

and-death consequences of deportation in this region, we must ensure that we are not putting asylum-seeking women and children in harm's way. We can do this by making sure that these desperate women and children have a lawyer.

The humanitarian crisis at our doorstep demands that we, as Americans, affirm our fundamental values of protection and due process, especially for children. The Fair Day in Court for Kids Act will uphold these most basic American virtues and values which we hold dear.

Protecting children—children like Angela—isn't a partisan issue. This is something I hope we can all agree on.

So I urge my colleagues, Democrats and Republicans, to support this legislation.

I yield the floor.

RESERVATION OF LEADER TIME

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

TRADE FACILITATION AND TRADE ENFORCEMENT ACT OF 2015—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 644, which the clerk will report.

The legislative clerk read as follows:

Conference report to accompany H.R. 644, a bill to reauthorize trade facilitation and trade enforcement functions and activities, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 10:30 a.m. will be equally divided between the two leaders or their designees.

The Senator from Utah.

Mr. HATCH. Mr. President, today the Senate is poised to take a major step forward in advancing a robust agenda for international trade that better reflects the realities of the 21st century global economy. It provides real benefits for our country.

Later today, the Senate will vote on and hopefully pass the conference report for H.R. 644, the Trade Facilitation and Trade Enforcement Act of 2015, legislation that we originally passed last May.

Mr. President, I ask unanimous consent that Senator WYDEN follow my remarks in this matter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. I am coauthor of this legislation, and many of the provisions in this conference report have been in the works for several years. I also chaired the conference committee that was charged with reconciling the differences between the Senate-passed and House-passed versions of this bill.

In my view, the committee was a huge success. I believe our report represents a strong bipartisan, bicameral

agreement to address a number of trade policy priorities.

I want to talk about some of the specifics of this legislation, which most of us generally refer to as the "Customs bill." Once this bill is signed into law—and I hope it will be in short order—it will enact policies designed to achieve three main goals.

The first goal is to facilitate and streamline the flow of legitimate trade into and out of the United States. The bill makes a number of changes to reduce bureaucracy and improve consultation among executive agencies, Congress, and the private sector. These changes will facilitate trade and improve our competitiveness by reducing unnecessary burdens and delays created by our overly bureaucratic system, which, in turn, will help create jobs and grow our economy.

The second major goal of the Customs bill is to improve enforcement of our trade laws. It does so in a number of ways. For example, the bill establishes a new, improved process at CBP for dealing with evasion of our anti-dumping and countervailing duties laws and provides clear direction and robust rules for identifying and addressing currency manipulation on the part of our trading partners. It also includes dramatic improvements to better protect U.S. intellectual property rights. This has been a high priority for me, as most of my colleagues know, and it is a high priority for my people in the State of Utah, whose economy is highly dependent on strong intellectual property rights. Combined, these enforcement provisions will provide greater protection for American workers and consumers and help ensure that foreign competitors will not have unfair advantages in the global marketplace.

The third major goal of the Customs conference report is to strengthen the trade promotion authority statute that we enacted last year, reflecting various priorities and concerns from Members of both parties. For example, the bill clearly and strongly reaffirms that trade agreements should not include—and TPA procedures should not be used dealing with respect to—immigration policy or greenhouse gas emissions. It also creates a new negotiating objective to remove barriers facing American fishermen who export into foreign markets, and it provides important procedures related to the reporting of human trafficking.

While this Customs bill was specifically designed to address these three policy goals, it goes further to address other priorities as well. For example, the bill will combat politically motivated boycotts, divestments, and sanctions against Israel, bolstering our already strong economic ties with one of our most important strategic allies. And it provides trade preferences for Nepal in order to provide economic recovery in the aftermath of the devastating earthquake last year.

Before I conclude, I do want to note that a number of my colleagues, as

well as businesses and job creators around the country, were hoping that the conference report on the Customs bill would include a reauthorization of the miscellaneous tariff bills, or MTBs. I want to make clear that I support MTBs and want to get them passed. That is why they were included in the original Senate-passed version of the Customs bill. There are, of course, some procedural concerns that complicate the MTBs, particularly over in the House, which have made it difficult to reach a workable compromise. However, the conference report does include a strong sense-of-Congress statement reaffirming our shared commitment to advancing MTB legislation in a process that provides robust consultation and is consistent with both House and Senate rules.

I also want to reaffirm my personal commitment as chairman of the Senate Finance Committee to work with my colleagues to find a path forward on MTBs that will work for those on both sides of the Capitol. Needless to say, I am very pleased with how this conference report turned out.

I have many people I want to thank, and I will thank them once the bill gets done. For now, I specifically want to thank the vice chair of the conference committee, Chairman KEVIN BRADY, for his work on both the committee itself and on the substance of the report.

I also want to thank the ranking member of the Finance Committee, Senator WYDEN, for his efforts to ensure passage of this conference report. It is a pleasure to work with Senator WYDEN, and we have very much been able to work in a bipartisan way as we worked on this committee together.

Last spring, Republicans and Democrats on the Finance Committee came together to draft and report four major pieces of legislation, three of which have already been signed into law. That, of course, included our TPA bill, a bill to renew important trade preferences programs, and another bill to reauthorize the Trade Adjustment Assistance program. The fourth was our Customs bill, the one we will hopefully pass today.

These four bills represented the priorities of Members throughout the Senate and on both sides of the aisle. Collectively, they will shape the policy landscape on trade—not just here in the United States but around the world as well—for years to come. Perhaps more importantly, they also represent what is possible when Members of both parties work together to achieve common goals.

Of those four bills, the Customs bill is the only one that hasn't been enacted into law. I am cautiously optimistic that we will rectify that later today. I am hoping that, just like the three other trade bills, the Customs bill will pass with broad, bipartisan support.

I urge all of my colleagues to vote later today to advance the Customs bill

to the President's desk and to put in place these much-needed reforms.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of supporters of the Trade Facilitation and Trade Enforcement Act of 2015.

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

TRADE FACILITATION AND TRADE
ENFORCEMENT ACT OF 2015
LIST OF SUPPORTERS

Airforwarders Association, Alliance to End Slavery and Trafficking, Aluminum Extruders Council (AEC), American Apparel & Footwear Association, American Association of Exporters and Importers, American Cable Association, American Chemistry Council, American Commitment, American Consumer Institute, American Honey Producers Association, American Iron and Steel Institute (AISI), American Petroleum Institute, American Trucking Association, American Wire Producers Association, Americans for Tax Reform, Association of Global Automakers, BACM, California Fresh Garlic Producers Association, Canadian/American Border Trade Alliance, Cargo Airline Association, Christopher Ranch, Center for Freedom and Prosperity, Center for Individual Freedom, Citizens Against Government Waste, Coalition to Enforce Antidumping & Countervailing Duty Orders, Coalition of Services Industries, Committee to Support U.S. Trade Laws, Competitive Carriers Association, Competitive Enterprise Institute.

COMPTEL, Computing Technology Industry Association, Consumer Action, Copper & Brass Fabricators Council, Council for Citizens Against Government Waste, Crawfish Processors Alliance, CTIA—The Wireless Association, Digital Liberty, Discovery Institute, Etsy, Express Delivery and Logistics Association, Fashion Accessories Shippers Association, Footwear Distributors & Retailers of America, Foreign Trade Association, Freedom Works, The Garlic Company, Garment Association Nepal, Gemini Shippers Association, Global Automakers, Heartland Institute, Hispanic Heritage Foundation, Hispanic Leadership Fund, Hispanic Technology & Telecommunications Council, Independent Women's Forum, Independent Women's Voice, Information Technology & Innovation Foundation, Institute for Policy Innovation, Institute of Makers of Explosives, International Trade Surety Association, The Internet Association.

ITTA—The Voice of Mid-Size Communications Companies, Jeffersonian Project, Latino Coalition, Leggett & Platt Inc., LessGovernment.org, LULAC, Madery Bridge Associates, Media Freedom, Monterey Mushrooms, Inc., Multicultural Media, Telecom and Internet Council, Municipal Castings Association, National Association of Black County Officials, National Association of Chemical Distributors, National Association of Foreign-Trade Zones, National Association of Manufacturers, National Association of Neighborhoods, National Black Caucus of State Legislators, National Black Chamber of Commerce, National Cable & Telecommunications Association, National Cattlemen's Beef Association, National Caucus of the Black Aged, National Coalition for Black Civic Participation, National Customs Brokers and Forwarders Association of America, National Foreign Trade Council, National Hispanic Council on Aging, National Industrial Transportation League, National Organization of Black County Officials, National Puerto Rican Coalition, National Retail Federation, National Tank Truck Carriers, National Taxpayers Union.

