

attempt to dismantle and repeal the Affordable Care Act. One of these proposals was put forth by a Republican colleague from my home State of Wisconsin. It would eliminate the health insurance subsidies in all States, including the federally facilitated and State-run marketplaces. His proposal would rob over 166,000 Wisconsin constituents of their premium support. His plan would attack the health care security of Kim and Joelisa. According to the American Academy of Actuaries, it would expand the ranks of the uninsured and raise premiums.

Naturally, his proposal would hand over the reins to the insurance companies and allow them the freedom to take us back to the days when they offered bare-bones plans without essential health care coverage. In Wisconsin, this means going back to the days when there were no—none, zip, zero—individual health care plans in the entire State that offered maternity coverage for families. We cannot go back, we must not go back, and we will not go back.

We know the Affordable Care Act is providing access, affordability, and quality in the State of Wisconsin. We also know that in the United States of America, health care should be a right guaranteed to all and not just a privilege reserved for the few. That is what we have fought for, and that is what we are going to continue to fight for as we move the Affordable Care Act forward.

I wish to once again thank my colleagues, Senator STABENOW and Senator MURPHY, for joining me on the floor this afternoon.

We have a case that is about to be decided by the U.S. Supreme Court. There has been effort after effort in the Congress of the United States to repeal or defund all or part of the Affordable Care Act, but it is providing lifesaving coverage and good news for Wisconsinites and people across America.

I yield back my time.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak in morning business for up to 1 hour.

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

Mr. SESSIONS. I thank the Chair.

TRADE

Mr. SESSIONS. Mr. President, I believe we are moving to a very important debate in the next week as the Senate moves forward with legislation passed by the House of Representatives today that would advance trade promotion authority. Trade promotion authority is a delegation by the U.S. Con-

gress to the President of the United States, the Chief Executive—power that Congress has—authorizing and directing that the President go forward to negotiate a trade agreement. This trade agreement would then be brought back to the Congress and, through legislation, would be implemented. But the trade agreement would never be subject to full evaluation, full debate under the normal processes of Congress, nor would it be subject to any amendment. Indeed, if the trade promotion authority passes the Senate—maybe next week—this legislation, this trade agreement would be fast-tracked. That is why they call it a fast-track agreement.

The fast-track would mean that the treaty—they call it “agreement” to avoid the fact that a treaty requires a two-thirds vote—that this trade agreement would be brought up so that Congress—it would be on the floor for 20 hours, it would be subject to no amendment, and it would be voted on, up or down. It would be filed, for example, at 4 o’clock on a Monday afternoon and voted on final passage the next day at noon. That is the kind of situation we are faced with.

Fast-track has been used for a number of years, a number of times, but it has always been focused on trade—what the tariff rates might be between trading partners, details of trade agreements and definitions and those kinds of things. But this agreement is far more extensive. It is more extensive in the size and the scope of the trade agreement, the number of nations, and the fact that it would cover—if the Atlantic agreement is also approved—75 percent of the world’s economy.

But even more significant to me is that it creates something that is a non-trading entity, a commission, a trans-pacific international commission. This commission will meet regularly. It will be created by legislation with certain rules. But according to the Trade Representative who is negotiating in advance of this legislation on behalf of President Obama and who is advocating for it, it will be a living agreement. That means the entity itself, the commission, will then be entitled to make the TPP say different things, eliminate provisions it does not like, and add provisions it does like. In fact, the commission is required to meet regularly and to hear advice for changes from outside groups and from inside committees of the commission so that they can update the situation to change circumstances.

It is a breathtaking event. It says it is designed to promote the international movement of people, services, and products—basically the same language used to start the European Union. In fact, I have referred to it as a nascent European Union. I do not think that is far off base.

So we will have 12 Pacific nations come together in this agreement. Well, the trade agreement, I would suggest, colleagues, is not that big of a deal—a

part of it. We have free-trade agreements with big nations, such as Canada, Australia, Mexico, Chile. The negotiations—really have an impact with two nations of significance: Japan and Vietnam. Why we can’t negotiate trade agreements with them in a bilateral fashion? I don’t know. Why do we have to create a transnational union, an institution that has the power, as I will explain, to impact the laws of the United States of America? It is not necessary.

I voted for—it has not worked as well as we were told it would work, but I voted for the last bilateral agreement with South Korea. South Korea, like Japan, is our good friend. We do not have any fundamental disagreements with them. They are part of the civilized world and so forth. But they have a different view of trade than we have. They are mercantile. They have to be approached and considered in a different way. They just approach trade differently. They believe manufacturing and exports mean power. An actual study has shown not too long ago that mercantilism has enhanced their power. A nation with trading deficits like the United States has had their power diminished as their trade deficits have accrued.

