WYDEN to reauthorize TAA that is included in the bill before us. Our legislation forms the basis of the TAA provisions that are included in this bill.

Maine workers have been hit particularly hard by mill closures and shuttered factories. In the last 15 years, Maine has lost 38 percent of its manufacturing jobs, nearly 31,000 jobs in total. While not all of those job losses are due to increased and unfair foreign competition, there is no doubt that workers in the manufacturing sector in Maine have been harmed by the outsourcing of their good-paying jobs to countries with much lower wages and environmental standards.

This last year was particularly difficult for workers in Maine's pulp and paper industry. In just the past year alone, the communities of Lincoln, East Millinocket, and Bucksport have all experienced devastating job losses due to the closures of paper mills. Those mills have been the financial anchors of those small towns, providing good jobs for generations of families. The second- and third-order economic effects on other businesses and their employees in those small communities are also significant.

In times of such great upheaval, laid-off employees need the time, the support, and the resources to learn the skills that will enable them to seek and secure new employment opportunities. These are skilled Americans who are eager to get back to work and who, with the right training, support, and opportunity, can find new jobs in in-demand fields.

Just this spring, I visited the Eastern Maine Community College in Bangor. I had the opportunity to talk with a group of students who are former employees of the Verso paper mill in Bucksport, which closed down last year completely unexpectedly. It was a huge and terrible surprise to the workers and to the community and surrounding area. But because of trade adjustment assistance, these former workers with whom I talked are now enrolled in a fine-furniture making program and are learning new skills for new jobs.

I was so impressed with their determination and their attitude. It is very difficult, if you have not been in school for decades, to enroll in a whole new field of study, but that is exactly what these laid-off workers were doing. Their determination to start new careers after years of working at the mill in Bucksport was inspiring. Each of them was enrolled thanks to the support provided by the Trade Adjustment Assistance Program. Without that program, they would not have had the funding, the support, and the resources necessary to enable them to do a mid-life career change.

Similarly, last year in Lincoln, ME, I met a woman who had spent many years working at the local tissue mill. This mill had a cycle of ups and downs over the years. When it was closed for a time years ago, this woman was thrown out of work, but her story had a happy ending. Through TAA, she was able to learn new skills and find employment as a nursing home administrator, where she has been happily employed for a decade. It took a lot of courage for this woman who had been employed as a mill worker for many years to go into an entirely new career field, but she did so. She encouraged her fellow workers to recognize that through the Trade Adjustment Assistance Program, they too could find new skills, retrain in an area completely different from the work they had been doing, and have a happy ending.

Her story was inspiring. Because of TAA, for 10 years she has been providing for her family and contributing to her community. What a great return on investment. It would not have been possible without TAA. There are many more success stories like this one.

I thank Secretary Perez for expediting the TAA assistance these workers who are newly displaced have needed.

I would also note that since Maine is the State with the oldest median age in the Nation, this woman really picked a very good field in which to enroll. As a nursing home administrator, her skills are going to be in demand as we see the changing demographics not only of the State of Maine but of our Nation.

TAA programs have made a tremendous difference in the lives of those I have described, in the lives of those working in trade-affected industries in Maine, such as pulp and paper manufacturing, textile, and shoe production.

In fiscal year 2013 alone, more than 700 Mainers have benefited from the TAA programs, and more than 70 percent of the TAA participants in Maine have found employment within 3 months of completing their retraining programs made possible by TAA. Even more encouraging, of these participants who found employment, more than 90 percent were still employed in their new jobs 6 months later. Without TAA, it is very unlikely that would have happened.

Assisting American workers who are negatively affected by international trade—particularly when they are competing with workers with lower wages in countries with lower wages and lower environmental standards or none at all—is vitally important and the right thing to do.

In Maine, the effects of free-trade agreements have been decidedly mixed. While some past agreements have brought benefits to my State in the form of lowered tariffs on Maine products such as potatoes, lobster, and wild blueberries, jobs in many other industries have suffered terrible losses as a result of unfair foreign competition.

Our workers are the best in the world, and they can compete when there is a level playing field, but oftentimes they are competing against industries in developing countries that are paying lower wages, that don't have to comply with any kind of environmental standards, and that are often subsidized by those governments—and that is not fair.

The least we can do is to reauthorize the trade adjustment programs which are successfully helping to retrain and reemploy American workers. That is a commonsense way we can help workers recover from the blows inflicted by some unfair trade agreements, so these Americans can start new jobs and new lives with fresh skills.

I strongly urge my colleagues to support the reauthorization of trade adjustment assistance and to oppose any amendments to end these vital programs.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FLAKE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ENSURING TAX EXEMPT ORGANIZATIONS THE RIGHT TO APPEAL ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1314, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1314) to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

Pending:

Hatch amendment No. 1221, in the nature of a substitute.

Hatch (for Flake) amendment No. 1243 (to amendment No. 1221), to strike the extension of the trade adjustment assistance program.

Hatch (for Inhofe/Coons) modified amendment No. 1312 (to amendment No. 1221), to amend the African Growth and Opportunity Act to require the development of a plan for each sub-Saharan African country for negotiating and entering into free trade agreements.

Hatch (for McCain) amendment No. 1226 (to amendment No. 1221), to repeal a duplicative inspection and grading program.

Stabenow (for Portman) amendment No. 1299 (to amendment No. 1221), to make it a principal negotiating objective of the United States to address currency manipulation in trade agreements.

Brown amendment No. 1251 (to amendment No. 1221), to require the approval of Congress before additional countries may join the Trans-Pacific Partnership Agreement.

Wyden (for Shaheen) amendment No. 1227 (to amendment No. 1221), to make trade agreements work for small businesses.

Wyden (for Warren) amendment No. 1327 (to amendment No. 1221), to prohibit the application of the trade authorities procedures to an implementing bill submitted with respect to a trade agreement that includes investor-state dispute settlement.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as we resume consideration of our TPA bill, I want to delve a little deeper into the process of considering and approving trade agreements.

Throughout the debate surrounding this bill, I have heard the term ''fast-track'' used quite a few times. There was, in fact, a time when trade promotion authority was commonly referred to as ''fast-track.'' Now, only TPA opponents use that term.

They want the American people to believe that under TPA, trade agreements come to Congress and are passed in the blink of an eye. Sometimes they use the term ''rubberstamp'' as if under TPA Congress wielding ultimate authority over a trade agreement—the power to reject it entirely—is a mere administrative act.

There is a reason the term ''fast-track'' isn't used anymore. It is because those who are being truly honest know the process is anything but fast.

I think it would be helpful for me to walk through the entire process Congress must undertake before rendering a final judgment on a trade agreement, to show how thoroughly these agreements are vetted before they ever receive a vote.

Before I do, though, I will note for my colleagues that this bill adds more transparency, notice, and consultation requirements than any TPA bill before it. This bill guarantees that Congress has all the information we need to render an informed up-or-down verdict on any trade agreement negotiated using the procedures in this bill. Congress's oversight of any trade agreement starts even before the negotiations on that agreement begin.

Under this bill, the President must not only notify Congress that he is considering entering into negotiations with our trading partners but also what his objectives for those negotiations are. Specifically, this has to happen 3 months before the President can start negotiating. That is 3 months for Congress to consult on and shape the negotiations before they even begin.

Congress's oversight continues as negotiations advance.

This bill requires the U.S. Trade Representative to continuously consult with the Senate Finance Committee and any other Senate committee with jurisdiction over subject matter potentially affected by a trade agreement. Moreover, the USTR, the U.S. Trade Representative, must, upon request, meet with any Member of Congress to consult on the negotiations, including providing classified negotiating text.

The bill also establishes panels to oversee the trade negotiations. These panels, the Senate Advisory Group on Negotiations and the designated congressional advisers, consult with and advise the USTR on the formulation of negotiating positions and strategies. Under the bill, members of these panels would be accredited advisers to trade negotiating sessions involving the United States.

Congressional oversight intensifies as the negotiations near conclusion. At least 6 months before the President signs a trade agreement, he must submit a report to Congress detailing any potential changes to U.S. trade remedy laws.

Then, 3 months before the President signs a trade agreement, he must notify Congress that he intends to do so. At the same time, the President is required to submit details of the agreement to the U.S. International Trade Commission. The ITC is tasked with preparing an extensive report for Congress on the potential costs and benefits the agreement will have on the U.S. economy, specific economic sectors, and American workers.

