

Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 2146, an act to amend the Internal Revenue Code of 1986 to allow Federal law enforcement officers, firefighters, and air traffic controllers to make penalty-free withdrawals from governmental plans after age 50, and for other purposes.

Mitch McConnell, Johnny Isakson, David Perdue, Chuck Grassley, Thom Tillis, Marco Rubio, Daniel Coats, John Cornyn, Michael B. Enzi, Kelly Ayotte, Orrin G. Hatch, Roger F. Wicker, Deb Fischer, Rob Portman, Cory Gardner, Richard Burr, Roy Blunt.

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 the motion to concur in the House amendment to the Senate amendment to H.R. 2146 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER) and the Senator from Utah (Mr. LEE).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) is necessarily absent.

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

The yeas and nays resulted—yeas 60, nays 37, as follows:

[Rollcall Vote No. 218 Leg.]

#### YEAS—60

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

#### NAYS—37

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

#### NOT VOTING—3

Corker	Lee	Menendez
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The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 37.

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

#### VOTE EXPLANATION

• Mr. MENENDEZ. Mr. President, I was necessarily absent for rollcall vote No. 218, the motion to invoke cloture on the motion to concur in the House amendment to the Senate amendment to H.R. 2146, trade promotion authority. Had I been present, I would have voted nay. •

#### DEFENDING PUBLIC SAFETY EMPLOYEES' RETIREMENT ACT

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

House message to accompany H.R. 2146, an act to amend the Internal Revenue Code of 1986 to allow Federal law enforcement officers, firefighters, and air traffic controllers to make penalty-free withdrawals from governmental plans after age 50, and for other purposes.

Pending:

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill.

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill, with amendment No. 2060 (to the House amendment to the Senate amendment to the bill), to change the enactment date.

McConnell amendment No. 2061 (to amendment No. 2060), of a perfecting nature.

McConnell motion to refer the bill to the Committee on Finance, with instructions, McConnell amendment No. 2062, to change the enactment date.

McConnell amendment No. 2063 (to (the instructions) amendment No. 2062), of a perfecting nature.

McConnell amendment No. 2064 (to amendment No. 2063), of a perfecting nature.

The PRESIDING OFFICER. Cloture having been invoked, the motion to refer falls.

The majority leader.

Mr. MCCONNELL. Mr. President, I would just like to announce that Senator CORKER was inadvertently detained in getting to the floor of the Senate. Had he been here, he would have voted yea on the cloture motion.

Mr. President, I also just want to say to our colleagues that this is a very important day for our country. We have demonstrated we can work together on a bipartisan basis to achieve something that is extremely important for America. Not only when we confirm this trade promotion authority will we have the mechanism in place for the President to finalize an extraordinarily important deal with a number of different Asian countries, but it will indicate that America is back in the trade business. It will also send a message to our allies that we understand that they are somewhat wary about Chinese commercial and potentially military domination and that we intend to still be deeply involved in the Pacific.

So I want to congratulate Senator HATCH and Senator WYDEN. This has been a long and rather twisted path to where we are today, but it is a very im-

portant accomplishment for the country.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I would like to mention that as to the other two absences, Senator MENENDEZ had voted no on cloture before, and Senator LEE had voted no on cloture before. So the vote would have been 61 to 39.

More importantly, this is a day of celebration in the corporate suites of this country, to be sure, because they have another corporate-sponsored trade agreement that will mean more money in some investors' pockets. It will mean more plant closings in Ohio, Arizona, Delaware, Rhode Island, West Virginia, Maine, and all over this country.

Most importantly, what I didn't understand about the vote today is that even though the Wall Street Journal, the CATO Institute, and others acknowledge that, as to the decisions we make here on trade agreements—while they say it is a net increase in jobs—people lose their jobs because of the decisions we make. So we make decisions here today that throw people out of work. We know that. Across the political spectrum that is acknowledged. But we today don't do anything to help those workers that lose their jobs. We make a decision to throw people in Mansfield, OH, and Cleveland, OH, out of work, but then we don't take care of those workers that lost their jobs because of our decisions. It is shameful.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, let me just concur with the Senator from Ohio. This trade agreement was supported by virtually every major corporation in this country, the vast majority of whom have outsourced millions of jobs to low-wage countries all over the world. This trade agreement is supported by Wall Street. This trade agreement is supported by the pharmaceutical industry, which wants to charge people in poor countries higher prices for the medicine they desperately need.