NOBEL Women, Nucor Corporation, Outdoor Industry Association, R Street Institute, Reusable Industrial Packaging Association, Semiconductor Industry Association, SER—Jobs for Progress, Sioux Honey Association, Small Business and Entrepreneurship Council, Spice World, Inc./Valley Garlic, Taxpayers Protection Alliance, TechFreedom, Technology Councils of North America, Travel Goods Association, United Spinal Association, U.S. Black Chamber, U.S. Chamber of Commerce, U.S. Fashion Industry Association, U.S. Hispanic Chamber of Commerce, U.S. Hispanic Leadership Institute, U.S. Internet Service Provider Association, United States Council for International Business, United States Telecom Association, University of British Columbia Fisheries Centre, UPS, Vessey & Company, Women Impacting Public Policy.

Mr. HATCH. Mr. President, I yield the floor to the distinguished Senator from Oregon.

The PRESIDING OFFICER (Mr. CASIDY). The Senator from Oregon.

Mr. WYDEN. Mr. President, I thank Chairman HATCH for his good work and his very gracious comments.

I note our colleagues have been very patient, so I ask unanimous consent that following my remarks, Senator ALEXANDER be recognized for 7 minutes and, immediately after Senator ALEXANDER, Senator STABENOW be recognized for up to 10 minutes.

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

Mr. WYDEN. Colleagues, this bill is about coming down hard on the trade cheats who are ripping off American jobs.

The truth is, past trade policies were often too old, too slow, or too weak for our country to fight back. This legislation says those days are over. The legislation ushers in a new day and a fresh, modern approach—a tougher approach—to enforcing trade laws that start moving our Nation to a policy that I call getting trade done right. It is about creating tough trade enforcement policies, seeing them through, and standing up to anybody who tries to get around them. No matter how a Senator chooses to vote on a particular new trade agreement, I hope that stronger trade enforcement and fighting back against the trade cheats would be a priority for every Senator.

The reality is, the amount of cheating that is going on is staggering. It takes your breath away. We saw it a couple of years ago when we set up a sting operation and in effect invited the cheaters to have at it. We were deluged with those who wanted to skirt the laws, use shell games, sophisticated schemes, and fraudulent records to evade duties. You would smile at some of the inventiveness involved if we didn't see how painful it was for the American companies getting ripped off this way.

One of the most common schemes—one of the biggest loopholes involves something called merchandise laundering. In effect, when a company gets busted for violating the trade laws, the countervailing duty laws, in effect they go to another country and slap a label

on it and are able to skirt the laws. Because his companies that make honey were victims of this, at one point Senator SCHUMER, my colleague on the Finance Committee, said: What is going on is honey laundering, but it is not very sweet for the people who are getting ripped off. That is what we seek to change.

I could thank a lot of colleagues of both political parties for their good work here, but I just want to single out a few on our side. I know Senator HATCH is going to say more about colleagues on his side.

I particularly want to praise Senator BROWN. Senator BROWN led the fight repeatedly to close outlandish loopholes that allow products made with slave and child labor to be imported into the United States. What the old law basically says is that economics trumped human rights—that if there was an economic reason for using slave and child labor, you could do it. We have closed that loophole. There was bipartisan support for it, and I commend Senator BROWN for this.

Senator STABENOW made a successful effort to have a more coordinated approach so that the left hand and the right hand would know what was being done in terms of trade enforcement. We now have a trade enforcement center that is going to do that.

Senator CANTWELL worked to ensure that we have an important new trust fund—a trust fund for trade enforcement. It ought to be a priority to lock in all of the funds necessary to help protect our workers and businesses.

Senator SHAHEEN led the fight in order to ensure that smaller businesses had a bigger seat at the table in terms of the effort to reach new markets. I commend her for it.

Senator BENNET in particular did very good work with respect to trade enforcement in the environmental area. The package directs the trade negotiators to act against illegal fishing and the trade of stolen timber—something the Senator from Arkansas and I know a great deal about. I am also very pleased because Senator BENNET and others worked hard to ensure that this legislation goes further than ever before to fight the currency manipulators and stop them from undercutting our workers and our businesses.

At the end of the day, Democrats and Republicans came together. There were spirited debates about trade agreements and whether to pass new ones. What this is all about is just the opposite—just the opposite—of a new trade agreement. This is about making sure we get tough and enforce the laws on the books for what we already have. There shouldn't be any dispute about that, and, certainly in the Finance Committee, Democrats and Republicans were united.

Finally, I want to make one last point. I am glad the distinguished Senator from Tennessee is on the floor. I am very pleased that there has been an agreement with the majority leader,

the Senator from Tennessee, and the senior Senator from Illinois so that the ideas Senator ALEXANDER wants are going to get heard on the floor of the Senate. His interests are going to be heard and discussed fully. I want to assure him that there aren't going to be any kind of procedural delays and objections when that is done. He is going to have a chance to have his concerns heard and a vote on them, based on what I have been told about the agreement with the majority leader.

In this bill, there is a chance for the Congress to finish the job of something I think is also important, and that is to say on a permanent basis—a permanent basis—we are not going to have regressive taxes on Internet access and discrimination, particularly against working families for whom, if there were regressive taxes on working families who rely on Internet access to get information about education and employment opportunities, we would harm those families at a time when they are already walking on an economic tightrope, balancing their food bill against their fuel bills and rent bill against energy costs. We shouldn't have regressive taxes on Internet access. With this legislation, we can ensure that will not happen. It has been a bipartisan effort for nearly 20 years, and with this we can say no to those regressive taxes as a result of the work that was done. As I noted, the concerns Senator ALEXANDER wishes to raise are going to be heard in the future as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Oregon for his courtesy this morning. I appreciate the senator's remarks on allowing our different points of view to come to the floor and let's vote on it. He is speaking, of course, about the Marketplace Fairness Act, which is a 12-page bill which represents a two-word issue: States' rights.

The Majority Leader has said we'll have the ability to vote on that sometime before the end of the year. It is a bipartisan bill. It passed the Senate 2 years ago with 69 votes. It recognizes that States have the right to decide for themselves whether to collect their State sales taxes from all of the people who owe the taxes or some of the people who owe the taxes. It would allow States to do that if they simplify tax administration and exempt small online sellers from collection requirements. It would create a pathway for States and localities across the country to begin collecting an estimated \$23 billion annually in uncollected taxes—taxes that are already owed. They can then use that money to balance their budget, to reduce other taxes, to pay for vital services.

I don't think Tennessee or any other State should have to play “Mother, may I?” with the Federal Government when deciding whether to collect, or not collect, a State tax that is already owed.

I can say to our friends on both sides of the aisle, the States are not going to put up with this for very much longer. If Congress continues to be an obstacle to States making their own decisions about their tax structures, governors are going to be suing companies around the country and say, if you are going to sell in our State, you are going to collect the tax that everybody owes. At that point, all those businesses are going to run to us and say: Please pass the Marketplace Fairness Act.

I don't think we get any wiser about flying to Washington—one hour in my case—every week than the Governor and the legislature about what our tax structure ought to be. We don't like an income tax in Tennessee, so we have a sales tax. We don't need any incentives from Washington to force us to pass an income tax in Tennessee.

Let me say a word about the vote today. I ask the chair, since I noticed the Senator from Michigan is on the floor, to please let me know when all but 30 seconds has expired.

The PRESIDING OFFICER. The Senator will be so notified.

Mr. ALEXANDER. As far as the vote today goes, this distinguished body seems to have developed a case of amnesia. We seem to have forgotten what happened in 1994. 300 Republicans stood on the steps of the Capitol with the Contract with America and said: If we break our contract, throw us out.

One goal of that contract was to stop Washington from imposing unfunded mandates on States. One of my most vivid memories is Senator Bob Dole running around the country with a copy of the Constitution and reading the Tenth Amendment to Governors. The Tenth Amendment says: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States. . . .”

He said that. I was there. We were both running for President at the time. The Tenth Amendment was the heart and soul of the Contract with America. Senator Dole was good to his word. The first bill in the Senate after the Republican Revolution in 1994 was a bill prohibiting unfunded mandates. Republicans opposed unfunded mandates then. They should oppose them today. According to the Republican conference rules, “The Senate Republican Conference believes that Congress should not create new federal unfunded mandates on state and local governments.”