I want to focus on the next step required by this bill because it is a new requirement never before included in TPA. Sixty days before the President can sign any trade agreement, he must publish the full text of the agreement on the USTR Web site so that the public can see it. This ensures an unprecedented level of transparency for the American people and gives our constituents the material and time they need to inform us of their views.

Only after the President has met these notification and consultation requirements, only after he has provided the required trade reports, and only after he has made the agreement available to the American people, may he finally sign the agreement.

The process this bill requires before an agreement is even signed is obviously quite complex, full of checks and balances, and provides unprecedented transparency for the American public.

However, once the President does sign the agreement, his obligations continue. Sixty days after signing the agreement, the President must provide Congress a description of changes to U.S. law he considers necessary. This step gives Congress time to begin considering what will be included in the legislation to implement the trade agreement.

This is also the time when the Finance Committee holds open hearings on the trade agreement in order to gather the views of the administration and the public.

Following these hearings, one of the most important steps in this entire process occurs, the so-called informal markup. The informal markup is not always well understood, so I will take a minute to describe it.

The informal markup occurs before the President formally submits the trade agreement to Congress. As with any markup of legislation, the committee reviews and discusses the agreement and implementing legislation, has the opportunity to question witnesses about the agreement, and can amend the legislation.

In the event of amendments, the Senate can proceed to a mock conference with the House to unify the legislation. The practice of the informal markup produces or provides Congress an opportunity to craft the legislation implementing a trade agreement as it sees fit and to direct the President on the final package to be formally submitted to Congress.

While the informal markup is well established in practice, this bill, for the first time in the history of the TPA, specifies that Congress will receive the materials it needs in time to conduct an informal markup. It requires that 30 days before the President formally submits a trade agreement to Congress, he or she must submit the final legal text of the agreement and a statement specifying any administrative action he will take to implement the agreement.

The bill therefore ensures that Congress will have all the materials it needs in time to conduct a thorough markup. Only at this point may the President formally submit legislation implementing a trade agreement to Congress, and only at this point do the TPA procedures, first established in the Trade Act of 1974, kick in.

Once a bill implementing a trade agreement is formally submitted to Congress, a clock for consideration of that bill starts. This clock gives Congress 90 days in session to consider and roll out a bill. As everyone here knows, 90 legislative days takes a lot longer than 90 calendar days. When I hear my colleagues talk about ''fast-track,'' I think this is where they start the clock.

They are disregarding the years of oversight and consultations that occurred during trade negotiations. They are ignoring the many months of congressional consideration of trade legislation that occurs before the President ever formally submits that legislation to Congress. They are discounting that by this point in the process, Congress has held hearings on the agreement, received views from the public, and extensively reviewed the agreement and the implementing legislation through an informal markup. Calling this part of the process fast-track is like skipping to the end of a book and saying the author did not develop a plot.

As I said, even here at the end of the process, the bill provides more than 3 months for hearings, committee action, floor debate, and votes. Sometimes I think that only a United States Senator could argue that more than 3 months to formally consider legislation—legislation that has already been thoroughly debated, vetted, and reviewed—is making decisions too fast.

When Congress votes on an implementing bill, it is only after years of oversight and months of formal review. So I have to ask, does this process seem fast to you? If TPA is not fast, then what does TPA do? Put simply, TPA guarantees a vote. TPA says to the world that when they sign an agreement with the United States, Congress promises to say yes or no to that agreement. Most importantly,

TPA guarantees that Congress will have the information in the time we need to make that decision.

Without TPA, we are essentially telling the President to try to negotiate the price of a house, and then after buying that home, we are asking to renegotiate with the sellers. This would be absurd and rob Americans of financial opportunities, employment, and a fair world marketplace they can only get from free-trade agreements.

Once again, I urge all my colleagues to support the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I come to the floor today to discuss two amendments that are pending to the trade bill. I want to begin by thanking Chairman HATCH and Ranking Member WYDEN, as well as Senators MCCONNELL and REID, for working with me to make these amendments pending.

I believe it is important that we have an amendment process as we consider granting trade promotion authority to the President. Enacting the bill before us will have major impacts on our Nation's economy for years to come, and Senators should have an opportunity to improve the product reported by the Committee on Finance.

The trade promotion authority bill by its very nature demands that Senators be able to debate and vote on key trade issues. That is because the trade promotion authority bill creates a process by which trade agreements are submitted to Congress for approval without the opportunity to change them on the House or Senate floor. So it is critical that we utilize the opportunity we have now to set the rules of the road for future trade agreements and to enact important trade reforms.

Today, I would like to discuss two amendments I believe will strengthen the trade package.

AMENDMENT NO. 1227

As ranking member of the small business committee, it is my responsibility to look at bills on the Senate floor and ask: How does this affect small businesses? How will they benefit or be harmed? How can we improve this bill so that small businesses have a seat at the table?

I think that is especially important as we talk about trade. Trade has become increasingly vital for small businesses that are looking to diversify and grow. Yet, even though 95 percent of the world's customers live outside of the United States, less than 1 percent of our small- and medium-sized businesses are exporting to global markets. By comparison, over 40 percent of large businesses sell their products overseas. As we consider this trade package, we must make sure small businesses have a seat at the table and the resources they need to sell overseas.

The amendment I filed incorporates bipartisan, commonsense measures that will help small businesses take advantage of trade opportunities. It reauthorizes the SBA's State Trade and Export Promotion Grant Program. This program, known as STEP, was created as a pilot program to help States work with small businesses to succeed in the international marketplace. In just a few years, STEP has been a great success. Since 2011, it has supported over $900 million in U.S. small business exports, producing a return on investment of 15 to 1 for taxpayers.

It has helped small businesses such as Corfin Industries, located in Salem, NH. Before STEP, Corfin's international sales were just 2 percent. Now they are up to 12 percent. As a result, the company has added 22 employees. That is the kind of job growth we will see in our small businesses when we make sure they are part of our trade agenda.

Reauthorizing the successful STEP Program is a commonsense way to make sure our small businesses can benefit from trade, and it builds on bipartisan legislation that was first introduced by Senator CANTWELL, who was just on the floor, Senator COLLINS, and me.

The amendment also takes a number of steps to make it easier for small businesses to access export services provided by the Federal Government. It encourages those Federal agencies, such as the Small Business Administration and the Department of Commerce, to work hand in hand with State trade agencies that have on-the-ground knowledge of local needs.

Finally, the amendment makes sure we understand how trade agreements negotiated under trade promotion authority will affect small businesses.

I urge my colleagues to support this small business amendment, and I hope we can reauthorize the Ex-Im Bank so that our small businesses can access that funding and get into those international markets.

AMENDMENT NO. 1226

The second amendment I would like to discuss is an amendment Senator MCCAIN, who is on the floor, and I have filed to repeal a harmful, job-killing program—the USDA Catfish Inspection Program. This is something Senator MCCAIN has been working on for years. I have joined him in recent years to try to address the concerns I have heard from companies in New Hampshire that are going to be affected by that new USDA Catfish Inspection Program.

Back in 2008, a provision was added to the farm bill that transferred the inspection of catfish—only catfish—from the FDA, which inspects all foreign and domestic fish products, to the U.S. Department of Agriculture. It required USDA to set up a new, separate program to inspect catfish alone.

I think this is a wasteful, duplicative program that will hurt seafood-processing businesses across the country. There is no scientific or food safety benefit here. In fact, officials from FDA and USDA have explicitly stated that catfish is a low-risk food. In nine separate reports, the Government Accountability Office has recommended eliminating this program.

Even worse, this program is actually a thinly disguised trade barrier against foreign catfish. We are facing an immediate 5- to 7-year ban on imported catfish as soon as the USDA program is up and running. As a result, our trading partners are explicitly threatening retaliation. And since there is no scientific basis for this program, any WTO nation that currently exports catfish to the United States could challenge it and secure WTO-sanctioned trade retaliation against a wide range of U.S. export industries, including beef, soy, poultry, pork, grain, fruit, or cotton. The program is becoming a major issue of concern in Trans-Pacific Partnership negotiations.