This agreement was opposed by every union in this country, working for the best interests of working families, and by almost every environmental group and many religious groups.

In my view, this trade agreement will continue the policies of NAFTA, CAFTA, and Permanent Normal Trade Relations with China—agreements that have cost us millions of decent-paying jobs.

We need a new trade policy in America—a policy that represents working families and not just the big money interests.

I strongly disagree with the majority leader, who called this a great day for America. It is not a great day. It is a great day for the Big Money interests, not a great day for working families.

The PRESIDING OFFICER. The majority whip.

## ORDER FOR RECESS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. today for the weekly conference meetings, as well as from 4 p.m. to 5 p.m. today for an all-Senators briefing, and that all time in recess count postcloture.

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

Mr. CORNYN. Mr. President, it is no secret that Republicans on this side of the aisle don't agree with President Obama about everything. In fact, I would say that on balance most Republicans disagree with the policy choices made by this President. But occasionally—occasionally—even the leader of the Democratic Party, the President of the United States, gets things right.

Occasionally, the President of the United States gets his policy choices right, and he did so with regard to trade promotion authority.

I would point out to our friends and to anybody listening that this actually is a 6-year trade promotion authority. This extends well beyond the tenure of the current occupant of the White House, and it will be available for the next President of the United States to negotiate trade deals that are in the best interests of the United States.

So I agree with the majority leader. This latest vote is just another example of the Senate getting back to work and restored to regular working order. This is a dramatic departure from the old Senate, because there has actually been a lot of time for consideration of important pieces of legislation—from the Iran Nuclear Agreement Review Act to the Justice for Victims of Human Trafficking Act to the budget.

By moving this trade promotion authority bill forward, we can ensure that American workers and businesses can get the best deal in trade agreements with countries from Asia to South America to Europe.

I believe we have actually kept the campaign promises we made last year that, if the American people entrusted the Republicans with the new majority, we would work together with our allies where we could on the other side of the aisle where we have common cause to deliver results for the American people, to legislate in their best interest—not just to obstruct for obstruction's sake or gain some temporary tactical or political advantage but to promote a functioning, deliberative Senate. I see one of the leaders of this effort, the Senator from Delaware, who has done great work trying to find that common cause and producing a result, as exemplified by the TPA. I am going to yield for him in just a moment.

But let me just talk briefly about my response to the Senator from Vermont and the Senator from Ohio, who said there is nothing good to be had out of this trade promotion authority or any potential trade deals that we might negotiate.

My home State of Texas relies heavily on international trade. We are the number one trading State in the Nation, which is just one reason why our economy grew at the rate of 5.2 percent in 2014. Our economy in Texas grew at the rate of 5.2 percent in 2014. Do you know the rate at which the U.S. economy grew? The U.S. economy grew at just 2.2 percent. So why wouldn't we want to do anything and everything we can to stimulate the growth of the economy to benefit people looking for work and people looking for higher wages? This important trade promotion authority is the first step to doing that.

I will conclude because the distinguished Senator from Delaware is here and others who want to speak.

Trade is an engine of growth. It keeps our economy growing. These upcoming trade agreements, whether it is the Trans-Pacific Partnership or the transatlantic investment treaty, serve as a great opportunity to turbo-charge that growth.

Our economy actually contracted last quarter by 0.7 percent. As long as our economy is shrinking and not growing, we are not going to be able to create the jobs to put America back to work. We are not going to be able to create the sorts of wages that we want for all working Americans. This legislation represents an important step in that direction. I am glad that in the exercise of a little mutual trust and comity, we have reached this important point.

We are not through yet because there are other parts of this trade package that we are going to need to process this week. But the promise and commitment we made on this side of the aisle was that if our colleagues across the aisle trust us to move through the trade promotion authority bill, we will continue to work with them and keep our commitments to them, and, hopefully, more than just the trust that produces these pieces of legislation will result from this increased confidence and trust in one another.