So some of our colleagues reject mercantilism. It is not healthy to trade for sure. We would like to see it go away. But it is our trading partner’s policy. We have to deal with that reality when we negotiate agreements.

So what I will say, colleagues, is that this is a significant event. I see no reason that when we are attempting to create a trade agreement, it can’t be like South Korea in 2012. Why do we have to create an entirely new transnational union with the power where each nation has one vote? The Sultan of Brunei—Brunei is one of the countries, one of the 12—the Sultan of Brunei gets one vote, and the President of the United States gets one vote it appears, although from my reading of the document it is difficult to fully understand what they mean.

I would say, at the most fundamental level, this Congress should not fast-track any transnational union of which we are a part until we understand every word in it, we know exactly what it means, and the President can answer. I have asked questions. I have asked him what it means—the living agreement language—in a letter. No answer. I asked the President of the United States: Do you contend this agreement will reduce the big trade deficit we have or will it increase the trade deficit? They don’t answer. The only thing advocates for this treaty say is that it will advance or enhance employment in the exporting industry. That is the only statement they have made. Why are they being careful about that? I have listened to them. No one has ever said much more than that.

Well, in 2011, the President of the United States asserted, when he was promoting the trade agreement with South Korea—this was his statement:

We don't simply want to be an economy that consumes other country's goods. We want to be building and exporting the goods that create jobs here in America . . .

Well, I agree with that. I think we do need to focus on that. We have a sustained trade deficit, we have a sustained decline in American manufacturing, and we have seen the wages of America's middle class decline for over a decade—since 2000. We have not had increases in wages but a decline in wages. Part of that is because of a decline in manufacturing, which is where higher wages are paid.

So this is what the President said with regard to the Korea Free Trade Agreement in his announcement back in 2011: "I'm interested in agreements that increase jobs and exports for the American people."

Well, I am, too. Well, what do we know about the Korea trade agreement? Did it work? President Obama said this at that announcement. I hate to recall what he said, but this is what the promise was when he made this announcement. This is the President's statement that he personally delivered: "In short, the tariff reductions in this agreement alone are expected to boost annual exports of American goods by up to \$11 billion." Annual exports would be increased by \$11 billion: "This would advance my goal of doubling U.S. exports over the next 5 years."

So what happened after the trade agreement was signed? We have had less than \$1 billion in 3 years in export increases to South Korea. They have had a \$12 billion increase in imports to the United States, virtually doubling the trade deficit that was already large between our countries.

This is a chart which shows how that worked. This black line is when the treaty was signed. This is the trade deficit we have been running with South Korea. This is zero. These are the deficits we have been running. Then when the treaty was signed—the agreement was signed—we had a marked decline in exports. I wish it were not so. I voted for it. I bought into free trade and drank the free trade Kool-Aid. But did it work? I have to say it hasn't worked yet. The reason? Mr. Clyde Prestowitz, who was a trade negotiator for President Reagan with the Pacific and with Japan in the 1980s, said: They have nontariff barriers. They have a mercantilist philosophy, and their philosophy is to buy the least possible from abroad, make everything they can possibly make at home, and export as much as possible, creating jobs in their country, creating surpluses in trade, creating wealth, they believe, and also creating power.

So I am concerned about this. I would just contend that we do not need to be listening to Pollyannaish promises that these trade agreements are going to be so great for working Americans. They have not been doing so well, in my opinion.

In fact, Mr. Prestowitz, whom I just mentioned, wrote a book on trade. In

January of this year, he wrote an op-ed for the Los Angeles Times in which he said this. Instead of saying that we are going to have a \$10 billion increase annually in exports, let's look at the facts. This is Mr. Prestowitz:

Over the last 35 years, the U.S. has brought China into the World Trade Organization and concluded many free-trade agreements, including one with South Korea three years ago. In advance of each, U.S. leaders promised the deals would create high-paying jobs, reduce the trade deficit, increase [gross domestic product] and raise living standards. But none of these came true. In fact, the U.S. non-oil trade deficit continued to grow, millions of jobs are offshore and mean household income has hardly risen since 2000. And economists overwhelmingly agree that rising U.S. income inequality is being driven in part by international trade.

That is President Reagan's adviser, a student of these issues who knows the Pacific well, who has written a book on trade and documents—contrary to what some people say—that for the first 150 years of our country we had high tariffs on products imported.

Now, I believe we should eliminate tariffs. I believe we should move to trade, and I have supported that over the years. But I just have to say I am less convinced that in a world where our partners aren't operating on the same policies we operate on, we have to be careful about these agreements.

What our trading partners want, in substance, is access to the U.S. market, access so they can sell their products in the U.S. market and bring home wealth to their countries. That is their goal. It just is. That is the way they approach life.

