

Senator from Alabama had gotten his way, the Bank would still have a year left before the charter expired. But now the senior Senator from Alabama, speaking on the Bank's reauthorization, said, "I believe at the end of the day if it expires, we won't miss it." Tell that to 165,000 people who will lose their jobs. Just last night, the banking committee chairman tried to table an amendment reauthorizing the Export-Import Bank. That motion failed overwhelmingly and displayed that the Bank has a lot of support for reauthorization.

I don't mean to point a finger at just the Republican leader and the banking committee chairman. Many other Senate Republicans have flipped on this also and so quickly that I am sure their heads are spinning even as we speak.

To understand the Republican change of position, one need only look—where do we look? What do the Koch brothers want us to do? What do the Koch brothers want us to do? These Koch brothers are their billionaire benefactors. Charles and David Koch adamantly oppose the Export-Import Bank today but not yesterday. They were not always against the Bank.

Just like most other businesses in America, Koch Industries is always looking for new markets for its goods. They should. That means the Koch brothers are all for exports. How could they not be? After all, the Koch brothers got into business by selling services to Joseph Stalin. That is where they got started—Joseph Stalin and his brutal Communist Soviet Union.

More recently, Koch Industries and its subsidiaries have used the Export-Import Bank to find an international marketplace for their goods. The Hill newspaper reports that Koch companies Georgia-Pacific, John Zink, Molex, and Koch Heat Transfer, among others, received over \$16 million in loans from the Bank. That is what the Bank is intended for. That \$16 million is to help sustain American jobs.

But it is stunningly hypocritical that the same Koch brothers are using the Bank for loans they could literally write a check for and that they are attacking as a corporate giveaway. This reminds me of the time the Kochs attacked ObamaCare as collectivism. They probably know a little bit about it. That is where their business started. The Kochs attacked ObamaCare as collectivism, while collecting health subsidies through the Affordable Care Act. Talk about cynicism. Talk about hypocrisy.

Now, after benefiting from the Export-Import Bank, the Koch brothers figure we have it all. Why should we try to help anybody else? We are multi-billionaires. That is an understatement. They are labeling it "corporate welfare" and "a handout" for big business. I wonder if Charles and David got whiplash from their extreme turnaround. The Kochs' main political arm, Americans for Prosperity, is now lead-

ing an all-out assault on the Bank. It is going to great lengths to pressure Republicans to let the Bank's charter lapse.

It is one thing for a couple of oil baron billionaires to oppose a program for their own financial purposes; it is an entirely different thing for governing Republicans in Congress to do their bidding. But obviously that is what is happening. Why else the turnaround? Republicans in Congress were for the Export-Import Bank until the Kochs were against it. Now Republicans are running for cover, waiting to find a way that they can try to rationalize not being for it, when they were for it before.

One conservative news outlet run by the Heritage Foundation went so far as to report that Republican Presidential hopefuls have to reject the Export-Import Bank if they want the Koch's endorsement and financial backing. You cannot make up stuff better than this. The Daily Signal, for example, reports, "An endorsement would likely turn on a candidate's approach to one or more issues of importance to the Koch brothers, beginning with their opposition to the Federal Export-Import Bank."

It would be tragic if the Export-Import Bank was not reauthorized because Republicans with White House ambitions or Senators who are afraid they are going to get a primary here in the Senate are more interested in auditioning for the Koch brothers, as Presidential candidates are and Republican leaders in Congress do. They go meet with them a couple times a year to make sure they bow when they are supposed to and don't crowd and make sure they are called upon when they are asked to.

The Republican leader and his colleagues have completely altered their position on a program that supports 165,000 American jobs, jobs here right in our country, many in their own States. Every State in the Union benefits. Republicans have changed their opinion on a bank that has returned \$7 billion to the Treasury, our Treasury. It is a flip that would make a trapeze artist cringe.

I say to my Republican friends: Just because the Koch brothers tell you to jump, do you have to say: Well, how high do you want me to jump? We do not have much time. The Export-Import Bank charter expires at the end of this month. Last night's vote proves there is support in this Chamber to reauthorize this Bank. Sixty-five Senators voted in support of it last night. So I urge Senate Republicans to put aside their nonsensical backtracking on a program they themselves admitted was a job creator and understand where the real cynicism and hypocrisy lies in this Chamber.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided in the usual form.

The Senator from Utah.

#### TRADE PROMOTION AUTHORITY

Mr. HATCH. Mr. President, last month, the Senate passed the Bipartisan Congressional Trade Priorities and Accountability Act of 2015, which renews trade promotion authority or TPA. Years of hard work and compromise enabled us to pass this bill with strong bipartisan support in the Senate. Now with the Senate having already acted, all of our eyes are turned to the House of Representatives, where I know the Speaker and the Republican leadership, not to mention the chairman of the House Ways and Means Committee, who is the coauthor of the bill, are working to move this important bill forward.