We know we are going to find measures we will disagree on, and we will fight like cats and dogs when we need to. But when we actually agree on the policy and can find it within ourselves to work together, the American people are the beneficiaries.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, while the Senator from Texas is still on the floor, let me say, if I could—he mentioned the word “trust” a number of times. It is an important word in Congress. One of my favorite sayings is “Integrity—if you have it, nothing else matters. Integrity—if you don't have it, nothing else matters.” The same is true for trust.

In order to get things done here—there is a lot we need to get done. Everybody realizes that.

My takeaway from the election last November was threefold: No. 1, people

want us to work together; No. 2, they want us to get stuff done; and No. 3, they want us to get things done that will actually strengthen the economic recovery.

One of the ways to strengthen the economic recovery, frankly, is to make sure that those markets overseas will actually allow us to sell into them, whether it is products or goods or services, that we have access to those markets.

The other thing is that my colleague from Texas is as big believer, as am I, in the Golden Rule, and that is to treat people the way we want to be treated. And I think most of the people in this country support what we are doing. Most of the Democrats in our country support what their President has proposed, and the Republicans as well.

But what we need to do while we move forward with trade promotion authority is we need to keep in mind that not everybody will be helped by this and that there are some people who will to be disadvantaged, and we have an obligation to them to treat them how we would want to be treated if we were in their shoes.

There is a sister piece of legislature to go along with trade promotion authority, and I would ask the Republican whip from Texas to give us some assurance or reassurance so we build trust around this issue. When we are contacted by folks from around the country today, tomorrow, or the next day, what are we going to do to provide assistance to those people who may be disadvantaged because of trade promotion authority and the trade deal that is going to be negotiated? Can you give us some assurance there? Is this like the end of the road or are there some more pieces to follow this week?

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, I would respond to the question by our colleague from Delaware that assurances have been given that we understand that the trade promotion authority and the trade adjustment assistance travel together.

I think we have seen examples where the benefits of trade are not uniformly felt across the country. There are some people who will be displaced. But the importance of trade adjustment assistance—I wish we could negotiate something a little more frugal that would actually get the job done. But a negotiation took place between Chairman RYAN in the House and the ranking member, Senator WYDEN, in the Senate on this important piece of the package.

We all recognize that these travel in pairs and that trade adjustment assistance is part of the price you pay for getting trade promotion authority done. But most importantly to my colleague's point from Delaware, for those people who are displaced, this guarantees that they will have access to the sort of job training and skills enhancement that they will need in order to get even better jobs in this economy

that, on net, will benefit the entire country. That is the intent on this side of the aisle and I think the intent of trade adjustment authority and making sure that we finish our work—not here today but through the rest of the week—on this important package of pieces of legislation.

Mr. CARPER. Mr. President, I thank the Republican whip for those words and for his work on this. I would just close with this thought: Whenever I talk to people who have been married a long time—like 50, 60, 70 years—I always ask them, what is the secret to being married a long time? I get some very funny answers, and I get some very poignant ones as well. The best answer I have ever heard to that question, what is the secret to being married 50, 60, or 70 years, is the two c's—not "Cornyn" and "Carper" but "communicate" and "compromise." I would add maybe a third to that, and that is "collaborate."

We need to demonstrate the ability to communicate and to compromise and to collaborate. And those aren't always the secret to a vibrant marriage, but they are the secret to a vibrant democracy.

This is a confidence-building measure. I think we have taken an important step here, working with Democrats and Republicans and working with a Democratic President, and the next step is one we have just talked about, trade adjustment assistance. We need to do that. If we can actually work through these issues this week and produce a bipartisan product that the President is going to sign, we will actually build some trust. And when we turn to the issue of transportation and having a robust, vibrant transportation system and how to fund that, how to pay for that, what to do, this will be helpful.