The only other time the Senate has voted on this issue was in 2012 when we voted to repeal it in a bipartisan voice vote. But since then, we have been denied the opportunity to address this issue on the floor. I think it is very important that we have an opportunity to vote on this amendment because the USDA is poised to begin its inspection of catfish very soon. This may be our last chance to solve this problem before the program's harmful effects begin.

Again, we need an opportunity to vote on this amendment. I urge my colleagues to support it and to repeal the duplicative USDA Catfish Inspection Program.

I look forward to hearing what my colleague Senator MCCAIN has to say.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I wish to thank the Senator from New Hampshire for her support and continuing efforts to get rid of this wasteful, pork barrel, outrageous program that has cost the taxpayers tens of millions of dollars and with regard to the catfish office alone, about $20 million to date. As the Senator from New Hampshire pointed out, this could put the entire TPP—Trans-Pacific Partnership—Agreement in jeopardy. So this has a lot more to do with just catfish here; it has a lot to do with our international relations and the prospects of concluding or not concluding one of the most important trade agreements arguably of the 21st century, obviously.

I am pleased to join my colleagues, Senators SHAHEEN, AYOTTE, ISAKSON, KIRK, CRAPO, RISCH, CASEY, REED, PETERS, WYDEN, WARNER, CANTWELL, and MCCASKILL, in introducing this amendment, which has already been made pending to the trade promotion authority act, which would repeal a proposed Catfish Inspection Program at the U.S. Department of Agriculture. The amendment would end the waste of taxpayer money pouring into the creation of a USDA catfish office, which is about $20 million to date. It would also save American farmers and livestock growers from potentially losing billions of dollars in lost market access to Asian nations.

As the Senator from New Hampshire pointed out, I have been fighting this catfish battle for a long time. I first tried to kill an old catfish-labeling program in the 2002 farm bill. Later, during the Senate's debate on the 2012 farm bill, I offered a similar amendment to repeal this new catfish program, which was adopted by voice vote. But when the Senate took up the 2014 farm bill after failing to pass it in 2012, I was blocked from having a vote by the Democratic manager despite her assurances that my amendment would receive a vote.

I note that my dear friend from Mississippi is here, and I know there may be others who will want to preserve this $14 to $20 million waste of taxpayer dollars. All I want is a vote. All I am asking for is an up-or-down vote on whether we should continue to squander millions of taxpayer dollars on a program that is not only duplicative but endangers the entire Trans-Pacific Partnership Agreement we are discussing today.

American agriculture is the heart of our efforts to pass TPA, particularly as negotiators move closer to completing the Trans-Pacific Partnership Agreement. TPA can put wind in the sails of the 12-nation TPP, which will promote hundreds of billions of dollars of American exports, including beef, pork, poultry, soy, wheat, vegetables, and dairy products. The TPP covers an area of the world that accounts for about 40 percent of global GDP and one-third of all trade. The TPP will strengthen our security relationships with countries such as Japan, Malaysia, Vietnam, and Australia, and provide a strategic counterweight to Chinese protectionist influence. So it is our responsibility to pass a trade promotion authority that signals to Asian trading partners that we are serious about free trade.

Free trade is good for America. I am a representative of a State that has immeasurably benefited from the North American Free Trade Agreement.

By the way, many of the same interests and people who opposed that are opposing this now—i.e., primarily the labor unions.

Here, that means eliminating this catfish program, which is one of the most brazen and reckless protectionist programs that I have encountered in my time in the Senate. The purpose of the USDA catfish office is purportedly to make sure catfish is safe for human consumption. I am all in favor of ensuring that American consumers enjoy wholesome catfish. The problem is that the Food and Drug Administration already inspects all seafood, including catfish.

The true purpose of the catfish program is to create a trade barrier to protect a small handful of catfish farmers in two or three Southern States. Let's be clear about what this is all about—protecting catfish farmers in two or three Southern States. Yet, we are endangering the entire agreement here. That is not right, and it is not right for the American people.

In classic farm bill politics, southern catfish farmers worked up some specious talking points—which will probably be repeated here today—about how Americans need a whole new government agency to inspect catfish imports. As a result, USDA will soon hire and train roughly 95 catfish inspectors to work right alongside the FDA inspector doppelgangers in seafood-processing plants across the Nation. Experts say it could take as long as 5 to 7 years for foreign catfish exporters to duplicate USDA's new program, which would give southern catfish farmers a lock on the American seafood market.

Growing government is not cheap. To date, the USDA has spent $20 million to set up the catfish office without inspecting a single catfish. I am not making that up. Moving forward, the USDA estimates it will spend around $14 million a year once the program is operational.

GAO has investigated this catfish office and warned Congress in nine different reports—nine different reports to GAO, which is probably clearly the most trusted organization here—nine different reports. The catfish office should be repealed. It is wasteful and duplicative. The FDA already inspects seafood. It fragments our food inspection system. Nine different reports. One GAO report is simply titled ''Responsibility for Inspecting Catfish Should Not Be Assigned to USDA.'' The Government Accountability Office has repeatedly found that catfish inspectors are a phony issue and warned that implementing the USDA program might actually make food less safe for Americans by fragmenting seafood inspections across two Federal agencies.

Here are a few GAO excerpts.

GAO, May 2012:

USDA uses outdated and limited information as its scientific basis for catfish inspection. The cost effectiveness of the catfish inspection program is unclear because USDA would oversee a small fraction of all seafood imports while FDA, using its enhanced authorities, could undertake oversight of all imported seafood.

GAO, February 2013:

Congress should consider repealing provisions of the Farm Bill that assigned USDA responsibility for examining and inspecting catfish.

GAO, April 2014:

We suggested that Congress consider repealing these provisions of the 2008 Farm Bill. However, the 2014 Farm Bill instead modified these provisions to require the Secretary of Agriculture to enter into a memorandum of understanding with the Commissioner of FDA that would ensure that inspection of catfish conducted by the FSIS and FDA are not duplicative. We maintain that such an MOU does not address the fundamental problem, which is that FSIS's catfish program, if implemented, would result in duplication of activities and an inefficient use of taxpayer funds. Duplication would result if facilities that process both catfish and other seafood were inspected by both FSIS and FDA.

Even if my colleagues do not care about ballooning government spending and taxpayer waste, then consider the risk this catfish program presents to jobs and agriculture exports from their home States to an area of the world that accounts for 40 percent of the world's GDP and one-third of its trade.

Ten Asian-Pacific nations have sent letters to the Office of the U.S. Trade Representative warning that this USDA catfish office is hurting TPP negotiations. At least one nation—Vietnam—has threatened trade retaliation if the program comes online.

American trade experts are equally outraged. In a legal opinion written by the former chief judge at the World Trade Organization—the chief judge at the World Trade Organization said:

The United States would face a daunting challenge in defending the catfish rule . . . there was, and still is, no meaningful evidence that catfish—domestic or imported—posed a significant health hazard when Congress acted in 2008 . . . the complete lack of scientific evidence to justify the catfish rule combines with substantial evidence of protectionist intent.

He further notes that when it came to creating the USDA Catfish Inspection Program in the dead of night using a farm bill conference report—that is interesting, my colleagues; a farm bill conference report was how this whole thing came about—''Congress shot first and asked questions later.''

This is perhaps Mr. Bacchus's most poignant warning:

If Congress continues to mandate the transfer of jurisdiction over catfish, it will not only be inviting a WTO challenge to the rule; it will be giving other nations an opening to enact ''copycat legislation'' which will disadvantage our exports. Moreover, if the United States somehow prevails in defending the catfish measure in a WTO case, it will truly be ''open season'' in the rest of the world for new restrictions on U.S. agriculture exports of all kinds.

Mr. Bacchus is not alone in his assessment. The Wall Street Journal has covered this catfish debacle over the years. The Wall Street Journal has editorialized and reported on this many times.

This past weekend, the editorial board of the Wall Street Journal penned an editorial entitled ''Congress's Catfish Trade Scam.''

The Wall Street Journal, lead editorial, ''Congress's Catfish Trade Scam.''

''The U.S. slams a trade partner and raises prices for Americans.''

''Senate Democrats dealt a blow to economic growth Tuesday by refusing to advance . . . Japan, Vietnam,'' et cetera.