I want to take some time to address some of the concerns I have heard from our House colleagues and others about this bill and the concept of TPA, in general. For example, I know some have claimed that TPA cedes too much congressional authority to the executive branch. This is a particularly troublesome proposition for some of my Republican House colleagues who might be wary of granting new powers to the current occupant of the White House.

Now, let me be clear. I have spent as much time as anyone in Congress criticizing President Obama's Executive overreach. I have come to the floor numerous times to catalog all the ways the current administration has overstepped its authority on issues ranging from health care to immigration, to labor policy. In fact, I was here just yesterday talking about efforts on the part of the administration to unilaterally undermine welfare reform.

So when people say they are worried about legislation that would take power from Congress and give it to this President, believe me, I understand. I would worry about that, too, but that is not what our TPA legislation does. Simply put, TPA is a compact between the House, the Senate, and the administration.

With TPA in place, the administration agrees to pursue negotiating objectives established by Congress and is required to consult with Congress on a regular basis during the whole negotiating process. In return, the House and Senate agree to vote on any trade agreement that meets those requirements under a specified timeline without amendments. The President does not have any new powers under this compact and Congress does not give up any powers.

In fact, the primary purpose of TPA is to enhance Congress's role in the negotiating process. That is right. Despite some claims that TPA is an abrogation of congressional power, the opposite is actually true. Without TPA, the Members of Congress and their constituents have no strong voice on establishing our trade priorities. With TPA, Congress can define trade negotiating objectives and priorities.

Without TPA, the administration is under no formal obligation to provide Congress with meaningful information on the status of ongoing trade negotiations. With TPA, Congress can require the administration to provide frequent updates and consultations. For example, the Senate-passed TPA bill will ensure that any Member of Congress who wants access to the negotiating text, at any time during the negotiations, will get that access.

In addition, Members of Congress will, once again at any time, be able to request and receive a briefing from the USTR, the U.S. Trade Representative, on the current status of ongoing trade negotiations. In other words, TPA gives Congress a much stronger say in the substance of our country's trade negotiations and provides mechanisms to hold the administration far more accountable.

Right now, the Obama administration is negotiating trade agreements with only ad hoc and informal direction from Congress. That will change once Congress renews TPA. Still, I know there are some who believe that by agreeing not to allow amendments or filibusters of trade agreements, Congress is giving up most of its power to influence trade agreements on the back end once an agreement is actually signed.

Again, let me be clear. Under TPA, Congress at all times—all times—maintains the ultimate authority over a trade agreement, the power to reject it entirely. TPA does not guarantee the passage of any trade agreement now or in the future, nor does it, as some have argued, reduce votes in Congress to a "rubberstamp" for the administration.

This is important, as there has been some confusion on this point. With the coming vote on TPA, the House of Representatives is not voting to approve any individual trade agreement. I know pundits and talking heads in the media have tried to conflate passage of TPA with Congress's approval of the Trans-Pacific Partnership, but in reality these are separate and distinct propositions.

Case in point: Over the last couple of years, I have been the most outspoken advocate in Congress in favor of renewing TPA. However, throughout that time, I have made it abundantly clear that my support for TPA does not guarantee any support for the Trans-Pacific Partnership. Indeed, I am fully prepared to vote against the TPP if the administration falls short on reaching high-priority negotiating objectives. Many on this side of the aisle and on

the other side of the aisle have informed them of some of these high-priority negotiating objectives.

But even if maintaining the power to accept or reject the trade agreement is not enough, the Senate-passed TPA bill contains procedures, including an all-new procedure that will enable Congress to strip procedural protections from any trade agreement if it determines there was inadequate consultation or that the negotiating objectives have not been met.

Additionally, under the bill, both the House and the Senate maintain their constitutional prerogative to change their respective rules to override TPA. So as you can see, the Congress has not given up any of its powers under TPA. In addition to preserving and enhancing Congress's role in trade policy, the Senate-passed TPA bill contains a number of provisions that actually constrain the administration as it negotiates and implements new trade agreements.

For example, the bill ensures that implementing bills to trade agreements will include—and I am quoting the text of the bill here—"only such provisions as are strictly necessary or appropriate to implement" trade agreements. Additionally, the bill makes clear that any commitments made by the administration that are not disclosed to Congress before an implementing bill for an agreement is introduced will not be considered as part of the agreement and will have no force of law.