So my applause to Senator RON WYDEN, Senator MURRAY on our side, Senator HATCH, the leader on the Republican side, and to Senator CORNYN for good work—not done but a very good start today.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I have the utmost respect for my colleagues, and I think they make compelling arguments. I just have a hard time. I really have a hard time, with this. I have not had one West Virginian—average, working West Virginian—who had a good job at one time and lost a job who thinks this type of approach to trade is good. Not one. And I am hearing them talking about how much trade we do from our States. I would like to know what type of trade. Manufactured products? I don't see many manufactured products leaving this country. I see an awful lot of resources, such as oil that has been refined into diesel fuel or gasoline. It probably comes from Texas, I would say. I think that is probably a big part of their

trading, and those types of things. But how many people actually benefit from that who really have a good manufacturing job? That is all I have asked.

We talked about TAA. We are all hung up on TAA. Do you know why we are hung up? Because we all understand we are going to lose more jobs. We have already lost 6 million jobs since NAFTA. We have all lost 6 million jobs across this country. I lost 31,000 manufacturing jobs.

I understand NAFTA hasn't been enforced, and they had some rules in there. And then you take this piece of legislation, TPA—there was more security around this piece of legislation than there was around the Iran nuclear deal we were talking about. My staff could go there, they could take notes, we were briefed, and we were able to ask questions. We couldn't even take a note or take a note out.

They are telling me: Well, you know, we all depend on trade and the market shrinking. We are at \$18 trillion GDP. Think about this. We in the United States of America have the greatest economy the world has ever seen—\$18 trillion. Do you know that of all these 11 countries we are talking about, the closest one to us is Japan—\$4.5 trillion. It falls off the Richter scale. But yet we have to be very secretive because somebody might leave us.

Well, let me tell you, I have been a businessperson all of my life. If I wanted to get into a market, I will assure you, I would be able to evaluate my competition, the people with whom I want to do business. If that was the big person on the block, I had to make more adjustments than they had to make. But yet we are so concerned about the secrecy of this deal that none of us are able to see it, work it, define it, dissect it, and improve upon it. Now we are just voting basically carte blanche and saying: OK, sure, you are going to get a 60-day review. You can't do a thing about it if you don't like it.

I didn't think we were elected to do that. I really didn't.

When you start looking at everything this stands for and you look at basically—and my father—my grandfather had a grocery store and my dad had a little furniture store, so I was raised in retail. One thing my dad always encouraged was competition. He enjoyed having it. He said: JOE, listen, good competition brings out more buyers. More buyers gives us more of a chance to sell our goods.

What he never did like and what he thought was unfair was when you had unfair competition—didn't pay their taxes, didn't live by the rules or play by the rules. And if we didn't enforce those, it gave them an unfair competitive advantage.

If you believe our past performance in our trade deals makes us an expert at enforcing and making sure people play by the rules so that America is treated right, then you probably would have voted for this. I don't. I can only

judge off of our past performance, where we are today.

When you go shopping for whatever types of goods—household goods, clothing goods, furniture—the greatest furniture markets in the world were in the United States. We make very little furniture in this country today. They still want our wood products, so you know what, yes, we ship logs out of West Virginia around the world so people can make the furniture that they want to send back to America. So I guess they say: Oh, yes, that is good trade. The only reason they are buying our logs is because they don't have the quality logs we have. They don't have the quality hardwood forests.

The best coal in the world, the best metallurgical coal—coking—that makes the steel, the best in the world comes out of West Virginia. Sure they are going to buy it because they don't have it. They are going to make their products and send them back to us and come into these markets subsidized.

I would just say sooner or later we ought to do something for America. You have to rebuild this country, and you don't build the wealth of a country based on basically moving paper back and forth. Moving paper back and forth—there are some people, with the wealth they accrue from this, I am sure they are very satisfied and happy with that. And we see the income inequality over the last 20 years. We have never seen this big of a spread. Never.

You see the flatline of workers all over America, just as flatline as can be. I don't know how we can look them in the eye and say we have done the best because now we have opened up 11 new countries.

Vietnam—58 cents an hour is what they are going to pay their workers. And we said: Whoa, whoa, NAFTA is going to be basically bringing the whole North American trade up to par. Twenty-two years later, I understand that Mexico's minimum wage is still under \$1 an hour, around 80 cents.