We want access to their markets. There is nothing wrong with that. That is just what the world is about, and we are not negotiating very effectively.

So many of these countries have nontariff barriers that cause difficult problems in trade. And we reduce our tariff barriers and we have virtually no other barriers to the sale of foreign products in the United States, while we are not able to export competitive products abroad because of their nontariff barriers or even sometimes their tariff barriers.

I just wish to say at the beginning that I am not of the view that we have to have a trade agreement passed this week and as part of it that we have to pass some union with 12 countries each having one vote. I don't see that has to be done.

If we don't sign a trade agreement that affects Japan or Vietnam today, what, is the world going to collapse? We have been getting along without it for decades, apparently, maybe since the beginning of the history of the Republic. So I would say let's slow down, and I say we have to focus more effectively on what is good for America.

Fast-track is a decision by Congress to suspend several of its most basic powers for 6 years, and any treaty that is created in the next 6 years can take advantage of fast-track, be brought directly to the floor, and be passed on a

simple majority in the House and the Senate without an amendment.

One of my Republican colleagues said: Oh, well, we will have a Republican President, and we can really put up some good trade bills. Who knows who is going to be elected President next year. Who knows if the President, if he is a Republican, will send up a good trade bill. Congress has its duty to respond and study trade agreements and cast a knowledgeable vote on it. I don't think Congress, in this instance, should give up its procedural processes for passing any important legislation. I think a decision of the magnitude we are dealing with deserves the most careful scrutiny.

This is not a trade agreement with one friend and ally, South Korea, it includes 12 nations in the Pacific. As soon as that is inked, we have been told—and brought forward for passage in the Congress—and, historically, if we get trade promotion authority, the agreements that are presented have always passed. Once that is said and done, we will begin to debate the Transatlantic Trade and Investment Partnership, TTIP. This transatlantic agreement, I suppose, will also have some sort of commission, a transatlantic union with powers that discipline and set rules outside the powers of the Congress.

Then there is going to be a services agreement that has already been talked about. It has been leaked. Somebody leaked this. The other two are secret and cannot be seen by the American people.

So this services agreement has 10 pages on immigration. They are going to fast-track through changes in our immigration law. It is a very serious matter. We have other issues out there like environmental law—that I will mention in a minute—that absolutely the President intends to advance through this trade agreement.

So those are three major treaties, and those treaties would impact 75 percent of the GDP of America, but that is not all. For the next 6 years, any other treaty can be advanced in this same way. Presumably, three or four countries could get together and agree on some environmental regulation, and it could be advanced as some trade agreement in a fast-track procedure through Congress.

So I think the burden of proof rests on the promoters of fast-track to demonstrate why three-fifths of the Senate shouldn't be required to agree, since this is so akin to a treaty, and/or advance this contrary to the proceedings of Congress.

Some of my colleagues have been saying that the trade promotion authority, which the President is so desperately seeking—he has been hammering and bludgeoning his Members in the Senate and the House to get them to not vote their conscience but vote with what he wants—they say we should pass it because it restricts the power of the President.

Well, give me a break. If this were true, why would the President want it? If he could do all he wants to do without Congress, why isn't he doing it anyway? The entire purpose of fast-track is for Congress to surrender its power to the executive branch for 6 years. Legislative concessions include control over the content of the legislation. The President negotiates it, he brings it back, we can't amend it. He controls the content on it, the power to fully consider the legislation on the floor. It is filed on one day and voted the next day. The power to keep debate open until Senate cloture is invoked—on any other legislation, you have to get a cloture vote.

We couldn't get cloture on the Defense bill today. The Democrats refused to give 60 votes to pass the bill that appropriates the funds to defend America, but the President would be able to bring up this bill with a simple majority and no ability for extended debate that the Senate is famous for, and there is the constitutional requirement that a treaty receives a two-thirds vote.

When you are creating an international union, I mean, this crosses the line. May be someone can technically say that somehow this is an agreement and not a treaty. I don't know, lawyers could perhaps disagree, but Congress should assert its power.

We should say: Mr. President, we have seen you operate. We are not going to authorize you to enter into the creation of an international union where you get to impose additional powers on us without creating it through the treaty process.

The legislation, finally, is not amendable, which is exceedingly unusual.

So without fast-track, Congress retains all its legislative powers. Individual Members retain all their procedural tools, and every single line of trade text is publically available before any action is taken to grease the skids for its final passage. I think that is the important issue.

What about this union. What kind of powers is it that we are talking about? I am of the belief that the President hasn't been a strong advocate of trade. His supporters, many of them oppose this kind of trade agreement. I am coming to believe the primary part of his understanding of the importance of this legislation, and why he is breaking arms and heads over it, is the union, this international commission that has powers that he believes will allow him to advance agendas. I don't say that conspiratorially. I will explain in a moment that clearly seems to be one of the incentives this President has to advance this legislation.