The problem dates to 2002, when Congress barred Vietnamese exporters from marketing as ''catfish'' an Asian cousin known as pangasius with similar taste, texture and whiskers. But that failed to curb American enthusiasm for the cheaper foreign creature, which is common in fish sticks and often called ''basa'' or ''swai'' on menus. So in 2003 Washington slapped tariffs on the Vietnamese fish, claiming they were ''dumped'' into the U.S. market at unfairly low prices.

That didn't work either, so Mississippi Republican Thad Cochran slipped a provision into the 2008 farm bill to transfer regulatory

responsibility over catfish, including pangasius, to the U.S. Department of Agriculture from the Food and Drug Administration. The pretext was public health, but pangasius posed no risk, and the USDA regulates meat and poultry, not fish. The real aim was to raise costs for Vietnamese exporters and drive them from the U.S. market.

Thus was born one of Washington's most wasteful programs, which the Government Accountability Office has criticized nine times and estimated to have cost $30 million to start, plus $14 million a year to operate—as opposed to the $700,000 annual cost of the original inspection regime. This is ''everything that's wrong about the food-safety system,'' said former FDA food-safety czar David Acheson recently. ''It's food politics. It's not public health.''

Pangasius imports continue for now as the USDA sets up its expensive new office, with the fish passing cod and crab last year to become America's sixth most-popular. (Shrimp is first.) Meanwhile, Vietnam has threatened to respond to a ban by demanding the right to retaliate against U.S. beef, soybeans and other products as part of TPP negotiations and suing the World Trade Organization, where it would probably win.

Most Members of Congress understand the damage, but Mr. COCHRAN has used his seniority to block repeal. The latest effort at repeal, sponsored by JOHN MCCAIN and nine other Republicans and Democrats, could get a vote when the Senate reconsiders the trade-promotion bill, then would have to go through the House. Ending catfish protectionism would be a sign that at least some in Washington are serious about free trade.

Mr. President, I ask unanimous consent to have printed in the RECORD the aforementioned Wall Street Journal editorial.

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

[From the Wall Street Journal, May 14, 2015]

CONGRESS'S CATFISH TRADE SCAM

Senate Democrats dealt a blow to economic growth Tuesday by refusing to advance the trade-promotion bill needed to complete the Trans-Pacific Partnership trade pact (TPP). Now Japan, Vietnam and other negotiating partners will look to see if Washington can salvage its trade agenda. They'll also be watching Congressional jockeying over catfish. Allow us to explain.

The problem dates to 2002, when Congress barred Vietnamese exporters from marketing as ''catfish'' an Asian cousin known as pangasius with similar taste, texture and whiskers. But that failed to curb American enthusiasm for the cheaper foreign creature, which is common in fish sticks and often called ''basa'' or ''swai'' on menus. So in 2003 Washington slapped tariffs on the Vietnamese fish, claiming they were ''dumped'' into the U.S. market at unfairly low prices.

That didn't work either, so Mississippi Republican Thad Cochran slipped a provision into the 2008 farm bill to transfer regulatory responsibility over catfish, including pangasius, to the U.S. Department of Agriculture from the Food and Drug Administration. The pretext was public health, but pangasius posed no risk, and the USDA regulates meat and poultry, not fish. The real aim was to raise costs for Vietnamese exporters and drive them from the U.S. market.

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Most Members of Congress understand the damage, but Mr. Cochran has used his seniority to block repeal. The latest effort at repeal, sponsored by John McCain and nine other Republicans and Democrats, could get a vote when the Senate reconsiders the trade-promotion bill, then would have to go through the House. Ending catfish protectionism would be a sign that at least some in Washington are serious about free trade.

Mr. MCCAIN. Mr. President, I ask unanimous consent to have printed in the RECORD an article dated June 27, 2014, entitled ''U.S. Catfish Program Could Stymie Pacific Trade Pact, 10 Nations Say''; a letter by Jim Bacchus dated May 14, 2015; a letter dated May 13, 2015, from the National Taxpayers Union, Taxpayers for Common Sense, Taxpayers Protection Alliance, and Council for Citizens Against Government Waste, all of them urging Congress to repeal the catfish program in TPA; a letter dated May 14, 2015, from the National Restaurant Association; and a letter dated April 22, 2015, from the Vietnamese Ambassador to the Senate Finance Committee.

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

[From the New York Times, June 27, 2014]

U.S. CATFISH PROGRAM COULD STYMIE PACIFIC TRADE PACT, 10 NATIONS SAY

(By Ron Nixon)

WASHINGTON.—Ten Asian and Pacific nations have told the Office of the United States Trade Representative that the Agriculture Department's catfish inspection program violates international law, and their objections could hamper Obama administration efforts to reach a major Pacific trade agreement by the end of next year.

They say that the inspection program is a trade barrier erected under the guise of a food safety measure and that it violates the United States' obligations under World Trade Organization agreements. Among the countries protesting are Vietnam and Malaysia, which are taking part in talks for the trade agreement—known as the Trans-Pacific Partnership—and have the ability to derail or hold up those negotiations.

The complaints are outlined in a May 28 letter signed by diplomats from the 10 countries. The letter does not threaten retaliation, but it emphasizes that the American catfish program stood in the way of the trade talks.

Vietnam, a major catfish producer, has long complained about the program, but it has never before won international support for its fight. Several of the countries whose representatives signed the letter—including the Philippines, Myanmar, Thailand and Indonesia—do not have catfish industries to protect and are not involved in the trans-Pacific trade talks.

But the letter expresses the concern that the inspection program could lead the Agriculture Department to expand its ability to regulate seafood exports to the United States, catfish or not.

''Many of these countries are looking to see what happens to Vietnam on the catfish issues, and what precedents it might set for other trade deals in the region,'' said Jeffrey J. Schott, a senior fellow at the Peterson Institute for International Economics in Washington and the co-author of a book on the Trans-Pacific Partnership. The United States and 11 countries on both sides of the Pacific—as well as Australia, New Zealand and Brunei—are still negotiating the trade pact, which has been repeatedly delayed over various disputes.

The Vietnam Association of Seafood Exporters and Producers recently hired James Bacchus, a former chairman of the World Trade Organization's appeals panel, to prepare a possible legal challenge to the catfish inspection program.

Mr. Bacchus said in an interview that only governments have standing to bring a case before the trade organization, but that the export group was working closely with Vietnamese officials to monitor the catfish inspection program.

''I'm confident that Vietnam would have a case before the W.T.O. if they decided to bring one,'' said Mr. Bacchus, a former United States House member from Florida who is now a lawyer with Greenberg Traurig in Washington.

The inspection program was inserted into the 2008 farm bill at the urging of catfish farmers, who have been hurt by competition from both Vietnam and China and by the rising cost of catfish feed. The domestic catfish industry has shrunk by about 60 percent since its peak about a decade ago, and in the past few years about 20 percent of American catfish farming operations have closed.

The catfish industry and lawmakers led by Senator Thad Cochran, Republican of Mississippi, fought for the new office, saying it was needed to protect Americans from eating fish raised in unsanitary conditions or contaminated with drugs. The Food and Drug Administration has a similar program, but it inspects less than 2 percent of food imports, and advocates of the Agriculture Department program said that was not good enough.

The Agriculture Department has traditionally inspected meat and poultry, while the F.D.A. has been responsible for all other foods, including seafood.

Agriculture Department inspections are more stringent than those conducted by the F.D.A. The Agriculture Department also requires nations that export beef, pork and poultry to the United States to set up inspections that are equivalent to the agency's program—an expensive and burdensome regulation that Vietnam says is unnecessary for catfish. A Government Accountability Office report in May 2012 called imported catfish a low-risk food and said an Agriculture Department inspection program would ''not enhance the safety of catfish.''

The Agriculture Department said it had spent $20 million since 2009 to set up its office, which has a staff of four, although it has yet to inspect a single catfish. The department said it expected to spend about $14 million a year to run the program; the F.D.A., by comparison, spends about $700,000 annually on its existing seafood inspection office.

Senator John McCain, Republican of Arizona, and other critics say the Agriculture Department program is a waste of money, and Mr. McCain sponsored an amendment in the latest farm bill that would have killed the program. But the measure was never brought up for a vote. The Obama administration has also called for eliminating the Agriculture Department program.

MAY 14, 2015.