You think a person who makes 58 cents an hour or 80 cents an hour or \$1.50 an hour—7 out of 11 countries make less than \$2—that those people will have disposable income to buy the products we would like to sell so that we can expand our economy and our jobs? I am sorry, I don't think that is going to happen. I really don't. It doesn't make any sense to me at all how we expect a person who can barely survive to have disposable income to buy products that we in the United States of America wish to sell to really lift our manufacturing base. But I guess that is why we have TAA that we are arguing about because we know we have given that up. We just about wrote that off 22 years ago, so I guess we are going to write the rest of it off now.

Technology is great. I am all for innovation, creation, technology. I am for every bit of that. But sooner or later, you have to make something, you have to build something, you have

to reinvest, and there have to be people making these products, being able to support their families and to have a benefit package that gives them a decent life.

When I was growing up in little Farmington, WV, we had manufacturing, mining. We had people who could go to work, work hard, make a living, take their family on vacation, pay the bills. And we let all of that slip away from us. I am not saying they will be the jobs of the past, but we could have the jobs of the future—steel, manufacturing.

So I am not willing to give up on this. You don't find me chastising my colleagues on the Republican side or my colleagues on the Democratic side. I think we are all here for the right reason. Sometimes we get a little bit off track, and I think this is one time we have gotten off track. Something that would really help the United States of America, working families all over this country, we have kind of forgotten about, and I am concerned about that.

I am concerned about going home to my beautiful State of West Virginia and telling the people: I am sorry, we are going to have a harder time competing with some of these countries because there is just no way.

We have opened up our borders. We have let international trade, an international manufacturing base go wherever they get the best deal. And I guarantee you that in every developing country, they are not going to be as tough as we are on human rights and on the environmental quality they should be aspiring to. They are not going to be tough on those things. They are trying to build an economy. They are trying to build, basically, a nation, bring it up. And they are going to be a little bit lax on these things. That is unfair competition, which my dad always warned me against.

When we talk about European trade, I am not worried about European trade because they are basically on the same level playing field that we are. But when you are trying to build up a country, should you sacrifice and tear down your country? Should you give away everything you have worked hard for and built?

I want to help these countries. I have not a bit of problem helping these countries. I am not an isolationist. But I basically would have put something in there that would have protected our manufacturing base. I would have put something in that said that when we fell below certain jobs in manufacturing, it stops. You don't give it all away. It is hard to regain that and recapture it.

I am sure Wall Street is very happy today. I have a lot of friends who work on Wall Street. There are a lot of good people who work on Wall Street, but there are a lot of people who basically are just driven by the almighty dollar. They are not driven by Main Street. They are not worried about West Vir-

ginia. They are not worried about my little town of Farmington or any part of my State. And they are going to be very happy. They are not worried about 99 percent of the people who are still on Main Street trying to survive.

We talked about the Export-Import Bank. They said: Trust us; we are going to get a vote on Export-Import Bank. Maybe we will sometime. I would hope that comes to fruition. That helped a lot of small businesses. We haven't gotten that vote yet. So you would have thought there would have been a priority to get a vote on that. It has done an awful lot to get us in the market so we can compete on a more level playing field. That hasn't happened.

But here we go again. We are going to have some votes tomorrow, and the votes tomorrow are going to be based on the TAA because the House couldn't pass TPA fast-track with TAA in it. It is basically what we are dealing with. So they think we can do a backdoor. What makes you think TAA would be acceptable in any way, shape, or form in the House? What makes you think now, since we have carved this out—but we were promised a vote here on the TAA, which we know we are going to need—it is going to make it more acceptable on the House side when they made them take TAA out and couldn't pass TAA in the TPA bill? Doesn't make any sense to me.

So I think it is a sad day today. I really do. And I am concerned. I am concerned about our country. I am concerned about my hard-working people in West Virginia—and I know you are—and all the other States we have. These are good people. They deserve an opportunity. They deserve fair trade. They really deserve a fair trading country, people who will trade honestly with us and who have a quality or standard that they have to live up to in order to get into our markets. I don't think we should sacrifice our markets basically just to build them up. I think we should assist them, but they are going to have to find their own markets to the point where we don't sacrifice.