In a Ways and Means House document on a new Pacific union being formed by President Obama, a committee in the House hints at some of this union's power, this international commission on trade:

If a proposed change to a trade agreement is contemplated [by the TPP Commission]

that would require a change in U.S. law, all of TPA's congressional notification, consultation, and transparency requirements would apply.

In other words, Ways and Means is intimating that this new secret Pacific union would function like a third House of Congress, with legislative primacy, the ability to advance legislation, sending changes to the House and Senate under fast-track procedures—receiving less procedure, for example, than post office reform.

Further, this legislative fast-track, Ways and Means implies, is a change in U.S. law, meaning that if this President or the next argues it is simply an Executive action, not a legal action, the Executive would have a free hand to implement any agreement the Commission creates without any approval of Congress.

Well, he said he wouldn't do that. Did you see where people who were unlawfully in the country were given a photo ID card by the President of the United States, were given a Social Security number, and it says on the card "work authorization," when the law says if you are in the country illegally you cannot have a Social Security number. He did that.

He made a recess appointment in blatant violation of a definition of what a recess is. It took 2 or 3 years for the Congress to take it to the Supreme Court, and in a unanimous 9-to-0 ruling, the Supreme Court overturned it.

So to say the President will not push his powers is naive indeed. How do you stop it? Do you file a lawsuit to say the President shouldn't have agreed to the Pacific Commission? Now a whole government bureaucracy is carrying out some global warming, some immigration, some trade issues that Congress opposes.

Is a President capable of doing something like that, actually carrying out ideas and policies that Congress doesn't approve of. Absolutely. We have seen it time and again.

So this is not merely a loophole, it is a purposeful delegation of congressional authority to the Executive and to an international body. We should understand what we are doing. Not enough of our people have read some agreement and fully understand. The fast-track-implementing legislation would have the ability to make these binding delegations binding as a matter of law, it seems to me. Well, maybe not. It probably wouldn't work that way. I don't think it works that way.

Look, that is why I wrote the President and I said: Mr. President, make this part of the proposed TPP, the Trans-Pacific Partnership public. Let's have the lawyers study it. You explain to us exactly what these words mean—which he has refused to do. As a matter of fact, I don't think the American people have fully grasped that this is not a normal trade agreement but that it is the creation of an international entity.

Amendments to specify Congress retains exclusive legislative authority

and to actively prohibit foreign worker increases were blocked by the fast-track supporters. I offered legislation that would make clear that the President couldn't alter the constitutionally exclusive power of Congress over immigration, and they refused to give us a vote. It is not in the bill. Why not?

I said: Well, we are not going to change immigration law.

Some administration underlings say that. They don't have the power to bind the President. They are not lawyers, perhaps. They don't know what the words mean. The President of the United States hasn't said it publically, neither has his Trade Representative. He has come close, but if you read his words, you will see that they were clever words, in my opinion, with little meaning.

Fast-track supporters have tried to temper concerns about the formation of this transnational union and the subsequent Transatlantic Trade and Investment Partnership, TTIP, and the Trade in Services Agreement, TISA, that would be approved through fast-track by adding additional negotiating objectives via a separate Customs bill.

However, negotiation objectives are, by design, not explicit or realistically enforceable. They include such vague language as saying it must be the goal of the White House "to ensure that trade agreements reflect and facilitate the increasingly interrelated, multi-sectoral nature of trade and investment activity." Those are the kinds of things in this language. That is not enforceable and has virtually no meaning.

One of the vague goals is "to recognize the growing significance of the Internet as a trading platform in international commerce." What does that mean?

Under the Ways and Means solution, TPP, TTIP, and TISA would establish broad goals for labor mobility—immigration—allowing Ways and Means to say their negotiating objective, about requiring or obligating certain changes, had not been violated. And the President would then implement those changes through Executive action or as a result of fast-track where the laws have changed.

So, together, TPP, TTIP, and TISA—these three trade agreements which we know are going to be advanced under fast-track—represent the goal of advancing the unrestricted global movement of goods and people and services.

The European Commission—this is how they started, how they were formed. In explaining TISA—presumably the second major trade agreement that would be submitted after the Pacific agreement and we move to trade in services—this is how the European Commission explains what it means:

TISA is open to all WTO members who want to open up trade in services. China and Uruguay have asked to join the talks. The EU supports their applications—

The EU supports their applications because it wants as many countries as possible to join the agreement.