Hon. MITCH MCCONNELL,
Senate Majority Leader.
Hon. HARRY REID,
Senate Minority Leader.

SENATORS MCCONNELL AND REID: As the Senate considers Trade Promotion Authority, Trade Adjustment Assistance, and related legislation, I wanted to make certain that you have the facts about the USDA Catfish Inspection Program and its implications for the United States in the world trading system. In particular, I want to make sure you are aware that the United States would face a daunting challenge in defending the catfish rule.

As background, I am a former Member of Congress, from Florida; a former international trade negotiator for the United States; and the former Chairman of the Appellate Body—the chief judge—for the World Trade Organization. In nearly a decade of service to the Members of the WTO as one of the seven founding judges on the highest global tribunal for world trade, from 1995 through 2003, I judged many of the most notable WTO trade disputes and wrote the legal opinions in many of the WTO trade judgments on issues relating to numerous aspects of both agricultural trade and food safety. Currently, I chair the global practice of the Greenberg Traurig law firm, for which I am writing in my capacity as counsel to the National Fisheries Institute.

As you will recall, the 2008 and 2014 Farm Bills contained language that would shift inspection of catfish from the Food and Drug Administration (FDA) to the United States Department of Agriculture's Food Safety Inspection Service (FSIS). FDA currently regulates all seafood, and FSIS regulates beef, pork, and poultry. Supporters of the transfer of jurisdiction have reassured Senators that the USDA program would not create a problem for the United States under WTO rules because imported catfish would be subject to the same standards as American catfish.

This is not so. The legal test of whether a measure, as written or as applied, is consistent with WTO obligations is not whether it imposes the same standard on like domestic and imported products. The legal test in the WTO is whether such a measure, as written or as applied, denies an equal competitive opportunity to the like imported products in the domestic marketplace. The catfish measure promises to fail this fundamental legal test under international law.

It is not my intent here to list the entire catalogue of claims that would be likely to be brought against the United States in a ease in WTO dispute settlement by Vietnam and possibly by other affected Members of the WTO following implementation of the catfish measure by the USDA. There will be more than ample opportunity for doing so later in Geneva if the catfish measure is not repealed.

Suffice it to say that, if the catfish measure is not repealed, and if it is implemented by USDA as currently contemplated, quite a few strong claims could very likely be made in WTO dispute settlement by the affected trading partners of the United States under both the General Agreement on Tariffs and Trade (the GATT) and the Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement), which are both part of the overall WTO treaty.

Because WTO litigation is intensely fact-specific, and requires painstaking and extensive development and analysis of the measures being challenged, I am always reluctant to express a definitive opinion about a potential WTO case. Having judged so many WTO cases, I am less inclined than others to predict their outcome. This case, however, stands out for the egregiousness of its inconsistencies with WTO obligations. Quite rightly, the Congressional Research Service has quoted approvingly a Wall Street Journal opinion article that described the treatment of Vietnamese catfish in this measure as ''protectionism at its worst.''

Nothing good can result for the United States from applying the catfish measure.

Continuing with the implementation of the catfish measure would further complicate the efforts of US trade negotiators to secute significant concessions from Vietnam and others on other issues of considerable importance to US businesses and workers in the Trans-Pacific Partnership.

Losing a WTO case that challenged the catfish measure would, if the United States chose not to comply with the WTO ruling, give the complaining countries the right to retaliate against American agricultural and other products bound for their markets.

Perhaps worst of all for the United States would be winning a WTO case that challenged the catfish measure.

The United States has a long and contentious history of trying to overcome European and Asian trade barriers to our agricultural and food products that are justified as ''food safety'' measures but are in fact intended to block entirely safe American food exports. For this reason, the United States has long been the leading advocate for a strong SPS agreement that ensures that food safety measures will be based on real scientific evidence, including a serious risk assessment.

If Congress continues to mandate the transfer of jurisdiction over catfish, it will not only be inviting a WTO challenge to the rule; it will be giving other nations an opening to enact ''copycat legislation'' which will further disadvantage our exports. Moreover, if the United States somehow prevails in defending the catfish measure in a WTO case, it will truly be ''open season'' in the rest of the world for new restrictions on US agricultural exports of all kinds.

Sincerely,

JAMES BACCHUS,
Chair, Global Practice.

MAY 13, 2015.

DEAR SENATOR MCCAIN: The undersigned groups representing millions of taxpayers and allied educational bodies write in support of your efforts to repeal the duplicative catfish inspection program at the United States Department of Agriculture (USDA) in S. 995, the Bipartisan Congressional Trade Priorities and Accountability Act of 2015. The undersigned groups have been vocal critics of the catfish inspection program that has spent $20 million over four years and not inspected a single fish. The Government Accountability Office has nine times listed the program as ''wasteful and duplicative;'' and it is one that the former Chief Judge of the highest court of international trade says will result in not just a trade war but also a lawsuit the U.S. will lose. Right now the program is on track to spend $15 million annually for the USDA to do a job the FDA is already doing.

Specifically on the issue of trade, according to an April 24, 2012 bipartisan letter to Senate Agriculture, Nutrition & Forestry Chairwoman Debbie Stabenow (D–Mich.), ''And beyond the fiscal implications, the catfish program has caused considerable concern among trade experts. According to them, the program would create a discriminatory de facto ban on exports from key trading partners and expose us to retaliation. . . . We are aware that no scientific data that catfish, imported or domestic, pose any greater food safety risk than other farmed seafood—all of which will remain under FDA regulation.''

Eliminating the duplicative USDA catfish inspection office was agreed to by voice vote in the 2013 Senate farm bill debate, yet inexplicably the Senate was never granted an opportunity to debate the merits of including this program in the 2014 farm bill. But now with Trade Promotion Authority, there is an opportunity to finally implement the will of the Senate and end the duplicative waste that the USDA catfish inspection program has continued to foster. We support your efforts to repeal the program restoring some measure of fiscal discipline and we urge your colleagues in the Senate to do the same.

Sincerely,

Council for Citizens Against Government Waste, National Taxpayers Union, Taxpayers for Common Sense, Taxpayers Protection Alliance.

NATIONAL RESTAURANT ASSOCIATION,
Washington, DC, May 14, 2015.

DEAR SENATOR: On behalf of the National Restaurant Association, I strongly urge you to support the bipartisan McCain-Shaheen catfish amendment to the Senate's pending trade related legislation. This amendment supports our nation's businesses, farmers, customers and taxpayers by removing funding for the duplicative U.S. Department of Agriculture (USDA) catfish inspection program.

During the 2008 Farm Bill Conference, language was added to transfer the responsibility for catfish inspections from the Food and Drug Administration (FDA) to the USDA.

The USDA has already spent $20 million drafting regulations and the Government Accountability Office (GAO) estimates that the USDA will spend $170 million over the next decade implementing the program. The GAO also found that implementation of the USDA catfish program will cost American taxpayers millions annually to provide a duplicative service because the FDA currently inspects all seafood, including catfish. Every U.S. facility that processes, handles, or distributes catfish would now be subject to duplicative regulation by both FDA and USDA.

As members of the foodservice industry, we are committed to food safety. However, this new program would provide no benefit. In fact, the USDA itself has stated that its Food Safety Inspection Service (FSIS) would not provide additional food safety protection. The Agency's cost-benefit analysis also found no significant safety benefit in creating the program.

Finally, implementation of this program could strongly impact U.S. agricultural relations with key trading partners. This program would create a potential trade barrier to catfish imports and could violate the World Trade Organization Sanitary and Phyto-Sanitary agreement. It could also make U.S. agricultural exports susceptible to trade retaliation.

For these reasons, we encourage you to help our nation's businesses, farmers, customers and taxpayers by supporting the bipartisan McCain-Shaheen amendment.

Sincerely,

MATT WALKER,
Vice President, Government Affairs, National Restaurant Association.
LAURA ABSHIRE,
Director of Sustainability & Government Affairs, National Restaurant Association.

THE AMBASSADOR,
EMBASSY OF VIETNAM,
Washington, DC, April 22, 2015.

Hon. ORRIN G. HATCH,
Chairman, Senate Finance Committee, Washington, DC.

YOUR HONORABLE: As ambassador of Vietnam to the United States, I am writing to bring to your attention to the concern of the Vietnamese Government related to the discussion on the TPA/TPP at the Senate Finance Committee under your leadership and seek your kind assistance on the matter.