So I think this could be a troubling thing. I am hoping it is not, but it could be. I have concerns. And I have said that if I can't explain it back home, I can't vote for it. And this is one I could not explain back home. I could not make the people feel comfortable that this is really going to improve quality of life and opportunities for them and their families. I couldn't do it because I don't see it. I don't believe in it. And I said I wouldn't vote for it, and I didn't.

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

The PRESIDING OFFICER (Mr. CRUZ). Without objection, it is so ordered.

Mr. FLAKE. Mr. President, I just want to say a few things about the vote we just took on cloture to proceed with TPA.

The Senator who just spoke talked about some of the problems with the deal and the dislocations that happen when we have trade. We all recognize there are dislocations. There are dislocations whenever an economy adjusts and moves ahead with or without trade. But trade overall is necessary. It is good. Free trade is good.

Ninety-five percent of the world's consumers live outside our boundaries. Seventy percent of the world's economic output happens outside of our boundaries. We need to trade. We can't just say: Well, we are just going to live within ourselves here, have an economy that doesn't reach out or pull in. We benefit. We benefit from better services and cheaper goods when we trade. Our manufacturers benefit when we are able to export our products.

It was said before that we haven't seen any good outcomes after NAFTA. We have. It is rewriting history to say that we haven't seen good outcomes as a result of NAFTA. I think the last speaker said Mexico has not improved since NAFTA. It has. I can tell you, as a representative of a State that borders with Mexico, the economy is considerably bigger and better. Arizona is one of our biggest trading partners. It has improved since NAFTA.

These trade agreements work. We haven't had a trade agreement negotiated without the TPA process—with the exception of one—I think in over 30 years. That one was a deal I believe with Jordan, and it had far more to do with defense than commerce.

So we need to have TPA—this process—in order to negotiate these trade agreements. The vast majority of our trade—I believe it is close to 90 percent of our trade—is with countries with which we have free-trade agreements.

So I applaud those who have worked so hard to bring this to pass here—Senators HATCH and WYDEN and others—and the compromises that took place. I am not a particular fan of trade adjustment assistance. When economies move forward, there are dislocations. We can't account for all of them. In fact, we have seen some of the problems with previous TAA assistance. I believe some of it went to those who were laid off at Solyndra and to some of these things that had very little to do with trade. Because of the way you seek such assistance, we don't do the best that we could to keep track of where those jobs were lost to. But having said that, we all recognize, as the Senator from Texas said earlier, that TAA is the price we pay to get TPA. We all recognize in this body that there are compromises that need to be made. That is how we move legislation, and that is how we get important legislation such as TPA passed so that we can

have more free trade, and our economy will benefit because of it.

With that, I yield the floor.

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

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

# RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

## DEFENDING PUBLIC SAFETY EMPLOYEES' RETIREMENT ACT—Continued

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

### PERMANENT INTERNET TAX FREEDOM ACT

Ms. AYOTTE. Mr. President, I wanted to come to the floor today to talk about Internet tax freedom and to talk about ensuring that our online businesses remain competitive.

First of all, I commend the House of Representatives for recently passing the Permanent Internet Tax Freedom Act, which would permanently extend the current ban on Internet access taxes. The current tax moratorium will expire on October 1, and if we fail to renew it, it could cost taxpayers nearly \$15 billion in new fees and taxes next year. In addition, as importantly, it would make Internet access less affordable to hard-working families and hamper small businesses' ability to grow and create jobs using the Internet because essentially it would allow all of these jurisdictions to tax the Internet. So when you get on the Internet, you can expect many more taxes if we do not do what the House of Representatives did and extend the Internet Tax Freedom Act. In fact, I think we should make it permanent.

I am a cosponsor of a Senate companion bill of which I hope this Senate will follow the House's lead to pass and send a permanent extension to the President's desk.

Unfortunately, one of the things we have heard is that some see this extension of the moratorium on Internet taxation as an opportunity to attach another piece of legislation that, in fact, would burden our online businesses and would tremendously disadvantage a State like my home State of New Hampshire that has made the legislative decision not to have a sales tax.