TISA, of course, is the services agreement, and it will be worldwide. Anybody—even China—could be admitted to it. And the European Union Commission specifies that this services agreement, TISA, will be modeled on the General Agreement on Trade in Services, GATS. This provides insight into how TISA will affect U.S. immigration procedures.

When the United States became a member of the WTO in 1994, it signed on to the GATS and committed to issue certain numbers of work visas each year, immigration visas. Congress's ability to control the U.S. temporary entry programs has therefore been curtailed, as it would open up the United States to foreign lawsuits in an international tribunal.

In other words, they made an agreement on immigration visas under work ideas as part of GATS in the WTO, and it violates and complicates our ability to enforce American immigration law. But if we enforce the law the way it is written, then we will get disciplined by the foreign body. So when we sign up to a foreign body, we agree to rules. They say we have to do this. So it is not being enforced.

So who wrote the law for the United States of America with regard to immigration? Under the Constitution, it is Congress, but in reality, once you join an international union, they have certain powers to enforce their will over the elected representatives, the accountable representatives of the people of the United States, and some other group does it.

TISA—this services agreement—will, as the European Union suggests, require the United States to make additional legislative commitments on a much larger scale. Do we understand that? When people are voting for this trade agreement, this Pacific trade agreement, do we understand that we are opening up a mechanism for the services agreement and for the Atlantic agreement and perhaps another commission for the Atlantic? Will there be a commission set up under the TISA or TTIP bills? Do we know? Do we want to give a fast-track to grease the skids for the President to negotiate such a thing as this? I think not.

The preamble to the South Korea Free Trade Agreement, for example, states that a principal goal of the agreement is to “create new employment opportunities, and improve the general welfare . . . by liberalizing and expanding trade and investment between their territories.”

In announcing that agreement, President Obama said:

Because we don't simply want to be an economy that consumes other countries' goods. We want to be building and exporting the goods that create jobs here in America and that keeps the United States competitive in the 21st century.

That is what he said at that time.

So for too long the United States has entered into trade deals on the promise of economic bounty, only to see work-

ers impoverished, industries disappear, and manufacturing jobs decline. And we have been on a steady decline in manufacturing jobs.

Mr. Dan DiMicco, one of the great CEOs in America and chairman emeritus of Nucor Steel, has written about these issues recently. He explains that these deals haven't worked as they have been promised. They haven't been, he says, free-trade deals at all. Instead, they have been “unilateral trade disarmament,” where we lower our barriers to foreign imports but they retain their barriers to our exports. Mr. DiMicco calls this the “enablement of foreign mercantilism.”

So consider this in the context of automobiles. In May, the Wall Street Journal—who is a free-trade entity for sure—published a news story about how the American auto sector could be jeopardized by the TPP. The Wall Street Journal wrote:

In the transportation sector, led by cars, the TPP could boost imports by an extra \$30.8 billion by 2025, compared with an exports gain to Japan of \$7.8 billion, according to a study co-written by Peter Petri, professor of international finance at Brandeis University.

I think that is exactly accurate. We are not going to have an increase in sales of automobiles in Japan. They have a 4 million automobile surplus capacity. They want to hire their people and they want to sell automobiles in Japan by producing automobiles in Japan, not by importing them. They are mercantilists in their approach. They have successfully resisted the penetration of their automobile market for decades, and it is not going to happen under this agreement. It is just not. But if we reduce our little 2.5 percent tariff on automobile imports to America, this, on the Japanese, has some sort of balancing effect for their failure to allow their markets to be open, and we will increase imports to the United States.

I am not condemning Japan. I am just saying that is how they operate, and we need to understand that and be more effective in defending American interests.

So what we hear from the promoters of this deal is “We believe this trade deal will increase exports.” Well, surely we will get some additional ability to sell products abroad. Surely the President can honestly say: If you sign the agreement with South Korea, well, we will have increased exports to South Korea. And we did—\$800 million instead of the \$11 billion he promised. So we got a little increase, but they got a \$12 billion increase to the United States. And what did that do? That diminished manufacturing in the United States.

Additionally, Clyde Prestowitz, who also served as trade negotiator under President Clinton in addition to President Reagan, offered this warning about the TPP:

Two intertwined elements pose a virtually insuperable barrier to mass market auto im-

ports in Japan. First, Japan's capacity for vehicle production is 13 million. Annual domestic sales are 4 million and exports are another 5 million. That leaves 4 million vehicles equivalent of excess capacity that constitutes a heavy cost burden on the Japanese automobile industry. In the face of this, neither the Japanese industry nor the Japanese Government will want to make life easier for imports. The second structural element is auto dealerships. By law U.S. dealers are independent of the automakers and are free to sell any brand they wish. Exporters to the United States thus find it easy to achieve national distribution of their vehicles. Not so in Japan where the automakers effectively control the dealers.