However, today the vote we are about to cast breaks that promise. The Customs bill has a provision that permanently extends the so-called Internet Tax Freedom Act. It prohibits State and local governments from taxing access to the Internet. It tells seven States that are currently collecting a tax that they can't continue to collect. These seven States will lose \$100 million in 2020 and several hundred million each year after that.

This was not even considered by the House or the Senate when they passed

the bill. It was airdropped in violation of rule XXVIII, so the vote we are casting today, a “yes” vote, violates the Contract with America, violates the Senate Republican rules, and violates the Senate's rules.

I will agree there may be a Federal interest in not taxing Internet access. I agreed with that in the 1990s. Maybe for the first three years there should have been a moratorium when the Internet came along, but where will it end? If you tell States they can't tax access to the Internet, you can also tell them they can't tax access to telephones or food or gas because all of those are important to interstate commerce. It is wrong for Washington to be telling States what their tax structure ought to be. We are not any wiser than the Governor of Tennessee. We're not any wiser than the State legislature in Tennessee. We should leave those decisions to them.

That is my objection to the bill today. Instead of voting to oppose another unfunded mandate that tells States what not to do, Congress should consider passing the Marketplace Fairness Act later this year. We should not fall into this bad habit that existed before the Republican revolution of 1994, of assuming that just because we were elected to come to Washington, suddenly we are wiser than all the Governors and all of the legislatures. They are not quite as wise, we are saying. We ought not to be telling them what to do about their tax structure. We ought to leave that to them as the Senate Republican rules say, as the Contract with America said, and as the Tenth Amendment to the Constitution says. Let States do their job, and let us do our job.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Michigan.

FLINT, MICHIGAN, WATER CRISIS

Ms. STABENOW. Mr. President, first, I commend my friend and colleague from Tennessee and share his feelings about passing the Marketplace Fairness Act. I hope we are going to see that happen as soon as possible.

I am joined on the floor by my dear friend and colleague from Michigan. We are united in speaking out about the urgent crisis in Flint.

If you will let me know when I have consumed 6 minutes, please.

The PRESIDING OFFICER. The Senator will be so notified.

Ms. STABENOW. Over the last couple of weeks, we have been negotiating and negotiating with the chair of the Energy Committee, the ranking member, and with other colleagues on the other side of the aisle. I want to particularly thank our ranking member who has stood with us day after day in the effort to make sure we can get some help for the children and the families of Flint. I thank our colleagues on this side of the aisle for standing with us as well.

We have been looking for an opportunity, a way to come together to help

a group of Americans. That is what we do in the Senate. When someone has a crisis, we work together, State by State, to step up and be able to provide some assistance as Americans.

I have had the honor and pleasure to negotiate a number of bipartisan agreements while I have been here almost 16 years, working with colleagues to pass a very complicated farm bill, working on many different issues together across the aisle. I know that when you want to get things done, you can. It is just a matter of having the will to do it. When you don't want to get things done, you come to the floor and attack the people you are supposed to be negotiating with and you negotiate in the press. Unfortunately, that is what we have seen in recent days. That is why we are so deeply concerned about the fact that there is not the resolve to come together to be able to help the children of Flint, the families of Flint, and then move on with the Energy bill that there is bipartisan interest in passing.

Every time we have thought we had an agreement, we changed things to reflect a proposal, a structure from the majority on the Energy Committee, and every time we think we have something, the rug has been pulled out from under us after hours and hours of work. Frankly, I feel like Charlie Brown when Lucy is pulling the football away time after time. That is exactly what has been happening.

We have had one exception though. I want to give a real thank-you and shout-out to Senator INHOFE because we spent all last weekend putting together a bipartisan, fully paid-for proposal that not only will help the families and children of Flint but create the opportunity for colleagues across the country to get help with water infrastructure projects.

There are multiple areas. We have them in Michigan, other areas outside of Flint. They are not devastated like Flint is with their entire system corroded, the children poisoned, and the water system shut down, but there are multiple issues around water. We joined together with the distinguished chair of the EPW and have come together in good faith with a proposal we can't get a vote on, unfortunately. We cannot get the willingness to put before us where we could vote together on something that would address Flint but also help others.

I thank Senator INHOFE, and we are going to continue to work with him to get that proposal or some other comprehensive proposal in front of us.

It has also been extremely disappointing, though, to see Republican leadership come to the floor, colleagues who have had millions, in fact, billions of dollars funneled to their States for various emergencies over the years, come and tell us that what is happening on lead poisoning for these children, what is happening in Flint where you can't drink the water today, yesterday, the day before, 18 months

and longer now, tomorrow, the next day, where you have to bathe these babies in bottled water, brush your teeth in bottled water, try to figure out how to take a shower in bottled water, that this is a local issue.

Right now we have a fully funded Federal Disaster Relief Fund that we passed last year in the omnibus—fully funded, billions of dollars. Over the years it has paid for a water main break in Boston, a chemical spill in West Virginia, a fertilizer plant explosion in West Texas.

Local issue? State issue? I am not sure why that was Federal, necessarily. Right now there is somewhere between \$6 billion and \$7 billion sitting in an account to respond to disasters, and we are only asking for a very small amount of those funds, to see and recognize and respect and care about the children and families of Flint, MI, a small withdrawal from that account to help children who have been poisoned by lead—9,000 children under the age of 6. Some parts of the city lead exposure is so high. It is higher than a toxic waste dump. How would we feel if this were our children, our grandchildren? I know how I would feel.

The PRESIDING OFFICER. The Senator has consumed 6 minutes.

Ms. STABENOW. I thank the Presiding Officer.

I am going to take 1 additional minute to emphasize the fact that yesterday our colleague from Texas said we are too optimistic trying to get help, while at the same time the President was signing a Federal disaster declaration allowing additional Federal aid for 25 counties in Texas.

Since 2005, we have sent \$9.75 billion to Texas, including \$1 billion that I got in the farm bill on livestock disaster assistance, which is not a major issue in the State of Michigan, but it is for other colleagues, and \$1 billion has gone to someone who said: We, as a group, should not care about Flint, MI.

Let me just say, I think the folks in Flint deserve their money back. They have been paying to help Americans across this country, and now they don't have the dignity or respect to be able to have some small assistance to stop the poisoning and to create some dignity and respect for these families and help for these children.

This child is an American too. We are not going to stop. We will negotiate in good faith. We will continue to do that, but we are not going to stop until we recognize, support, and help the families of Flint.

Mr. President, I would like to yield the remainder of my time to my friend from Michigan, Senator PETERS.

The PRESIDING OFFICER. The junior Senator from Michigan.

Mr. PETERS. Mr. President, I wish to thank Senator STABENOW for her leadership on this issue and I share her frustration. We have been together, standing up, fighting to bring resources to Flint to deal with this absolutely catastrophic situation in Flint, MI. We

have reached out to our Republican colleagues. We have had some very positive conversations, but as we have those positive conversations, as the Senator said in her comments, it seems as if it unravels right when we are very close to making it a reality. As a new Member of this body, I am completely at a loss for understanding why that is. Why is it that Members of the Senate can't step up for all Americans who are suffering?

As you mentioned in the disaster fund, we have a disaster fund that is designed specifically for events like we have seen in Flint. You mentioned the West Texas explosion. We have had water main breaks in Massachusetts, a Caribbean oil corporation refinery explosion in Puerto Rico, a bridge collapse in Minneapolis, a chemical spill in West Virginia. The list goes on and on. When we have had some sort of tragedy around this country, the U.S. Senate steps up and says: We are compassionate. This is not a Democratic or Republican issue. This is about the American people.

The PRESIDING OFFICER. All time for debate has expired.

Mr. PETERS. Mr. President, I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. PETERS. Mr. President, we need to do that as well. We have pay-fors for the disaster fund. We identified and came forward with a pay-for that would end a tax loophole—a tax benefit—for golf courses where wealthy individuals can give an easement to a golf course and donate land. If we eliminate that—in fact, some Republicans have argued for the very elimination of this tax deduction—it will help to pay for the infrastructure and it will help to pay for the children of Flint.

I know some of our colleagues on the other side of the aisle want to protect those wealthy donors and their golf courses, but I believe the children of Flint are more important. I believe the people of Flint are more important. The fact that they have been poisoned by lead—something that creates irreparable damage to their brains—is something that will impact their lives forever.

How can you look into the face of the children of Flint knowing they have this brain damage as a result of this catastrophic situation and yet say no to a disaster fund to pay for it, say no to closing a tax break for wealthy folks who are giving land to golf courses? How can you put golf course easements ahead of the children of Flint? We need to stand up as a body and understand that this is a crisis of unimaginable proportions, and we can do better. The United States can do better. The Congress can do better.