We have seen this playbook before. It was called before the Marketplace

Fairness Act. Of course, there is nothing fair about this act when it comes to our online businesses having to collect taxes for nearly 9,000 taxing jurisdictions. You can imagine the bureaucratic nightmare that would occur. So this so-called Marketplace Fairness Act—I always used to like to call it the "Online Sales Tax Act" or the "Online Sales Tax Collection Act." That would be a more accurate description of that particular act.

So here we are. We have a rerun of this particular bill that would have required businesses in the State of New Hampshire—even though we do not have a sales tax—our online businesses to collect for all these other tax jurisdictions. Again, it is not even just States that have sales taxes. In some States, it goes down to the municipal level when it comes to municipalities and local jurisdictions actually collecting a separate tax, so it would have ended up being over 9,000 taxing jurisdictions. So here you have a nice online business out there having to be the tax collector for all these different jurisdictions. You can imagine that this would really be a huge burden on these online businesses.

The individuals who have been supporting this new sales tax collection scheme in this new burden on the Internet—by the way, one of the reasons I am such a strong proponent of permanently extending the tax freedom and the lack of taxes on the Internet, on Internet access, is because we have seen not only consumers' access to the Internet but the ability of businesses and the ability of us to create jobs and to see real growth on the Internet. This has allowed people to start businesses from their home. It has allowed so much creativity. It has been very positive for our economy.

So lo and behold in all of that there are some talking about attaching to this Internet Tax Freedom Act this incredibly burdensome collection scheme to require businesses to be out there collecting all these sales taxes throughout the Nation. The latest proposal the proponents of this type of tax collection scheme have come up with is one that again creates even more issues—certainly as many if not more issues—than the prior proposal that was called the so-called Marketplace Fairness Act. Of course, we know there is nothing fair about it if you are a business having to collect all these taxes.

What this rerun would do is actually create this reporting system and require businesses to purchase this software and then require States to actually have what are called certified software providers. Here is what would happen: Under this latest scheme, the certified software providers for these States would actually collect all the sales information for every sale—every online sale in a State—and then they would manage the collection of these taxes. Well, can you imagine? So now we are going to say to businesses: Yes,

you have to purchase this certain software. And guess what. Every sale you make is going to be held by the central government in each State.

Can you imagine, with all the things we have seen happen in terms of breach of privacy of individuals? We have seen cyber attacks, all these issues we are facing. We have seen it in our government with OPM. We have seen it with the IRS. We have seen it with private companies in data breach.

Now this latest scheme is, let's send all the sales information to one place, and we will have some company—I guess some private companies will stand to benefit from this—they will now collect all these taxes, and they will hold all this information. Imagine how much information they would hold in each State.

So that is how we are going to create this new taxing scheme. You can imagine how a State such as New Hampshire would feel about that as a State that has decided not to have a sales tax—that suddenly our State has to keep all this information, has to hire some private company to do this, to collect all these taxes, and then that each of our online businesses has to purchase this software which is supposed to interface with its State government. What a massive bureaucracy, and how unfair it is in terms of State sovereignty that the Federal Government would impose this on a State such as New Hampshire that has made a decision not to have a sales tax.

This, to me, would be the opposite of what we are trying to accomplish under the Permanent Internet Tax Freedom Act, which I fully support, which is about Internet tax freedom, and to attach this proposal to that Internet Tax Freedom Act, which some people, I think, are scheming around here to do, which with the right hand we are going to give you Internet freedom and with the left hand we are going to take that freedom away from States like mine that have chosen not to have a sales tax. And our online businesses would now have to be part of this huge bureaucratic scheme to collect taxes for other States and other localities.

So I would hope my colleagues would not go down this road because I think the Internet should be free. I think online businesses should be able to continue to thrive and grow. I think online businesses should not be required to collect for over 9,000 taxing jurisdictions. And certainly I think all of us should have concerns about all of the sales data being collected by some kind of third party and being held in one place just so we can collect more taxes on online businesses.

In fact, what I have heard from our businesses in New Hampshire previously when the so-called Marketplace Fairness Act was on the floor of the Senate—many of the businesses in New Hampshire that have online sales told me then how unfair they thought this taxing scheme was, and those concerns