The concern is related to the so-called ''catfish inspection program'' being transferred from the FDA to USDA, for the following reasons:

The USDA program is duplicative with the FDA and National Marine Fisheries Service.

It costs much more the U.S. tax payers and imposes unnecessary regulatory complexity for seafood processors, which in turn adds burden to the U.S. customers.

It adds nothing more to ensuring the safety of the products.

It creates an inappropriate trade barrier that violates the World Trade Organization (WTO) rules.

In particular, this provision is not in line with what is to be achieved for the TPP, which is based on high standards, including on trade liberalization.

The Government of Vietnam strongly urges that an amendment to be set up to repeal the above-mentioned provision in the process of consideration and approval of the TPA/TPP.

I count on your support in this regard. Please, accept, Your Honorable, the assurances of my highest consideration.

Yours sincerely,

PHAM QUANG VINH.

Mr. MCCAIN. Mr. President, the National Restaurant Association sent a letter:

On behalf of the National Restaurant Association, I strongly urge you to support the bipartisan McCain-Shaheen catfish amendment to the Senate's pending trade related legislation. . . . As members of the foodservice industry, we are committed to food safety. However, this new program would provide no benefit. In fact, the USDA itself has stated that its Food Safety Inspection Service (FSIS) would not provide additional food safety protection.

Finally, implementation of this program could strongly impact U.S. agricultural relations with key trading partners.

The Taxpayers Protection Alliance:

We support your efforts to repeal the program restoring some measure of fiscal discipline and we urge your colleagues in the Senate to do the same.

Mr. President, I understand that the parliamentary situation is that we have a number of pending amendments and that probably it is very likely that a cloture motion will be filed. That, of course, would then mean I would not be allowed to have this amendment.

If we do not allow this amendment, I have to say that we will be really showing a degree of contempt and arrogance for the taxpayers of America. I have watched this program and this incredible—I have seen $14 million wasted. I have seen an example of protectionism.

I was told in the last bill on agriculture that I would receive a vote on my amendment. All I am asking for is a straight up-or-down vote so we can save the taxpayers $14 million, $20 million, $30 million, $40 million on a program that is both wasteful and not needed.

I understand my colleagues from Mississippi and other Southern States want to protect their catfish industry, which I have enjoyed many samples of over the years. I do not understand the rationale for continuing—particularly under conditions of sequestration—any program that costs the taxpayers unending millions of dollars per year.

I urge my colleagues to demand a vote. All I am asking for is an up-or-down vote on an amendment that is clearly relevant to the consideration of this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I want to add my support to the amendment Senator MCCAIN has just spoken to and my colleague from New Hampshire, Senator SHAHEEN.

Absolutely we should have a vote on eliminating this duplicative inspection of catfish, what the Wall Street Journal is calling one of Washington's most wasteful programs, calling it the catfish scam.

In fact, we had testimony before the small business committee the other day, and I asked the representative of the FDA whether we need duplicative inspections of catfish because right now the FDA is inspecting catfish for $700,000 a year, and this duplicative inspection of it is estimated to cost over $14 million a year. In fact, there was already a study done by the National Fisheries Institute that the USDA had spent more than $20 million to have a duplicative inspection regime. As Senator MCCAIN mentioned, there are nine GAO reports about the fact that we are wasting taxpayer dollars on a duplicative inspection regime that we should eliminate.

The fact that we cannot get a vote on the Senate floor on such a wasteful use of taxpayer dollars—this is why people get frustrated with Washington when it is sitting right before us, and it is so obvious that we should not waste their money when we already have a perfectly good inspection regime that costs so much less versus this added inspection regime, which in the end is going to hurt jobs across this country, including jobs in New Hampshire, because it is going to create not only a duplicative program that wastes taxpayer dollars that common sense would tell us we should have a vote to eliminate, but it is also going to eliminate the opportunity for trade. The free-trade agreements that are currently being negotiated could mean over 8,200 jobs in my State.

James Bacchus, the former chief judge on the highest international tribunal of world trade and former Member of Congress, said this program will result not just in a trade war but also a lawsuit, and the United States will lose. Not only will we lose taxpayer dollars by not having a vote on this program and wasting money, but we will also create an unnecessary trade barrier that could impede future trade agreements and American jobs that can be created.

I offer my support for this amendment, and I do believe we should have a vote on this amendment. Why wouldn't we have a vote on a program that has demonstrated—by nine GAO reports—it has wasted millions of dollars which could otherwise be used to pay down our debt or put to good use in programs that are worthwhile. Yet here we are. We cannot even get a vote.

I share my colleague's concern. I thank Senator MCCAIN and Senator SHAHEEN for bringing this important amendment forward, and I hope we will have a vote to eliminate the wasteful money going into the USDA inspection regime of catfish.

How many times do we need our catfish inspected? It is absurd and time to end this waste and quit wasting taxpayer dollars.

I thank the Presiding Officer.

The PRESIDING OFFICER (Mr. ROUNDS). The Senator from Mississippi.

Mr. WICKER. Mr. President, I understand that Senator WYDEN has priority recognition at this time. I have been informed he does not object to me entering into the debate at this moment.

May I proceed on this amendment?

The PRESIDING OFFICER. The Senator is recognized.

Mr. WICKER. I thank the Presiding Officer.

Mr. President, there are a couple of objectives this McCain amendment would accomplish. For one thing, it was in the 2008 farm bill. The current move to change the inspection from the FDA to the Department of Agriculture is in the current farm bill, and it is about to take place, so it would revisit the last two farm bills. I do not think we should be doing that in a trade promotion authority piece of legislation. Also, it is absolutely not duplicative. It can be said on the floor of the Senate 100 times, but the fact is that the USDA Catfish Inspection Program is not duplicative. It transfers inspection from the FDA to the USDA and the USDA has testified before Congress that when the program is operational, as it is about to be, the FDA program would be eliminated.

Why move it from the FDA to the USDA? Here is the reason: There are a few of us—under controlled situations—who grow most of the catfish that is produced in the United States on farms, including the State of Mississippi and the State of Arkansas.

My distinguished colleagues from Arkansas and Mississippi will speak on this issue in a few moments, I hope.

This is about food safety for Americans in 50 States who deserve to know that the fish they are eating—the product they are eating—is unadulterated.

Here are the facts: Under the current FDA program, only about 2 percent of the billions of pounds of imported catfish are inspected—only about 2 percent. The other 98 percent of this large

quantity come in uninspected. Now, that gives me pause as a consumer. It should give residents of all 50 States pause that 98 percent of the catfish which comes into our country is not inspected.

Here is what we do know about the 2 percent we look at under the FDA program: An alarming volume of the catfish inspected by the FDA already failed to meet standards. They failed to meet consumer safety standards. Many overseas productions are simply not operated under the sanitary conditions that we insist upon in the United States with our farm-raised catfish.

The FDA program does not ensure that trade partners have sufficient health standards nor does it inspect any overseas agriculture operations. They don't go over to Vietnam and look at the operations there and see the safety standards that cause the health risks.

What kind of health risks are we talking about? We are talking about cancer. I have in my hand a page from a draft rule by the Department of Agriculture, dated February 10, 2009. This is a draft rule from the Food Safety and Inspection Service. It turns out—and the GAO has been mentioned here—that the GAO got OMB to ask the FSIS to rework this statement and make it a little softer so we would not go so hard on imported Vietnamese catfish.

Here is what the Department of Agriculture report, which has now been buried, says as to whether or not the Agency used random or risk-based samplings: Applying the Food Safety Inspection Service program to imported catfish yielded a reduction of approximately 175,000 lifetime cancers for Americans—I want that kind of reduction from carcinogens coming into the United States—and 0.79 percent acute toxicities. Using random sampling in the Agency's program yielded a reduction of 91.8 million exposures to antimicrobials and 23.28 million heavy metal exposures. We are talking about carcinogens, we are talking about improper antimicrobials that the USDA program would catch, and over 23 million exposures to heavy metals that we don't need in the United States. Using risk-based sampling yielded a reduction of 95.1 million exposures to antimicrobials.