The fact that we are not coming together to do this is why people have such disdain for this body—the Senate and the House—because they think

that in times of crisis, we pick and choose whom we help. Let's not pick and choose whom we help. Let's help everybody. Let's help the people of Flint. Let's help the children of Flint and show that we are a compassionate country and that we do not pick and choose. Everybody should get our support.

I hope we can come together and compromise. We need to take some of these pay-fors and do what is necessary to address this issue.

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

Mr. CORNYN. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, if the Senator will yield for a question, I wish to ask the Senators from Michigan whether they were aware that the Governor has made a request of the Michigan Legislature for at least \$195 million to help the families and the community of Flint?

The PRESIDING OFFICER. All time for debate has expired.

Mr. CORNYN. Mr. President, I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority whip.

Mr. CORNYN. Mr. President, I just want to ask the Senators from Michigan whether they are aware of the request that the Governor has made to address the crisis that they have identified in Flint and whether they feel like that money, the \$195 million, would be applied to the same problem they have identified.

Ms. STABENOW. Mr. President, if I may respond to that.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. The Governor of Michigan sent a letter to the President asking for close to \$800 million in disaster assistance to deal with all of the issues we are talking about. What we have been working to do is ask for Federal help for about 25 percent of that, with the balance of it being paid for by the State of Michigan.

The State of Michigan certainly has incredible culpability related to this matter. We understand they are addressing this issue, and it is about time that they did that. It does not take the place of our helping the people of Flint and helping to solve this issue as much as any other issue we have talked about today.

Mr. CORNYN. Mr. President, I know all time has expired. I yield the floor, and we will continue this discussion at some other time.

CLOTURE MOTION

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 644, an act to reauthorize trade facilitation and trade enforcement functions and activities, and for other purposes.

Mitch McConnell, David Perdue, Pat Roberts, Roy Blunt, Chuck Grassley, Shelley Moore Capito, Richard Burr, Mike Crapo, Thad Cochran, John Thune, John Hoeven, Tim Scott, Lisa Murkowski, Rob Portman, Kelly Ayotte, Tom Cotton, Orrin G. Hatch.

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 conference report to accompany H.R. 644, an act to reauthorize trade facilitation and trade enforcement functions and activities, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Florida (Mr. RUBIO), and the Senator from Alaska (Mr. SULLIVAN).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The yeas and nays resulted—yeas 73, nays 22, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—73

Ayotte	Feinstein	Murphy
Barrasso	Fischer	Murray
Bennet	Flake	Nelson
Blumenthal	Gardner	Paul
Blunt	Grassley	Perdue
Booker	Hatch	Peters
Boozman	Heitkamp	Portman
Burr	Heller	Risch
Cantwell	Hoeven	Roberts
Capito	Inhofe	Sasse
Cardin	Isakson	Scott
Carper	Johnson	Sessions
Casey	Kaine	Shaheen
Cassidy	King	Shelby
Coats	Kirk	Stabenow
Cochran	Klobuchar	Tester
Collins	Lankford	Thune
Coons	Leahy	Tillis
Corker	Lee	Toomey
Cornyn	Manchin	Vitter
Cotton	McCain	Warner
Crapo	McConnell	Wicker
Daines	Merkley	Wyden
Donnelly	Moran	
Ernst	Murkowski	

NAYS—22

Alexander	Heinrich	Rounds
Baldwin	Hirono	Schatz
Boxer	Markey	Schumer
Brown	McCaskill	Udall
Durbin	Menendez	Warren
Enzi	Mikulski	Whitehouse
Franken	Reed	
Gillibrand	Reid	

NOT VOTING—5

Cruz	Rubio	Sullivan
Graham	Sanders	

The PRESIDING OFFICER. On this vote, the yeas are 73, the nays are 22.

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

The majority leader.

Mr. McCONNELL. Madam President, I would like to announce for our colleagues that we expect the Chair to put the question to the body on adoption of the conference report once we are finished with speakers, which will be around noon; then there will be another vote at 1:45 p.m. this afternoon on an Iowa district judge before leaving for the recess.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Thank you, Madam President, for your recognition.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 365; that the Senate proceed to vote without intervening action or debate on the nomination and, if confirmed, the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. On behalf of Senator RUBIO, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. UDALL. Madam President, this is about the nomination of Roberta Jacobson to be Ambassador to Mexico. This is one of the critical positions with one of our Nation's largest trading partners. It has now been vacant for over half a year.

Important work is left undone. We also have in this individual, Roberta Jacobson, a highly qualified career nominee. She is ready to serve. She has solid support on both sides of the aisle. There is no doubt in this Senator's mind—and I think many Senators' minds—that we need a strong Ambassador in Mexico City to represent our interests.

Mexico is working with us to stop those who cross our southern border illegally. Mexico is our third largest trading partner. One million American citizens live in Mexico. It is our top tourist destination with millions of U.S. visitors going to Mexico every year. There is a lot of work to be done on combatting illegal drug trade, including the trafficking of illegal opioids, reforming the judiciary, and creating economic opportunities on both sides of the border. That is something we are working on together, and we are working together to address immigration issues while cracking down on deadly border violence.

In New Mexico, we know the importance of this position and this partnership with Mexico. My State shares a border with Mexico; we also share a cultural heritage and trade that grow with Mexico every year. Exports from New Mexico to Mexico have soared from over \$70 million 15 years ago to \$1.5 billion a year now. Over 36,000 jobs

in my State depend on U.S.-Mexico trade. Arizona, California, and Texas also share similar and deep relations with the Mexican people, and not confirming this nominee harms those States as well.

Let me just say a word about Roberta Jacobson. She is a dedicated public servant. The LA Times has called Roberta Jacobson “among the most qualified people ever to be tapped to represent the U.S. in Mexico.” Roberta has worked on the Merida Initiative to fight drug trafficking and organized crime in Mexico. She has served ably as Assistant Secretary for the Western Hemisphere Affairs at the State Department.

Last year the President reestablished diplomatic relations with Cuba. After over 50 years of a failed policy with Cuba, Roberta helped negotiate this historic shift, giving the United States an opportunity to engage with the Cuban people. Time and again she did her job and she did it very well. She was approved by the Senate Foreign Relations Committee with bipartisan support. This was weeks ago, and still we wait for this nomination to come to the floor and get a vote.

It is hard to explain to my constituents that we do not have an ambassador to Mexico because a few Senators disagree with the President’s policy on Cuba. They don’t understand it. The folks back home don’t understand it, and neither do I. This is not just the President’s team, this is our team. This is America’s team working on trade, on security, moving our economy, and moving all of us forward.

We need an ambassador in Mexico City. Roberta Jacobson is more qualified to serve than anybody that has been put up in many, many years. I know we have an objective now, but I would urge my colleagues to sort this out and bring it to the floor, and I would ask the leadership to make this a priority.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I rise today in strong support of the conference report to accompany the Trade Facilitation and Trade Customs conference report on which we just had a cloture vote. I was very pleased to see 73 U.S. Senators vote in favor of proceeding to and getting a final vote on the conference report. It is important because this legislation represents the most significant update to our trade enforcement policies in over a decade, and its passage today and enactment into law will demonstrate yet again that this Congress is working in a bipartisan manner.

This bill is important for a lot of reasons. First and foremost, this legislation is about trade enforcement. This bill gives the U.S. Customs and Border Protection new tools to combat unfair trade practices, thus protecting American jobs and American workers. These

enforcement provisions are important to a wide range of American manufacturers, which is why the National Association of Manufacturers and the American Iron and Steel Institute strongly support this bill. In fact, there are approximately 100 organizations and businesses that have expressed public support for this bill. For any Senator who has manufacturing in his or her State, supporting this conference report should be a no-brainer.

These enforcement provisions are important to many other sectors of the economy as well. Take honey producers, for example, who in my home State make South Dakota one of the top honey-producing States in the Nation. Back in 2011, I was the ranking member of the Trade Subcommittee of the Finance Committee, and Senator WYDEN was the chairman of that subcommittee. We held a hearing on the topic of how America can better enforce our trade laws, and we heard testimony from Richard Adee, a well-known honey producer in my home State of South Dakota about the problem of honey laundering. Simply put, honey laundering is the practice of unscrupulous honey producers in China using third-party countries to circumvent tariffs on dumped Chinese honey. Over the past decade this has been a major problem, costing U.S. honey producers hundreds of millions of dollars in lost revenue.