Furthermore, the bill also ensures that trade agreements cannot be used to undermine U.S. sovereignty, another concern I have heard about TPA and one I wanted to make sure we were protecting against. The bill accomplishes this goal in four important ways; first, it makes clear that any provision of the trade agreement that is inconsistent with Federal or State law will have no effect; second, the bill states specifically that Federal and State laws will prevail in the event of a conflict with the trade agreement; third, it affirms that no trade agreement can prevent Congress or the States from changing their laws in the future; fourth, it confirms that the administration cannot unilaterally change U.S. law.

All of these provisions have been drafted with an eye toward maintaining the separation of powers and ensuring that no administration can use trade agreements to unilaterally write U.S. laws or policy. Now, we have all heard claims that the President intends to use trade agreements to change our immigration laws or enact strict climate change standards. TPA ensures that throughout the process of negotiating, finalizing, and approving a trade agreement, Congress stays in the driver's seat.

Finally, I want to address the concerns I have heard about the supposed secrecy surrounding the TPP agreement. Some of our House colleagues, as

well as a number of people in the media, have decried the fact that details of the TPP, the Trans-Pacific Partnership, have not yet been made public. They have also argued that by renewing the TPA before the details of the deal are disclosed, Congress would be enabling further secrecy. Again, this reflects a simple misunderstanding of simple negotiation tactics.

The TPP is still being negotiated. As with any high-stakes negotiation, some level of confidentiality is a must if we are going to get the best deal possible with 11 other countries at the table.

In all sensitive negotiations, there is a time for disclosure and a time to hold your cards close to your chest. So I recognize that with trade negotiations, our government is negotiating on behalf of the American people. We need to ensure that the maximum amount of transparency is possible.

Fortunately, the Senate-passed TPA bill strikes an appropriate balance to deal with these issues, providing unprecedented levels of transparency and oversight into the trade-negotiating process. Under our bill, the full text of a completed trade agreement must be made public at least 60 days before the President can even sign it—be made public at least 60 days before the President can even sign it. Talk about transparency—this is an all-new requirement, giving the American people new and unprecedented access and knowledge of all trade agreements well before they are even submitted to the Congress for approval.

After that 60-day period has expired and the President signs an agreement, he must submit to Congress the legal text of the trade agreement and a Statement of Administrative Action at least 30 days before formally submitting an implementing the bill. As I noted earlier, the bill includes all-new requirements giving Members of Congress access to text and information throughout the negotiating process.

Any Member of the House of Representatives that supports free trade who is concerned about the secrecy of current negotiations should be the first in line to support the Senate-passed TPA bill. Once again, any supporters of expanded U.S. exports who are also wary of executive overreach should be trumpeting their support for our bill.

The Senate TPA bill enhances Congress's role in trade negotiations. The Senate TPA bill maintains Congress's power to accept or reject any future trade agreement. The Senate TPA bill prevents the President from pursuing unilateral changes to U.S. law or policy. And the Senate TPA bill provides unprecedented levels of transparency and oversight into these trade agreements or into any trade agreements that may come forward, including TPP.

I am sure that some of the cynics out there have one more question: If TPA imposes all of these requirements and restrictions on the administration, why does the President want it so badly?

The answer to that question is simple. TPA is necessary in order for our negotiators to get a good deal. We know this is the case. Without TPA in place, our negotiating partners have no guarantees that the deal they sign will be one Congress will consider.

Without those guarantees, they are less likely to put their best offers on the table because they will have no assurance that our country can deliver on the deal or any deal they enter into with us. Make no mistake, we need to get good deals at the negotiating table.

More than 95 percent of the world's consumers live outside of our country, the United States. If our farmers, manufacturers, and entrepreneurs are going to compete on the world stage, they need access to these customers.

History has shown that high-stand ard free-trade agreements expand market access for U.S. exporters and reduce our trade deficits. Most importantly, they grow our economy, create good, high-paying jobs for workers here at home, and improve living standards for our citizens and for our trading partners. If the United States is going to advance its values and interests in the international marketplace, we need to be writing the rules and setting the standards. We cannot do that if we are sitting on the sidelines.

This is an important bill. I was very pleased to see it pass the Senate with bipartisan support.

I hope that in the coming days, we will see a similar result in the House of Representatives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

#### KING V. BURWELL

Ms. STABENOW. Mr. President, we expect a ruling this month in the Supreme Court case of King v. Burwell, which will have such an impact on families all across America and on the affordability and availability of health insurance for them and for their families. This is an incredibly important issue.

As someone who was there in the Senate Finance Committee at virtually every meeting—and who helped write the tax credit section of the bill—I wish to remind my colleagues of what is at stake in this decision.