We are talking about a program that is not going to be duplicative because it is going to move—according to the last two farm bills—from the FDA to the USDA. This excessive government waste we have heard about will not exist, but we will have better safety for the consumers of the United States of America. That is why we do not need to revisit this issue, and that is why the McCain amendment should be rejected. That is why we should take every precaution we can to protect the American consumer, whether in their home kitchens or restaurants.

I yield the floor. Perhaps other of my colleagues would like to address this issue.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senate has made clear the authority of the U.S. Department of Agriculture for imported catfish inspections. It has been debated and resolved in two previous farm bills; first, in 2008 and again in 2014. The USDA catfish inspection is about protecting the health and safety of American consumers. The 2008 and 2014 farm bills required catfish inspection responsibilities to be transferred from the Food and Drug Administration to the USDA Food Safety and Inspection Service upon publication of final regulations.

The need for this regulatory clarification is clear: American consumers could be exposed to dangerous chemicals and unapproved drugs in the imported catfish they eat. According to the Government Accountability Office, about half of the seafood imported into the United States comes from farm-raised fish. Fish grown in confined areas have been shown to contain bacterial infections. The FDA's oversight program to ensure the safety of imported seafood from residues of unapproved drugs is limited, especially as compared with the practices of other developed countries.

According to the Department of Agriculture and other Federal agencies, the Food and Drug Administration inspects only 1 percent of all imported seafood products. This is just not acceptable. The U.S. Department of Agriculture, on the other hand, inspects 100 percent of farm-raised meat products that enter the country, which illustrates why the Department of Agriculture is the appropriate Agency for farm-raised catfish inspections.

Following enactment of the catfish mandate in the 2008 farm bill, the Department of Agriculture conducted risk assessments on the dangers of exposure to foreign agriculture drugs and determined that moving catfish inspections under the USDA inspection system would result in a reduction of 175,000 lifetime cancers, 95 million exposures to antimicrobials, and 23 million heavy metal exposures.

The Catfish Inspection Program will enhance consumer safety but will not result in duplication activities by U.S. government agencies. Upon issuance of final regulations, catfish inspection responsibilities will be transferred to and not shared with the Department of Agriculture.

In order to address perceived concerns regarding duplication, a provision was included in the 2014 farm bill that required the FDA and USDA to enter into a memorandum of understanding to establish clear jurisdictional boundaries.

We consider that this is a time to resolve this issue and put this matter to rest. International equivalence is a concept that originated with the WTO and is regarded as a way to encourage the development of international food safety standards and will help this issue to be balanced fairly among all Members and facilitate our trade with other countries.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to speak about the Portman-Stabenow amendment.

First, I wish to say a word in support of the efforts by Senator COCHRAN and Senator WICKER. I was a partner with Senator COCHRAN in the 2014 farm bill. I support their position as it relates to the catfish provision. Hopefully, we will be able to retain that provision.

AMENDMENT NO. 1299

Ms. STABENOW. Mr. President, I ask unanimous consent to add Senator HIRONO as a cosponsor of amendment No. 1299.

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

Ms. STABENOW. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated September 23, 2013, signed by 60 U.S. Senators, that calls on the administration to include strong and enforceable currency provisions in all future trade agreements.

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

U.S. SENATE,
Washington, DC, September 23, 2013.

Secretary JACK LEW,
Department of the Treasury, Washington, DC.
Ambassador MICHAEL FROMAN,
Office of the United States Trade Representative, Washington, DC.

DEAR SECRETARY LEW AND AMBASSADOR FROMAN: We agree with the Administration's stated goal that the Trans-Pacific Partnership (TPP) has ''high standards worthy of a 21st century trade agreement.'' To achieve this, however, we think it is necessary to address one of the 21st century's most serious trade problems: foreign currency manipulation.

Currency is the medium through which trade occurs and exchange rates determine its comparative value. It is as important to trade outcomes as is the quality of the goods or services traded. Currency manipulation can negate or greatly reduce the benefits of a free trade agreement and may have a devastating impact on American companies and workers.

A study by the Peterson Institute for International Economics found that foreign currency manipulation has already cost between one and five million American jobs. A free trade agreement purporting to increase trade, but failing to address foreign currency manipulation, could lead to a permanent unfair trade relationship that further harms the United States economy.

As the United States negotiates TPP and all future free trade agreements, we ask that you include strong and enforceable foreign currency manipulation disciplines to ensure these agreements meet the ''high standards'' our country, America's companies, and America's workers deserve.

Sincerely,

Lindsey Graham; Rob Portman; Debbie Stabenow; Ron Wyden; Jeff Merkley; Christopher Murphy; John Boozman; Elizabeth Warren; Al Franken; Jay Rockefeller; Barbara A. Mikulski; Benjamin L. Cardin; Tom Udall; Amy Klobuchar; Charles E. Schumer; Joe Manchin III; Robert Menendez; Heidi

Heitkamp; Claire McCaskill; Jeanne Shaheen; Mark Begich; Roy Blunt; Edward J. Markey; James M. Inhofe; Jeff Sessions; Kirsten E. Gillibrand; Saxby Chambliss; Robert P. Casey, Jr.; Christopher A. Coons; Carl Levin; Richard Burr; Jerry Moran; Patrick J. Leahy; Daniel Coats; James E. Risch; John Hoeven; Jack Reed; Tom Harkin; Tammy Baldwin; Joe Donnelly; Mark Pryor; Sheldon Whitehouse; Sherrod Brown; Susan M. Collins; Martin Heinrich; Bill Nelson; Richard Blumenthal; David Vitter; Bernard Sanders; Jon Tester; Angus S. King, Jr.; Richard Durbin; Brian Schatz; Mazie K. Hirono; Pat Roberts; Kay R. Hagan; Mary L. Landrieu; Chuck Grassley; Barbara Boxer; Tom Coburn.

Ms. STABENOW. Mr. President, before speaking specifically to our amendment, I wish also to indicate that there are a number of very important amendments coming before us in this open debate process. I am pleased we have a number of amendments pending that, hopefully, will be offered and voted on that relate to other very important topics.

One of those topics is an amendment currently pending offered by Senator BROWN. I am pleased to be a cosponsor of that amendment. It will clarify the process for new countries to join the Trans-Pacific Partnership and to ensure that additional countries, including China, cannot join the agreement without congressional approval. So I hope we will get a vote on that amendment, which is certainly part of this whole discussion on currency manipulation when we look at Asia, when we look at Japan now, and when we look at China. This is an important amendment.

I also wish to indicate that I have terrific respect for the chairman of the Finance Committee. I wish to address an amendment that I believe will be offered as a side-by-side to the Portman-Stabenow amendment. I urge colleagues to reject what is essentially nothing more than a rewrite of pretty much the same weak language that exists in the underlying bill. It changes some words around. It basically would not put us on record as 60 Members of the Senate to make sure we have enforceable currency provisions in this trade agreement moving forward.

At this point in time, when we look at currency manipulation, it is the most significant 21st century trade barrier there is. To quote the vice president of international government affairs for Ford Motor Company in the Wall Street Journal:

> Currency manipulation is the mother of all trade barriers. We can compete with any car manufacturer in the world, but we can't compete with the Bank of Japan.

We want our businesses and we want our workers to have a level playing field in a global economy. When we are giving instructions—when we are giving up the right to amend the Trans-Pacific Partnership through this fast-track process involving 40 percent of the global economy—we have the right and obligation to make sure we have a negotiating principle in there. We are not mandating exactly what it looks like. We are just applying a negotiating principle that addresses the No. 1 trade barrier right now to American businesses, which is currency manipulation. By some estimates, it has cost the United States 5 million jobs. If we don't address it in this reasonable way, it will cost us millions more.

Our people, our workers, and our businesses are the best in the world. We know that, but they have to have a level playing field. Currency manipulation is cheating—plain and simple. A strong U.S. dollar against a weak foreign currency, particularly one that is artificially weak due to government manipulation, means that foreign products are cheaper here and U.S. products are more expensive there.

One U.S. automaker estimates the weak yen gives Japanese competitors an advantage of anywhere from $6,000 to $11,000 in the price of a car, not because of anything they are doing other than cheating by manipulating their currency. It is hard to compete with those kinds of numbers: $6,000 to $11,000 difference in the price of an automobile. At one point it was calculated that one of the Japanese company's entire profit on a vehicle was coming from currency manipulation.