As one example of this practice, consider Malaysia, a nation with the capacity to produce about 45,000 pounds of honey annually. Get this: Malaysia has exported as much as 37 million pounds of honey to the United States in a year—well beyond its production capacity. Clearly this honey is not coming from Malaysia. It is Chinese honey being transshipped through that nation.

The legislation we are considering today is finally going to give customs the tools it needs to help crack down on this practice. This will not only benefit honey producers in my State, it will benefit farmers all across the country whose crops depend upon bees for pollination and will benefit American consumers who can buy American honey with confidence.

While this bill is about enforcing our trade laws, it is also about making it easier for American businesses to engage in trade. This is especially important to small businesses that may not always have the resources or the expertise to access foreign markets.

The conference report before us includes a provision that I authored with Ranking Member WYDEN that would update the so-called de minimis threshold for imports from \$200 per product to \$800 per product. The bill also includes an amendment that Senator BENNET and I offered at the Finance Committee, calling on our trading partners to follow our lead in this area. What this simply means is that if someone starts a small business selling goods on the Internet and he or she needs to im-

port a component part in order to make a product, we are going to significantly reduce the paperwork and cost involved in doing so. This is the reason that online marketplaces such as Etsy and eBay, as well as express shippers like UPS and FedEx, are so supportive of this legislation. These companies understand what millions of American entrepreneurs understand: The Internet truly is the shipping lane of the 21st century.

This bill will empower more Americans to engage in global commerce both through the Internet and through more traditional means. This conference report will also help to ensure that access to the Internet, which is so important for global commerce, remains unencumbered.

This legislation includes a provision to make the existing ban on Internet access taxes permanent—something that Senator WYDEN and I have championed and a measure that has broad bipartisan support. The Internet Tax Freedom Act has been extended eight times since it was first enacted in 1998. As I mentioned earlier, the Internet is increasingly a gateway to economic opportunity, often in the form of accessing new markets abroad.

As the chairman of the Senate Commerce Committee, one of my top priorities is expanding access to high-speed Internet from our inner cities to our most rural communities, and keeping access to the Internet unburdened by new taxes is an important step in that direction.

This Internet tax freedom provision is strongly supported by a broad spectrum of technology, cable, and telecom companies. It is also something that will benefit America’s manufacturers. As the National Association of Manufacturers wrote recently in an op-ed supporting this bill: “The Internet has become a critical piece of infrastructure for manufacturers in the United States, and permanently extending the ban on state and local taxes on Internet access will continue to foster investment in broadband networks.”

I was especially pleased that we were able to include a provision in the conference report granting States that already apply taxes on Internet access more than 4 years to adjust to the new law. I am confident this will give Congress the time necessary to address other important issues relating to Internet taxation.

Enactment of the permanent ITFA provision in this bill will clear the path for consideration of legislation empowering States when it comes to collecting sales taxes that are owed. I intend to continue to support efforts to ensure that we have a level playing field when it comes to the taxation of Internet commerce—something that is very important in my home State of South Dakota.

Last but certainly not least, I want to point out that this conference report includes provisions strongly in support of our ally, the State of Israel. Unfortunately, we have seen a disturbing

trend in recent years where some nations are attempting to discriminate against Israeli-made goods for political reasons. This legislation creates a new principal trade-negotiating objective under trade promotion authority designed to discourage these unfair practices against Israel. Once this conference report becomes law, if a foreign nation proposes a new trade agreement with the United States, that nation will need to demonstrate that it does not have politically motivated discriminatory policies in place against our strongest ally in the Middle East.

I commend Senator CARDIN and others who worked diligently to update our trade laws with respect to harmful actions against the State of Israel. I am pleased that we are finally seeing these efforts come to fruition.

Enactment of this legislation into law will represent a win for American manufacturers and farmers, a win for American producers, who have been harmed by unfairly traded Chinese goods, a win for small business owners looking to engage in global commerce, a win for consumers who depend upon Internet access that is accessible and affordable, and a win for those of us who want to stand up and support the State of Israel when that nation is being unfairly targeted. But all of that will be at risk if we do not pass this conference report. The House of Representatives has been very clear that it will not take up this bill again. All the good things in this bill that I mentioned will die. They will not become law if we do not pass the conference report as it is. The House approved this conference report over a month and a half ago. It is past time that we do the same. Let's get this done today and send this bill to the President for his signature. Let's continue to work together on other issues that still need to be addressed.

I thank Finance Committee Chairman HATCH and Ranking Member WYDEN for all of their hard work in getting us to this point. I hope the Senate will go on record—and I urge my colleagues to support this important trade enforcement legislation—in what I hope will be a very big and decisive vote.

This legislation is good for America. It demonstrates once again that the Senate takes seriously its responsibility to get results and get things done for the American people. It is good for our economy, it is good for jobs, and it is good for the overall health and vitality of our country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ENZI. Madam President, I rise today to express my concerns with the

Customs conference report. While I support the Customs provisions in this conference report, as well as the Internet tax moratorium, I cannot support the way these issues were merged in conference.

I have said for years that the Internet Tax Freedom Act should be paired with e-fairness legislation because I think it is reasonable to tell the States that when we take away their ability to tax Internet access, we are giving them the ability to collect the State and local sales and use taxes already owed on remote sales. It is beyond time for Congress to give States that right. Congress's failure to act has created a burden on our States and local governments, which are losing billions in tax revenue that they need for local responsibilities.

As a former mayor and State legislator, I understand how important sales tax revenue is to State and local governments for maintaining schools, fixing roads, and supporting local law enforcement, fire departments, and emergency management crews.

Congress's inaction on e-fairness legislation implicitly blesses a situation in which States may be forced to raise other taxes, such as income or property taxes, to offset the growing loss of sales tax revenue. In December, in-store sales were about the same as the year before, but Internet sales grew by about 40 percent.

To be clear, we are talking about a substantial loss in revenue. In 2012, States missed out on an estimated \$23 billion in uncollected but owed use taxes from all remote sales. About \$61 million of that would have gone to my home State of Wyoming. Those numbers increase every year as online sales increase. States missed the opportunity to collect an estimated \$26 billion in remote sales and use taxes in 2013. Wyoming lost an estimated \$81.2 million, so \$61 million to \$81 million.

Congress's failure to act is also hurting our local stores, which hire local people who support local events and help out in the community. The same stores that are required to collect State and local sales and use taxes while their online and catalog competitors are not.

As a former small business owner, I believe it is important to level the playing field for all retailers—in-store, catalog, and online—so an outdated rule for sales tax collection does not adversely impact small businesses and Main Street retailers. I have given the example before of a friend in Sheridan who has a camera store. He has people come in and look at some very expensive cameras and get all of the instructions and find out about all of the accessories. Then they just take a little picture of the bar code on that and order it online. The difference in price? The sales tax. He provides the service, but loses the sale, and it is because the sales tax is not collected online. That is not fair. I used to have a shoe store. The same thing is true. They can get

the fit they need, the adjustments they need, and know exactly the shoe they want. Check the bar code online. What is the difference? The sales tax. It really hurts if they order it in front of you. Televisions, bicycles—there are all kinds of examples of this same sort of thing happening.

This issue also affects online stores. More and more States are successfully implementing their own laws to ensure they can collect these remote sales and use taxes. They are doing it piecemeal. This will create a patchwork of complicated, uniquely tailored, and incongruent laws for all businesses to comply with.

For many years I have worked with all interested parties to find a mutually agreeable way to solve this problem. But instead of taking up legislation that prevents taxation of Internet access and also helps State and local governments and businesses, we have a conference report before us that includes the Internet Tax Freedom Act, which was just dropped in without any separate vote or debate. The Senate has not considered it in the committee nor on the floor.

Instead of considering this inserted issue now, we should have combined it with legislation that restores States' sovereign right to enforce State and local sales and use tax laws. What I am proposing is not a tax on the Internet. I am opposed to that. Rather, e-fairness legislation would give States the option to collect their sales and use taxes already due on all purchases.

Unlike this airdropped Internet Tax Freedom Act provision, the Senate has overwhelmingly voted in support of e-fairness with a bipartisan group of 69 Senators supporting the Marketplace Fairness Act in the last Congress, and we were not even able to get a vote on our amendment.

I thank my colleagues who have worked so hard on this issue, especially Senators DURBIN, ALEXANDER, and HEITKAMP. I thank the businesses, the trade groups, the State and local governments, and all of the other stakeholders who have helped us educate offices about this issue. I thank the leader for listening to our concerns about this conference report. But ultimately I oppose the conference report because, while Congress should pass the Customs bill and this provision this year, Congress should also pass e-fairness legislation this year that allows States to collect the sales and use taxes they are owed for remote sales already.