During the Finance Committee markups, I worked very hard to make sure the affordability tax credits, which provide tax cuts for millions of Americans, were meaningful in helping people buy health insurance through the marketplaces. It took a lot of work to get those tax credits written into the Affordable Care Act. In fact, as my colleagues know, certainly on this side of the aisle, I would go to every meeting with charts and graphs, looking at what people would have to pay under various levels of tax cuts and how to make sure it was affordable. The great news is that the majority of Americans today are able to purchase affordable

health insurance for less than \$100 a month, and that was a lot of work to get done. That is really what is at stake right now.

Now, I know there are people who don't like the law that was written, but the legal argument being presented in the Supreme Court right now makes absolutely no sense. Folks on the Republican side of the aisle are asking the Supreme Court to raise the taxes of some 6.4 million Americans. We are talking about \$1.7 billion in tax increases going to all these States in the red, including my own.

We have Members of the Senate cheering on a court that could rule that there would be a \$1.7 billion tax increase on their own constituents. Don't count me in as one of those who are cheering that on. I don't understand it.

These Members of Congress are effectively saying that people in Massachusetts, where there is a State exchange, can have a tax cut and the affordable coverage that comes with it, but people in Oklahoma can't have a tax cut. They are suggesting it is fine for people who live in the District of Columbia to get tax cuts to help pay for their insurance, but people in Louisiana cannot or that people in New York can have tax cuts to help pay for their insurance, but people in Texas cannot.

Now, to drive this point home, I wish to take a moment to look at how many people in each State are at risk of a tax increase based on the Supreme Court ruling, because this is very important to literally millions and millions of Americans.

In Alabama the Supreme Court could raise taxes through their decision on 132,253 people. Over 132,000 people will find out this month whether they get a tax increase as a result of the Supreme Court decision.

In Alaska, we see the possibility of 16,583 people in the Last Frontier State who would see an average of \$536 more in taxes as a result of the possible decision being urged on by Republicans in the House and Senate.

In Arizona, the Grand Canyon State, over 126,000 people—Americans—would see a tax increase. There would be \$20 million total in tax increases in Arizona, depending on how the Supreme Court rules.

Let's go on to what is called the Natural State, Arkansas, where 48,100 people will see an average increase of \$284 as a result of the Supreme Court decision if they rule against what we know was done correctly in terms of writing the Affordable Care Act.

Let's go on and look at Delaware, the First State, where 19,128 people would see their taxes go up—a tax increase in Delaware, depending on what the Supreme Court does later this month.

In Florida, the Sunshine State, it is over 1.3 million people—1,324,516 people—and we are looking at almost \$390 million in tax increases that would be coming from the State of Florida if the Supreme Court sides with Republicans

and makes that decision that will increase people's taxes.

In Georgia, the Peach State, 412,385 Georgians will see a tax increase as a result of the Supreme Court if the Supreme Court does what the Republicans want to have done.

In Illinois, 232,371 people living in Illinois, next to Michigan, our great friends in Illinois—almost \$50 million in tax increases in Illinois will happen beginning at the end of this month if the Supreme Court rules the way Republicans want them to rule.

In Indiana, also next to the great State of Michigan, 159,802 people living in Indiana, Hoosiers, will see their taxes go up if the Supreme Court rules against providing tax cuts.

In Iowa, the Hawkeye State, 34,172 Iowans will see their taxes go up. These are families. These are working families. These are families working hard, with one job, maybe two jobs, maybe three jobs. There probably are folks who are certainly included in this who lost the equity in their homes after what happened with the great recession and are trying to dig themselves out of the hole and are celebrating the fact that they can go to bed at night not having to worry if the kids get sick, if they can take them to the doctor. Most of them are able to buy health insurance for less than \$100 a month because of the tax cuts we passed in the Affordable Care Act.

In Kansas, the Sunflower State, 69,979 people—almost 70,000 people in Kansas—will see their taxes go up if the Supreme Court sides with the Republican position on the Affordable Care Act.

In Louisiana, the Pelican State, 137,940 people who live in Louisiana—almost \$45 million would come out of this State in tax increases if the Supreme Court sides with the Republican position regarding the Affordable Care Act.

In Maine there are 60,939 people who represent families—people who have families, who have children, spouses—who are now able to afford insurance, most of them for under \$100 a month, maybe for the first time ever because of the tax cuts, tax credits that are translated into tax cuts for people in the Affordable Care Act.

This one means the most to me, of course, and that is my home State of Michigan. There is no way, by the way, I would have ever voted to do this. The idea that we voted for something that would make all of this happen is pretty crazy. Obviously, that was not legislative intent. But in Michigan, 228,388 people in my State, men and women and their children, will, in fact, see a tax increase if the Supreme Court rules with the Republican position at the end of this month.

Missouri, the Show Me State: Well, I will tell you what they don't want to show are more tax increases—197,663 people in Missouri, and we are talking about \$55 million coming out of the State of Missouri. These are families