And that is the big automobile manufacturing companies. I don't think anybody will dispute that.

The essence of what he is saying is that we are really not going to gain market share in Japan, while they are going to gain market share in the United States. So that is why people would like to see tougher, more vigorous negotiation of trade agreements.

Then there is the issue of currency manipulation. The President has made clear that he has no intention of enforcing currency manipulation, which can easily dwarf the impact of tariffs. A former Federal Reserve Chairman, a number of years ago—a great Chairman—said currency manipulation can dwarf the impact of tariffs. By manipulating their currency, our trading partners can artificially raise the price of our exports while lowering the price of their imports. This improper practice has resulted in closed plants, shuttered factories, and the shifting of U.S. jobs and wealth overseas. And China is a huge player in that.

The middle class has shrunk 10 percentage points in the United States since 1970, and real hourly wages are lower today than they were more than four decades ago. That is hard to believe. The real hourly wages are lower than they were 40 years ago. The percentage of men age 25 to 54 not working was less than 6 percent in the late 1960s; it has nearly tripled to 16.5 percent. The labor force participation rate for women—the percentage of women in their working years who are actually working—has fallen 3 full percentage points since 2009 alone.

We can't keep doing the same thing and expecting a different result. So last month, I sent a letter to the President asking how he planned to use fast-track authority and what it would mean for American workers. Those questions should not have been difficult to answer. These negotiators should have been having that on the front of their negotiating minds from the very beginning.

They have been working on this agreement for years. Not one of these questions have been answered—not one. Nor have they been answered by anybody promoting fast-track. They won't answer these questions—the questions about the trade pact, the text of which remains confidential, locked downstairs in a secret room.

This is a question I asked: Will it increase or reduce the trade deficit, and by how much?

Shouldn't we know that? Shouldn't that be discussed? Shouldn't that be the first thing we discuss? Is this going to help the U.S. economy?

No. 2, will it increase or reduce manufacturing employment and wages, including the auto sector, and accounting for jobs lost to imports?

No answer. Shouldn't we know that?

No. 3, will you make the “living agreement” section public and explain fully the implications of the new global governance authority known as the Trans-Pacific Partnership Commission?

Mr. President, shouldn't you tell us before we grease the skids to pass a new international commission? Shouldn't we know what it is about?

Congress should just say no on this, colleagues. We don't have to advance fast-track. We ought to insist that at least this new Commission part be fully public. We want to study it before we agree to committing this great Nation to an entity that has very small nations with the same vote as we have.

We asked: Will China be added to this Commission?

No answer. In fact, they have hinted they could be added, and apparently the Commission can vote in new members without Congress voting on it. That looks to me to be pretty clear, from my reading of it.

Will you pledge, we asked further, not to issue any Executive actions or enter into any future agreements impacting the flow of foreign workers into the United States?

No answer. Not one of these questions has been answered. Yet they want us to shut off debate, limit congressional procedural power, and advance this legislation with no amendments. I don't see how anyone can say Congress is not entitled to have at least these questions answered.

What about the American people? Shouldn't they know before their Members vote on whether it is going to improve their job prospects or reduce their job prospects, whether a new factory will be opened in Alabama or New Hampshire or closed? So we need to know about this.

We must know what powers this Commission will have, and how the United States will be represented, how the votes will be counted, how the Commission will impact immigration, environment or patent law, and how Congress can deal with decisions of the Commission it doesn't like.

The TPP is the agreement sitting in the basement room that lawmakers can go and read. It is the first secret fast-track agreement that would be put into effect.

But the TPP is just the first of three colossal agreements. There are two more.

Under what rationale should we in Congress acquiesce to such profound changes involving the global economy?

We will be talking about it in light of the rules of a new trade agreement—a new agreement that could impact 70 to 75 percent of the world economy, and we haven't given it sufficient thought.

Fast-track is an affirmative decision by the Congress of the United States to suspend several of Congress's most basic powers for the next 6 years and to delegate those powers to the Executive. A decision of this magnitude should only be based upon the most thorough debate, the most complete evidence, and the most compelling data provided by proponents on the key questions at stake. A burden of proof rests on the promoters of fast-track to compel three-fifths of the Senate to agree to give up these powers. Fast-track not only authorizes the President to enter the United States into Trans-Pacific Partnership but into an unlimited group of agreements and partnerships in the future.

The President will sign these agreements before Congress votes on them. He will then deliver implementing legislation to Congress that overrides previous law of the United States. This implementing legislation cannot be amended, cannot be filibustered, cannot be debated more than 20 hours, and cannot be subjected to the two-thirds treaty vote in the Senate.