I yield the floor.

AMENDING 19 U.S.C., SECTION 1501

Mr. HATCH. Madam President, the bill we will be voting on shortly contains a provision amending 19 U.S.C., section 1501, which relates to the liquidation of entries into the U.S. The provision in the conference report amending section 1501 is intended to ensure in cases where liquidation occurs by operation of law, the 90-day timeframe for the voluntary reliquidation of an entry by Customs and Border

Protection begins on the date of the original liquidation.

I would ask my colleague, Senator WYDEN, the ranking member of the Finance Committee, if that is his understanding of this provision as well.

Mr. WYDEN. Madam President, I agree with Senator HATCH. That is the intent of the provision amending 19 U.S.C., section 1501.

Mr. THUNE. Madam President, I am pleased to have been one of the conferees to H.R. 644, the Trade Facilitation and Trade Enforcement Act of 2015.

There are many important provisions in this legislation, some of which I helped to draft.

There is one such provision that I particularly want to highlight. Honey producers in my State of South Dakota as well as producers of honey, crawfish, garlic, and mushrooms around the country, have suffered for 15 years because of unfair dumping from China. Senator WYDEN and I have worked together for 5 years to ensure that the trade laws were enforced in these cases.

Unfortunately, the latest struggles have been more with U.S. Customs and Border Protection, CBP, than with Chinese dumpers.

Duties collected on dumped imports and all interest on those duties from 2000 and 2007 were to be paid to the injured domestic producers to allow them to reinvest and rebuild. For reasons that defy simple explanation, CBP ignored the direction of the statute to pay all interest to producers and instead deducted some types of interest from payments to producers.

In effect, this practice amounted to forcing South Dakota honey producers to pay for the delays caused by Chinese dumpers, the U.S. insurance companies that posted bond for the duties, and in some cases of CBP itself. This practice defies the plain language of the statute and cost domestic producers tens of millions of dollars over the years.

During the Finance Committee markup of this legislation, Senator GRASSLEY, Senator NELSON, and I offered an amendment which is included in this conference report that corrects CBP's misreading of the law. This is an important victory for honey, crawfish, garlic, and mushroom that have suffered from Chinese dumping and CBP's unfounded practice.

Mrs. SHAHEEN. Madam President, I wish to support the trade enforcement conference report—legislation that will level the playing field for American businesses and help them reach foreign markets.

This bill is aimed at supporting American businesses in an increasingly global economy. It makes sure our economic competitors play by the rules and helps our small businesses sell their products to new markets overseas.

This bill passed the Senate 78–20 last March, with every single Member of the Democratic Caucus supporting it.

While I recognize that there were changes made in the conference com-

mittee, this legislation still contains critical mechanisms to ensure fair trade for American businesses and workers.

I believe that the United States can out-compete and out-innovate any economy in the world, but to do that, we need a level playing field, and that means making sure our competitors are playing by the rules.

This legislation contains some of the strongest trade enforcement provisions that we have seen in decades. It gives Federal authorities the tools they need to enforce U.S. trade laws at the border and hold our trading partners accountable. It includes the ENFORCE Act, a critical measure to ensure that businesses and workers harmed by unfair trade can have their claims investigated and resolved quickly. And it strengthens the Treasury Department's ability to address currency manipulation.

This bill also contains language I authored that makes sure that our small businesses are able to take advantage of new trade opportunities and reach new markets. Even though 95 percent of the world's customers live overseas, less than 1 percent of small- and medium-sized businesses in the United States sell to global markets. By comparison, more than 40 percent of large businesses sell their products overseas.

The conference report includes my small business trade amendment, which would help narrow that gap by reauthorizing the successful State Trade and Export Promotion grant program, better known as the STEP program. STEP was created as a pilot program to help States work with small businesses to reach in the international marketplace, and just a few years in, it has been a great success. Already, the STEP Program has helped small businesses reach 85 country markets, resulting in over \$1.1 billion in export sales for a return on Federal taxpayer investment of 19:1. In reauthorizing this program, we are giving small businesses a real chance to expand their markets, grow their businesses, and create new jobs.

I want to thank Senate Finance Committee Chairman HATCH and Ranking Member WYDEN for working with me to include my small business trade amendment in the final bill.

The conference report before us today will keep American companies competitive. It will help small businesses sell overseas. And it will help drive innovation online.

I urge my colleagues to support this bill and oppose efforts to prevent it from moving forward today.

(At the request of Ms. MURKOWSKI, the following statement was ordered to be printed in the RECORD.)

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

• Mr. SULLIVAN. Madam President, as the final piece of the robust trade package that we completed last year, the Customs report that accompanies

the Trade Facilitation and Trade Enforcement Act allows authorities to aggressively enforce U.S. trade laws and provides enhanced authorities to protect obligations gained under international trade agreements and rights under U.S. intellectual property laws.

In my home State of Alaska, trade currently supports more than 90,000 jobs, which is more than one in five of all jobs in the State. Per capita, Alaska is one of the top exporters in the country. We are the top exporter of fish and seafood products in the Nation.

I worked hard to secure a provision in the Customs package that, for the first time, establishes a principal negotiating objective on fisheries that reduces or eliminates tariffs and non-tariff barriers, eliminates subsidies that distort trade, and opens new markets for American fish, seafood, and shellfish products around the globe.

With the global marketplace becoming more competitive and increasingly challenging, it is vital that the United States focus its efforts on maximizing our ability to export our goods and services abroad in order to create more opportunity and good-paying jobs for all Americans.●

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REMEMBERING PHILIP ROCK

Mr. DURBIN. Madam President, this morning at Old St. Patrick's Church in downtown Chicago, there was a funeral service for an extraordinary public servant, the late senate president Phil Rock.

On January 29, Illinois lost one of its most principled leaders and one of its finest public servants. He was a good friend of mine and a good friend of my wife's as well.

Before retiring from politics in 1993, Phil Rock represented Chicago's Oak Park and parts of the West Side of the city of Chicago. He spent 14 of those years as the longest serving Illinois Senate president. During part of that time, I had the opportunity to be by his side and to work as his senate parliamentarian.

People used to say Phil Rock was born a Catholic, a Democrat, and a Chicago Cubs fan, but not necessarily in that order. Phil was also a dedicated public servant.

Before Phil Rock became a public servant, he almost became a priest. He was born and lived much of his life in the Midway Park section of the Austin part of Chicago. He attended Quigley Preparatory Seminary and went on to the University of St. Mary of the Lake in Mundelein, IL. But instead of becoming a priest, he became a lawyer.

After graduating from Loyola Law School—newly married to his wife Sheila—he took a different path than his colleagues. He decided not to join a big law firm. He chose to enter public service. He worked for Illinois State attorney general Bill Clark in 1965, and by 1967 Phil was the chief of the Illinois Consumer Fraud Division. He chose to enter public service at a difficult time—the turbulent 1960s. The country was torn over the Vietnam war and many social issues. The 1968 Democratic Convention was a painful reflection of our Nation's troubles.

Instead of turning away from public service, at that time Phil Rock decided to dive in and make a difference. In 1970 he was elected to the Illinois State Senate, where he ascended quickly in both the Democratic Party and the State senate as an institution. Within a year he was elected Democratic State committeeman for the Sixth District. A couple years later he became assistant senate minority leader. In 1979 Phil Rock was chosen by his colleagues to be the senate president. At the time, Illinois was facing tough times. Illinois was hard hit by the national recession and some of the highest urban unemployment rates in the country. Once again, Phil did not waver. Through his leadership, Phil helped guide the State through a storm of a recession.

Phil was a loyal and passionate Democrat, but he understood that compromise was always an important part of success. "Bipartisanship" wasn't a dirty word for Phil Rock; he worked with everybody. He just wanted to get things done for his constituents, as well as the people of the State. His word was his bond. When his allies made unreasonable demands, Phil was firm and said no.

When the day's legislative work was done, though, you could still find Phil presiding—usually over a barbecue pit near the State capitol. Legislators from both political parties came by; they wouldn't miss it. Phil would hand them a cold drink, and they would have a great evening together.

Hardly any of Phil's parties ended without Phil being requested to sing "Danny Boy," which he did in a spirited fashion. On St. Patrick's Day, you could always count on Phil Rock and his fellow State senator Bob Egan being close to a piano, singing great Irish tunes. The events were always bipartisan, with Democrats and Republicans coming together. This is a lesson in friendship and cooperation which all of us should remember today.

