy, but Leader MCCONNELL has had a single-minded focus in terms of getting this bill across the finish line.

While we are on the subject of Senate leadership, I especially want to acknowledge the extraordinary contributions of my Pacific Northwest colleague Senator MURRAY and her staff. Over the last few years, colleagues, we have seen time and time again Senator MURRAY demonstrate her extraordinary ability. She is a person of modest size, but she is sure good at getting big things done. This bill is no exception, and it could not have happened without her leadership and help.

Finally, I note Chairman HATCH and I wish to thank all the members of the Finance Committee because they had a lot of good ideas, and they were constructive in terms of bringing this debate along, recognizing that we had strong differences. Every single member of the Finance Committee made a meaningful contribution, whether it was to the policy or to the process. Chairman HATCH and I want to say that when you look at a full recounting of all the great work done by Finance Committee members, if we were to do it all night, we would keep you all the way through the recess.

I wrap up with a quick word of my thanks to my staff who have done an exceptional job putting the legislation together: Jayme White, Elissa Alben, Greta Peisch, Anderson Heiman, Keith Chu, Malcolm McCreary, Danielle Deraney, Kara Getz, and Juan Machado.

I close by way of saying I think it is fair to say that there were a lot of ob-

servers, both in and outside this body, who thought it would not be possible to move forward on an issue like this—which is going to affect 40 percent of the global economy—in a bipartisan fashion. We know there are going to be a billion middle-class consumers in the developing world in 2025, and they want to “Buy American.” They like our brand.

With the extraordinary leadership of Chairman HATCH and many others who contributed to this effort, I think once again there is going to be a very significant array of economic opportunities for the people we represent to get high-skill, high-wage, export-related jobs with products and services that we sell to these countries.

So I close this part of the debate tonight—again, as we began, I think, 7 months ago, Chairman HATCH, by telling you that this, to me, is what we are sent to do, tackle the big issues in a bipartisan way.

With that, I yield the floor.

RECESS SUBJECT TO THE CALL OF THE CHAIR

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

Thereupon, the Senate, at 9:36 p.m., recessed subject to the call of the Chair and reassembled at 11:13 p.m. when called to order by the Presiding Officer (MR. SESSIONS).

The PRESIDING OFFICER. The majority leader.

USA FREEDOM ACT OF 2015—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.R. 2048.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 87, H.R. 2048, a bill to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes.

#### MORNING BUSINESS

#### THE GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT GRAZING PROTECTION ACT

Mr. HATCH. Mr. President, I have always been proud of Utah's rich heritage. Utah is blessed with incredible natural resources, beautiful landscapes, and breathtaking vistas. Utahns have always understood the importance of maintaining a responsible balance between the development of our abundant resources and the need to protect the unique natural features of our State. Today, though, the executive branch threatens to disrupt that delicate balance. Countless rural communities in Utah are currently facing difficult challenges to their way of life as the Bureau of Land Management,

BLM, increases restrictions on traditional economic activities, such as ranching and grazing operations on Federal land.

Under President Theodore Roosevelt's leadership, Congress passed the Antiquities Act of 1906—a short, four-paragraph law that gave the President unilateral authority to designate areas as national monuments. Such designations were intended to protect special areas in our country that have particularly significant natural, historical, or cultural features. Congress crafted these designations to be limited in scope and “confined to the smallest area compatible with proper care and management of the objects to be protected.” At that time, the Antiquities Act was an essential tool to protect our Nation's historical treasures against growing dangers, such as looters and vandals. Congress drafted this law after archaeologists noticed that America's natural treasures were turning up in overseas museums and private collections.

After President Roosevelt signed the Antiquities Act into law, he subsequently set aside nearly 20 such natural and cultural landmarks. These monument designations were limited in scope and designed to protect specific locations rather than massive acreages. For example, the total area of our Nation's first national monument, Devil's Tower in Wyoming, spans only about 2 square miles. Unfortunately, over time, the use of the Antiquities Act has evolved from protecting historic landmarks to restricting development across vast swaths of land without any meaningful local input. For example, on September 18, 1996, President Bill Clinton issued a proclamation designating nearly 1.9 million acres in southern Utah as the Grand Staircase-Escalante National Monument. Utah's entire congressional delegation, the Utah State Legislature, and then-Governor Mike Leavitt all strongly opposed this proclamation. President Clinton's declaration was made without so much as a “by your leave” to the people of Utah. There were no consultations, no hearings, no townhall meetings, no TV or radio discussions, no input from Federal land managers, no maps, no boundaries—nothing. In fact, Utah's elected representatives in Washington had to learn about the proclamation from the Washington Post.

There are significant impacts on the ground when a monument is designated not only on Federal land but also on State and private land. Had President Clinton consulted with the State and the delegation, he would have learned that the designation would land-lock and render useless 200,000 acres of Utah School Trust Lands—lands held in trust for the education of Utah's children. This designation deprived Utah schools of a significant revenue source. Fortunately, Utah's congressional delegation was eventually able to pass legislation allowing these school trust