Well, I have been analyzing and thinking about this Commission—this transpacific Union, it is fair to call it. This goes far beyond the normal trade agreement. While it appears to give some respect to our domestic law, this respect is undermined by the difference between the trade agreement—the TPP—and the implementing legislation. While a trade agreement alone may not trump U.S. law—although it could—the implementing legislation necessary for the trade agreement would. Indeed, the implementing legislation is law. And as the last-passed law of the United States, it overrules any previous laws with which it might conflict. Then it would appear that, by implementing the trade agreement, the trade agreement itself could have the impact of law.

So we pass a law that says: Mr. President, we agree with this treaty. Not a treaty—they call this an agreement. We agree with this agreement, Congress said, and the President implements it. Does it then become superior to any law in the United States? I think a good argument can be made that it does. We need to know that absolutely. Certainly, the implementing law states that the Congress agrees that the United States will be bound by the obligations under the trade agreement. The President signs a trade agreement with 12 nations, and when we ratify that, we then say we agree. The United States is bound by these provisions. As part of the provisions we are bound by is a new commission—one nation, one vote.

But there is a further danger. What happens if the Commission uses its living agreement powers—as it will—to

alter the obligations under the agreement? The Commission is empowered then to change its rules, clearly, by the powers given it. Is the United States bound by new rules that we never saw but are passed by the 12 nations?

What if President Obama or some other President has an agenda, and they all get together and pass it? Is the United States bound by it? Does Congress have no control over it?

Well, we don't sufficiently know. That is why we ought not to be fast tracking an international agreement until we have had it made public and it is studied by good lawyers who understand these things.

Is the United States bound by the new rules they have changed? Can they add new members to the Commission? There are provisions about how new members should be added in the document itself. Does it say the Congress has to vote to do that? Can China be admitted?

How about this. Can this new 12-nation body adopt environmental regulations or adopt liberal immigration laws? We have discussed these things in Congress. Congress has rendered opinions and passed legislation and rejected legislation. Can this Commission pass things that impact and override the powers of Congress?

President Obama has said that climate change is one of his—actually, I think he said it is his highest—priority. His Trade Representative has been open and frank about this. The Trade Representative has negotiated this treaty. I am going to talk about that in a minute.

But some say: JEFF, you are wrong. But I don't think I am wrong. I think the issues I raised are very real, and I believe the concerns I raised may in fact be what this new treaty requires. I believe this is a plausible scenario.

But if you don't agree, bring the thing out, lay it out, bring lawyers in here, bring trade people, and explain every provision of it. Before I am going to vote to fast-track it, count that down. Congress should never fast-track any agreement for any transnational union that has the power to bind this Nation.

Goodness gracious, every word should be studied, and all consequences understood. A vote for fast-track is a vote to erase valuable procedural and substantive powers of Congress concerning a matter of utmost importance involving the very sovereignty of this Nation.

Without any doubt, the creation of this living Commission, with all its powers, will erode the power of the American people to directly elect or dismiss from office the people who impact their lives.

Do you remember that in England they woke up one morning and somebody in the European Union in Brussels had outlawed fox hunting? How did this happen? They said: Well, it started just like this.

Well, you say: JEFF, this is an exaggeration. They wouldn't use the Pacific

union to advance political agendas outside of trade, tariffs, and those kinds of things. Well, let's look.

This is an article in the American Thinker, "Fast Tracking an International EPA," by Howard Richman, Raymond Richman, and Jesse Richman. They are professors, I think, all three. But this is on the Web site.

This is a statement by Mr. Froman, President Obama's Trade Representative. He laid out environmental protection as President Obama's bottom line in trade negotiations—environmental protection. This is a quote from the Trade Representative:

The United States' position on the environment in the Trans-Pacific Partnership negotiations is this: Environment stewardship is a core American value, and we will insist on a robust, fully enforceable environment chapter in the TPP or we will not come to agreement.

If they reach an agreement on the environmental issues that Congress won't pass, what happens then? The President signs off on it, votes for it, and then we will be disciplined by this Commission for failure to abide by the rules of the Commission.

His Trade Representative—I believe this is Mr. Froman—continues:

Our proposals in the TPP are centered around the enforcement of environmental laws. . . .

Let me repeat that:

Our proposals in the TPP are centered around the enforcement of environmental laws, including those implementing multilateral environmental agreements (MEAs) in TPP partner countries, and also around trailblazing, first-ever conservation proposals that will raise standards across the region. Furthermore, our proposals would enhance international cooperation and create new opportunities for public participation in environmental governance and enforcement.

Well, that is a powerful statement. So there is no doubt that this President is intent on utilizing this agreement to drive his environmental agenda, whether the Congress or the American people agree with it or not. He is not bringing it up to the floor of the Senate, because Democrats and Republicans have no intention of passing his environmental agenda. I am not worried. This is the President's top negotiator on this trade agreement.