Phil leaves a proud legacy. He had a wonderful sense of fairness and a strong voice for the most vulnerable in communities across the State. Phil exemplified what Hubert Humphrey called "the moral test of government." He authored and passed more than 450 major pieces of legislation in his career. He earned dozens of awards from organizations across the State of Illinois, from Cairo to Zion.

Among his legislative accomplishments, Phil started Illinois's I-

SEARCH Program for missing children, which provides State funding to provide information almost instantly to save those kids. He also championed laws for mandatory insurance for newborns and the State's original Abused and Neglected Child Reporting Act. One of his proudest achievements was sponsoring legislation for the Nation's first school for the deaf and blind in Glen Ellyn, which today has been named after him, the Philip J. Rock Center and School.

Phil passed away last month at the age of 78. His legacy shines brightly from Oak Park to Springfield and across our State. My wife Loretta and I want to offer our condolences to Phil's wife of more than 50 years, Sheila; their four kids, Kathleen, Meghan, Colleen, and John; and, of course, the grandkids.

Phil Rock was a tireless advocate for the little guy, he was a giant in Illinois politics, and he will be missed.

Madam President, last year I joined a bipartisan majority in the Senate to pass a Customs reauthorization bill. It was strong, it was meaningful, and it really set out to modernize our Nation's customs system and strengthen the enforcement of U.S. trade laws.

One of the greatest concerns Americans have about trade and trade agreements is that when they are cheated on by other countries, we don't enforce them, and the losers are American businesses and employees. So I like that Customs bill. I like that version and the strong language on currency manipulation which has cost a lot of American jobs and hurt U.S. businesses. It strengthened our commitment to combat human trafficking around the world. It would allow us to safeguard our climate policies under future trade agreements.

The conference report that is back to us now and before the Senate at this moment is a much different bill. Let me say there are provisions of it that are good and important. I strongly support the ENFORCE Act. The provision would allow us to have a level playing field so that companies, such as Illinois companies, could ensure that other countries play by the same rules when it comes to trade. These strong anti-dumping rules are vital to prevent foreign companies from dumping cheap steel products and other goods that undercut domestic prices and put our companies out of business and employees out of work.

I recently had representatives of the steel industry come by my office, and they explained the dramatic increase in imports of steel product, particularly rebar from Turkey. They can't understand how Turkey can sell its rebar in the United States so cheaply, putting American businesses at a disadvantage. Turkey takes scrap metal from the United States and transports it across the ocean, transforms it there into rebar and steel, and ships it back to the United States—and they are still able to charge less.

The folks in the steel industry here say: We are ready for competition, but something else is going on here.

There is clearly a subsidy when it comes to Turkish steel. And the net result is that companies like Granite City Steel in Granite City, IL, and companies across the United States are being threatened.

Some countries are dumping their products in the United States. They are selling them for less than the cost of production to run American businesses out of business and to put our steelworkers out of work.

The ENFORCE Act puts some teeth into this process, and it is one of the sections in this bill I would wholeheartedly support if it were a separate piece of legislation. But that is not how bills are presented to us in the Senate. We are given an array of issues and topics in every bill, and we have to decide whether at the end of the day the bill is worth voting for even if there are provisions in it that we like and some that we hate.

The inclusion of this important legislation is not enough to overcome my concerns with the overall bill.

Unlike the Senate-passed bill, there was a provision airdropped into this bill at the last minute in conference that really creates a problem. It is called the Permanent Internet Tax Freedom Act. What it means is, with this legislation, we are by Federal law prohibiting State and local governments from imposing taxes on access to the Internet. Generically, I think that is a good thing to do, to encourage use of the Internet and not to create hardships on families, students, and individuals who use the Internet, but let's go into this conversation with our eyes wide open.

If you use a telephone to make a call to someone, you are likely going to face a tax from your State or local unit of government on telephone services. If, however, you do what my wife and I try to do every weekend and Skype your grandkids, you are using your computer for that conversation, and there is no tax on your use of that computer. Some people say, "Good. I didn't want to pay the tax." But remember, local and State taxes go to sustain critical services in communities.

What we are doing with this bill is prohibiting States and localities from, in most cases, imposing taxes on Internet services. So we are closing the door to State and local units of government raising revenue that they might view as reasonable and fair to sustain police protection, fire protection, and all the demands they face. That is the reality of this provision.

What we had hoped to do was, at the same time, say that State and local units of government could collect sales tax on Internet sales. Let me explain. More and more Americans are turning to the Internet to buy things, our family included. You go to the usual vendors on the Internet, and in some cases, if they decide to, those Internet

retailers collect the local sales tax. So when I give my home address in Springfield, IL, they check the ZIP Code, and they decide that when I make the purchase, they will collect the sales tax on the Internet sale of a book, for example, and they will remit that amount to the treasury of the State of Illinois. But it is not required, and many Internet vendors do not collect the sales tax. So what happens? State and local units of government don't get the benefit of the sales tax from Internet purchases.

However, if I decided, instead of buying a book on the Internet, to buy it at a local bookstore in Chicago or Springfield, I would pay a sales tax. Well, people are learning this. As they learn this, they are changing their shopping habits.

A friend of mine, Chris Koos, is the mayor of Normal, IL. He is an extraordinary person beyond Normal, as far as I am concerned. He is also a businessman as well as mayor. He has a business that sells bicycles and running shoes. He tells me people will literally come into his store and say: I need size 11 New Balance shoes. What do you have?

They bring out the running shoes, and people try them on, stand in front of the mirror, and say: Thanks a lot, Chris. I appreciate it.

They will then write down the number for the New Balance running shoes, go home, buy them on the Internet, and not pay a sales tax. Well, Chris is the loser. Here he is with a good, solid business in Normal, IL, that not only provides good service and good products but collects—as required by law—the sales tax on transactions, the sales tax going to the State and to the community to sustain basic services. So when people use his store as a showroom and then buy on the Internet and not pay the taxes, of course the State and the community lose.

What we had hoped to do was to put these two things together and say that if we are going to prohibit State and local units of government from imposing taxes on access to the Internet, at the same time, we will require Internet sellers and retailers, to collect sales taxes for purchases. That would be remitted back to the State and local government so at least there was some balance. It isn't as if we are closing the doors to State and local units of government for what they might have otherwise collected.

Unfortunately, only half of what I just described is included in this bill. The prohibition against State and local governments collecting taxes on Internet service is included, but sales conducted over the Internet is not included. That is unfortunate.

Initially, I opposed this bill and said that this was brought into it at the last minute, that it has nothing to do with customs whatsoever, and that it should never have been included. It is the kind of thing that I think gives us a bad name sometimes when it comes

to the way we write bills. I opposed it. I then ended up deciding to talk to Republican Leader Senator MCCONNELL. With his assurance that we will get a shot at calling the marketplace fairness or internet retail tax this year—either if it is sent from the House or if it originates in the Senate—I have dropped my opposition to the overall bill—although I will vote against it, I am not working against it—and the earlier rollover indicated strong support.

With that in mind, I yield the floor and say that I will continue to oppose the Customs bill for the reasons stated, but I am happy that Senator MCCONNELL and I have been able to reach an agreement on the path forward toward marketplace fairness or e-fairness.

I yield the floor.

Mr. HATCH. Madam President, as we move toward final passage of the conference committee report on H.R. 644, the Trade Facilitation and Trade Enforcement Act, I would like to take just a few minutes to reflect on how we got here and to thank the many individuals who made this moment possible.

This conference report concludes what has been an historic 13 months for trade legislation in the U.S. Senate. When I began my tenure as chairman of the Senate Finance Committee early last year, one of my foremost goals was to strengthen and modernize U.S. international trade institutions and policies. It was an audacious goal. After all, it is not like we had not tried before. Years of stagnation had enabled countless trade problems to accumulate, many of them crying for legislative resolution. Everyone agreed that something needed to be done, but again and again, our efforts were stopped. Well this Congress was different.

Working together in a bipartisan way, we were able to advance legislation to strengthen congressional oversight of trade negotiations through reauthorization of trade promotion authority, or TPA. I intend to vigorously employ TPA's new oversight tools in reviewing the Trans-Pacific Partnership that the Obama administration concluded in October and signed last week. While the verdict is still out on TPP, the efforts of the individuals who made that possible should not go unrecognized. So I would like to acknowledge the hard work of individuals such as Ambassador Mike Froman, former Deputy U.S. Trade Representative Wendy Cutler, and the Assistant U.S. Trade Representative for Southeast Asia and the Pacific, Barbara Weisel. Their tireless commitment to advancing the interests of the United States abroad deserves to be recognized and applauded.