Mr. Joshua Meltzer at the Brookings Institute said this:

As a twenty-first-century trade agreement, the Trans-Pacific Partnership Agreement (TPP) presents an important opportunity to address a range of environment issues, from illegal logging to climate change and to craft rules that strike an appropriate balance between supporting open trade and ensuring governments can respond to pressing environmental issues.

Ensuring that governments respond to pressing environmental issues.

Who is going to ensure? Who has the power to ensure that the United States meets some environmental standard somebody somewhere has set or even the President would like to see set? That is a serious matter. I don't think we should treat it lightly.

I do believe that the American people are correct to be dubious about this trade agreement. Polling data, as I understand it, clearly shows that it is not supported by the American people. Yet forces are at work, breaking arms and breaking hands and bludgeoning people into acquiescence to vote for this thing. It cleared the House by the narrowest of margins. We had 62 votes when it passed through the Senate. They needed 60, and they got 62. The President was working, the Republican leaders were working, the chamber of commerce was working, Big Business was working, money was working and wheeling and dealing, and pork projects were promised, I am sure, to get the votes to pass this, to put it on a fast-track skid.

I am against it. I believe I am speaking on behalf of the working people of the United States of America. I don't believe their interests are being properly considered. I am confident that if this agreement goes into effect, the trade deficit we have with Japan and with Vietnam will increase. Vietnam has 100 million people. We will not be much different with places such as Canada or Australia or Mexico because we basically have a free-trade agreement with them.

So it is not necessary that we create some 12-nation entity, some commission. Why don't we just negotiate trade agreements that serve the interests of the American people with Japan and Vietnam and ensure exactly that they comply with what they say, that their markets are open to ours, as well as our markets are open to theirs? And we should have some reasonable expectation that if we enter into this agreement, it will be good for American workers, not just Japanese workers or workers in Vietnam.

I don't say we shouldn't have a trade agreement. I am saying let's be more careful about it. Let's negotiate some trade agreements for a change that advance the interests of the United States. We need to reduce our trade deficits, not increase them. They are weakening our GDP. The deficit subtracts from the current account trade deficit, subtracts from our gross domestic product. It is not healthy for America to have this kind of deficit.

One of the reports that was done lays out the argument that power comes from this mercantilist approach. The Richmans' and the American Thinker I will quote a study, and it says this:

To see if mercantilism works—

This is the exporting drive of our trading partners and competitors—[the Richmans'] conducted a statistical study of 11,623 country-year observations for 186 countries from 1870 through 2007 using panel data models. The results: a strong statistically-significant correlation between balance of trade and national power. A favorable balance of trade is associated with an increase in power (national material capabilities), an unfavorable balance with a decrease.

This is what China believes to the core. This is what most of the Asian

countries believe and act on. And apparently the Richmans' conclude—an objective study—that it is accurate. I don't know. But those are the kinds of things we need to be careful about.

They have two scenarios they have laid out based on this scenario. The first envisions 20 years of trade deficits at the rate of the trade deficit we ran in 2007. The second scenario envisions balanced trade, where we don't have a trade deficit. Under trade deficit, their definition of "national power" declined 28 percent. So the national power declined 28 percent. Under a balanced trade, our national power remains basically stable, increasing by one-half of 1 percent. I think balanced trade is certainly preferable. It is certainly preferable for working Americans.

Mr. President, I thank the Chair for your patience and allowing me to share these remarks. It could be that I am wrong. Maybe trade deficits make no difference. Maybe the loss of manufacturing is offset by the fact that we get cheaper goods. That is what some of our people in the United States say.

When somebody sends subsidized goods here and that closes the U.S. factory and people can purchase their goods for below cost, we should send those countries a thank-you note—no concern about the people who got laid off and the jobs lost. I am not sure that model is now appropriate. Maybe it was 20 years ago.

I sort of believe that cheaper products was the ultimate goal and voted that way, but I am reevaluating it. I think this country needs to go through a serious evaluation of that. No. 1. Secondly, we absolutely—colleagues, we absolutely should not fast-track a movement to the establishment of an international commission or international union and maybe creating two more of them as part of two more trade agreements—the three trade agreements that will be part of fast-track if it passes. And, of course, any number of other trade agreements for the next 6 years could be accelerated through this fast-track process, if it passes.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HONORING VIETNAM VETERANS AND NORTH DAKOTA'S SOLDIERS WHO LOST THEIR LIVES IN VIETNAM

Ms. HEITKAMP. Mr. President, I rise today to again speak about the North Dakotans who made the ultimate sacrifice while serving our country in the Vietnam war.

Since March, I have had the honor of learning from families about the lives