I also would like to thank my staff, who worked behind the scenes to help negotiate and craft legislation that will serve our Nation for many years to come. I believe that the Senate Finance Committee leadership team of Chris Campbell, Mark Prater, and Jay

Khosla is among the finest that I have had the pleasure to work with in my many years of Senate service. Our trade team, consisting of chief trade counsel Everett Eissenstat, Shane Warren, Douglas Petersen, Rebecca Eubank, Andrew Rollo, Kevin Rosenbaum, Paul Delaney, Greg Kalbaugh, and Kenneth Schmidt consistently demonstrated that teamwork, motivation, and drive can produce great results; and this bill we are considering here is no exception. I also would like to thank our outstanding speech and communications team, consisting of Bryan Hickman, Julia Lawless, Aaron Fobes, Amelia Breinig, and Joshua Blume; and of course, our fine tax team, including Nick Wyatt, Eric Oman, Jim Lyons, and our chief economist, Jeff Wrase.

Bipartisanship was critical to all of our work over the past year, especially on trade. For their steadfast commitment and determination to our shared goal of producing strong, bipartisan legislation, I would like to recognize Senator WYDEN and his team: Josh Sheinkman, Mike Evans, Jayme White, Elissa Alben, Greta Peisch, Anderson Heiman, Tiffany Smith, and Todd Metcalf.

I also would like to thank Senator MCCONNELL and his staff: Sharon Soderstrom, Brendan Dunn, Terry Van Doren, and Hazen Marshall, who provided us with support and leadership throughout this process. Finally, let me thank my House colleagues, Speaker RYAN, Chairman Brady, and their staffs Austin Smythe, Joyce Meyer, Angela Ellard, Geoff Antell, Steve Claeys, Nasim Fussell, and Casey Higgins. On the Democratic staff, I would like to acknowledge the hard work and contributions of Ranking Member Sandy Levin and his staff, Jason Kearns, Beth Baltzan, Katherine Tai, and Keigan Mull.

Finally, this conference report would not have been possible without the excellent work done by Tom Barthold from the Joint Committee on Taxation, the Senate Legislative Counsel's office, especially Margaret Roth-Warren and Thomas Heywood, and the Congressional Budget Office, especially Teri Gullo, Ann Futrell, Susan Willie and Mark Grabowicz. The support of the legislative affairs staff at U.S. Customs and Border Protection also was essential for getting this conference report right, and I especially want to acknowledge John Pickel, Ned Leigh, and Kristin Isabelli.

I am proud of this conference report and pleased that we were able to pass it with a strong, bipartisan vote. It took many hands to bring us to this moment, and I am truly thankful for all of their hard work. This bill shows that, through persistence and hard work, we can accomplish great things.

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

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

Mr. McCONNELL. Madam President, I know of no further debate on the conference report.

The PRESIDING OFFICER. Is there further debate on the conference report?

Hearing none, the question occurs on agreeing to the conference report.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Florida (Mr. RUBIO), and the Senator from Alaska (Mr. SULLIVAN).

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

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The result was announced—yeas 75, nays 20, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—75

Ayotte	Ernst	Moran
Baldwin	Feinstein	Murkowski
Barrasso	Fischer	Murphy
Bennet	Flake	Murray
Blumenthal	Gardner	Nelson
Blunt	Grassley	Paul
Booker	Hatch	Perdue
Boozman	Heitkamp	Peters
Burr	Heller	Portman
Cantwell	Hoeven	Risch
Capito	Inhofe	Roberts
Cardin	Isakson	Sasse
Carper	Johnson	Scott
Casey	Kaine	Sessions
Cassidy	King	Shaheen
Coats	Kirk	Shelby
Cochran	Klobuchar	Stabenow
Collins	Lankford	Tester
Coons	Leahy	Thune
Corker	Lee	Tillis
Cornyn	Manchin	Toomey
Cotton	McCain	Vitter
Crapo	McCaskill	Warner
Daines	McConnell	Wicker
Donnelly	Merkley	Wyden

NAYS—20

Alexander	Heinrich	Rounds
Boxer	Hirono	Schatz
Brown	Markey	Schumer
Durbin	Menendez	Udall
Enzi	Mikulski	Warren
Franken	Reed	Whitehouse
Gillibrand	Reid	

NOT VOTING—5

Cruz	Rubio	Sullivan
Graham	Sanders	

The conference report was agreed to.
The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREE-
MENT—EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that on Thursday, February 11—that is today—at 1:30

p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 361; that there be 15 minutes for debate on the nomination, equally divided in the usual form; that upon the use or yielding back of time, the Senate vote without intervening action or debate on the nomination; that, if confirmed, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

The PRESIDING OFFICER. The Senator from Vermont.

(The remarks of Mr. LEAHY and Ms. COLLINS pertaining to the introduction of S. 2544 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from North Carolina.

CONGRATULATING THE DENVER
BRONCOS ON THEIR SUPER
BOWL CHAMPIONSHIP

Mr. TILLIS. Mr. President, after the very weighty and serious discussion that just preceded me, I come maybe with a little bit more lighthearted message for the Presiding Officer and my colleague, the senior Senator from Colorado, Mr. BENNET.

I think everybody knows here—the folks up in the gallery may know—that Denver is home of the Super Bowl 50 winners, the Denver Broncos. The Presiding Officer and I attended the Super Bowl on Sunday, and I am sure he agrees it was quite a treat.

God blessed us with beautiful weather, and the people of Santa Clara really made us feel welcome and at home. They did an amazing job. The Super Bowl organizers are to be commended for their attention to detail and the superb work they did to make us feel welcome. It was a fantastic experience for me. So I can only imagine, with the Presiding Officer having the winning team, how much fun it was for him.

I think it is safe to say that there are thousands in Colorado on a Rocky Mountain high this week, and I will bet there are even more who are really happy that the Broncos won the Super Bowl.

The Denver Broncos played a great game, and they defeated my Carolina Panthers. Both defenses played extraordinarily well, and the Broncos' offense did just enough to get the job done.

So to the Presiding Officer and Senator BENNET, I come to the Senate Chamber today to fulfill my wager to humbly offer my congratulations to the Super Bowl champion, the Denver

Broncos, and to all their fans in your great State and, I would argue, across the Nation.

But before I talk about the beloved Panthers, I want to thank you for not accepting some of my maybe exuberant or overexuberant offers that I made as a possible friendly wager. And for C-SPAN viewers at home, you may want to avert your eyes.

I really don't think I would have looked very good in an orange beard with Broncos earrings. With all due respect to the Presiding Officer, you looked a lot like Papa Smurf with a blue beard. So a simple speech of congratulations is what I have to offer.

The truth is, I am deeply disappointed about the Panthers' loss. But it is also true that, unless the Broncos are playing my Panthers or my childhood team, the Miami Dolphins, I am usually pulling for the Broncos. The Broncos' organization, starting with the Bowlen family and Coach Kubiak, are topnotch and well respected in the NFL. Former greats such as John Elway, Terrell Davis, Shannon Sharpe, Ed—how could he wear so few pads and still survive—McCaffrey, and so many other members have made this team so much fun to watch over the years.

But then there is this guy, Peyton Manning, or "The Sheriff," as Coach Gruden nicknamed him back in 2009. I have been watching Peyton Manning since he was recruited to the University of Tennessee many years ago—a five-time NFL MVP and two-time Super Bowl winner on two different franchises. Next month, on March 24, he is going to be 40 years old, and he is playing at the top of his game. Peyton is an amazing athlete, but what really makes Peyton extraordinary is his character and his behavior on and off the field. He is a true gentleman, a great sport, and he is a scholar of the game.

I opted not to put up a graphic on the New England Patriots because anybody who knows me knows that I am not much of a fan of the New England Patriots, dating back to a December 1982 snowplow game.

But, in addition to all the other things Peyton Manning has done, he also led the Broncos to a victory over the Patriots in the AFC Championship, completely deflating Tom Brady's shot at another Super Bowl ring. That alone makes Peyton Manning a great American, in my book.

The Broncos and I do have something in common. We were both born in 1960. We are both 56 years old. They built a franchise that most fans expect to be in contention every year.

The Panthers, on the other hand, are young. They were born in 1995. They are 20 years old. They have already gone to the playoffs seven times. They have won two NFC Championships and been in the big game twice, and I believe that next year they have a good shot to be in contention.