Frankly, this is not about competing between—the U.S. going into Japan—that has also been a red herring. It is about the United States and Japan competing against each other in a global economy for the business of the developing countries. For instance, we are talking about Brazil having 200 million people. We are competing for that business. India has a population of 1.2 billion people. We are competing—Japan and the United States—for everything in between, everything else. That is what this is about, and it is about whether they are going to continue to be able to cheat.

Also, it is not just the auto industry. It is other manufacturers, as well. This is also about companies that are making washing machines or all kinds of equipment or refrigerators and all of the other products that we make and create using good middle-class jobs here in America.

It also affects agriculture. Anything that impacts the distortions in the economy affects agriculture and every other part of the economy.

So what we are asking for is something very simple and straightforward—very simple—which is that just as we have negotiating objectives in the TPA fast-track for the environment, for labor standards, and for intellectual property rights, we should have a negotiating objective that is enforceable regarding currency manipulation. We are not suggesting what that would look like in a trade agreement, any more than we are specifying exactly what the other provisions would look like. We are saying it is important enough that if we are giving up our right to amend a trade agreement—we are giving fast-track authority—currency manipulation is the No. 1 trade distortion, trade barrier right now in terms of the global marketplace, so we should make sure there is a negotiating principle there. We also say that it is consistent with existing International Monetary Fund commitments and it does not affect domestic monetary policy.

I have heard over and over that somehow what we do through the Fed is impacted. That is not accurate. We are looking, in fact, at over 180 countries that signed up under the International Monetary Fund, saying: We won't manipulate our currency. Yet, even though that has happened—we have seen, in fact, in the case of Japan, for the last 25 years, they have manipulated their currency 376 times. We should say enough is enough.

Now, I also understand we are hearing from the administration. By the way, I am very supportive of their efforts, this current administration's time on trade enforcement efforts. They have won a lot of excellent cases. I wish to commend them for that. I disagree with them on this one position, because they are saying, first of all, that Japan is no longer manipulating their currency—the Bank of Japan. OK, fine. The administration says if we put a negotiating objective into fast-track authority, Japan will walk away. Why would they walk away if they are not doing it anymore? Maybe they want to do it again right after we sign the TPP. Maybe they will do it again, and it will be 377 times. If they aren't doing it anymore, why should they care? It makes no sense.

Either we can trust them and they are no longer manipulating their currency or we can't trust them and we need this provision. It can't be both. Right now, what they are talking about makes no sense. Again, we are not talking about domestic policy; we are talking about direct intervention in foreign currency markets, and that if there is direct intervention in foreign currency markets, we would like to see meaningful consequences that fit with the IMF definitions that countries have all signed up for saying they will not manipulate their currency and that it should comply with WTO enforcement, as we do for every other trade distorting policy, every other trade barrier.

This is actually very straightforward. I am very surprised that it has not been accepted. Frankly, I would have gone further. In the Finance Committee I had an amendment I would love to do which says that TPP doesn't get fast-track authority unless it is clear that there are strong, enforceable provisions on currency in the agreement. This doesn't say that. This is a reasonable middle ground to say, for the first time, that currency manipulation is important, it is a negotiating principle, and we leave flexibility in terms of how that is designed, just as we do with other provisions.

We have strong bipartisan support for this amendment. I wish to thank

Senators BROWN and WARREN, Senators BURR and CASEY and SCHUMER, Senators GRAHAM, SHAHEEN, MANCHIN, KLOBUCHAR, COLLINS, BALDWIN, HIRONO, FRANKEN, MENENDEZ, and HEITKAMP for understanding and supporting this amendment. We have other support as well. I wish to thank Senator GRAHAM. He made a comment, because we care deeply—we were so pleased to get the Schumer-Graham-Brown-Stabenow and others' efforts in the Customs bill related to China and currency, which is so important and which we also need to get all the way to the President's desk. But we know that if we don't put language in the negotiating document we give to the White House, then we are not really serious. Senator GRAHAM said: This amendment is the real deal. That is firing with real bullets.

So if we are serious, if the 60 people who signed the letter are serious—and I hope and believe we are—then we need to make sure the negotiating position we take is to ask—and to direct—the administration to put this in the final negotiations on TPP.

We have, as I mentioned before, enforceable standards language on labor and environment and intellectual property rights. This is not complicated. We need to make sure we are clear on currency manipulation. The IMF has rules about what is and what is not direct currency manipulation. They are clear rules. There are 187 countries, in addition to Japan, that have already signed up saying they will abide by that definition. We just don't enforce it, and we have lost millions of jobs. Again, Japan, after signing, has intervened—the Bank of Japan has intervened 376 times in the last 25 years. We are being asked to rely on a handshake and good-faith assurances that there won't be 377 times. But we are being told if we even put language requiring a negotiating principle into this document, that somehow Japan will walk away. This makes absolutely no sense whatsoever. We have a responsibility, if we are giving up our rights to amend a document, to amend a trade agreement. If we are giving up our rights to require a supermajority vote in Congress, if we are doing that, we have a responsibility to the people we represent to make sure we have given the clearest possible negotiating objectives to the administration as to what we can expect to be in a trade agreement. That is what TPA is all about. If, in fact, currency manipulation is the mother of all trade barriers, why in the world would we not make it clear that currency manipulation should be a clear negotiating objective for the United States of America?

Let me just say again that we can compete with anybody and win. Our workers, our businesses, our innovation can compete with anybody and win. But it is up to us in Congress, working with the White House, to make sure the rules are fair. I hope colleagues will join us in passing the Portman-Stabenow amendment to make it clear we understand in a global economy what is at stake and that we are going to vote on the side of American businesses and American workers.

Thank you, Mr. President.

RECESS

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

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

ENSURING TAX EXEMPT ORGANIZATIONS THE RIGHT TO APPEAL ACT—Continued

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Thank you, Mr. President. I appreciate the Presiding Officer being my colleague from my State of Ohio.

AMENDMENT NO. 1251

Mr. President, with the Trans-Pacific Partnership, we are considering the largest trade deal in our Nation's history. Forty percent of GDP is affected by the Trans-Pacific Partnership. We have a responsibility to ensure this deal does not get any bigger without congressional approval. That is why I am offering this amendment, the so-called docking amendment, along with many of my colleagues, to prevent the Trans-Pacific Partnership from being a backdoor trade agreement with China. What does that mean? Right now, there is nothing in this trade legislation—nothing—that we are considering to prevent the People's Republic of China from joining the TPP at a later date. Without a formal process requiring congressional input and approval for countries like China to join the TPP, we might as well be talking about the China free-trade agreement.

This amendment spells out in law a detailed, important process, step by step, for future TPP partners to join the agreement. It does not say they cannot join; it just says here is how they join—because TPP and TPA seem to be silent on that.

Here is how it works. The President would be required to notify Congress of his or her intent to enter into negotiations with a country that wants to join the TPP. The notice period would be 90 days. During that time, the Finance Committee and the Ways and Means Committee would have to vote to certify that the country considering joining the TPP is capable of meeting the standards of the agreement. It would stop sort of backdoor Presidential authority, whether it is President Obama or the next President making that decision. After that, both the Senate and the House would have to pass a resolution within the 90-day window approving that country joining the negotiations.

So if the President decides that he or she wants China to join these 12 Trans-Pacific Partnership countries, the President cannot do that unilaterally. The President needs to go through this process and ultimately bring it to a vote by Congress. Then the American people can have their say. If it is just done unilaterally and quickly and maybe even kind of quietly by the President, the public would have no input. But if it goes through the congressional process, the Finance Committee and the Ways and Means Committee—I do not think we speak to the order of that—the notice period would be 90 days, so the country would then have 90 days to speak its mind about what we all think, we 300-some million people in this country think about this new country—not just China. That is obviously the most important, the most salient, the one we pay the most attention to—the second largest economy in the world. The implementing bill for that country to join the TPP would be subject to fast-track authority only if TPA were still in effect at that time. This process is vital to ensuring a public debate on what would be one of the most consequential economic decisions in a decade.

TPP, as we all know, already affects 40 percent of the world's GDP. If China piggybacks on this agreement, we will be looking at a sweeping agreement that will encompass the two largest economies on Earth. In fact, it would then perhaps be three; it would be the United States, then China, then Japan. A deal of that scale demands public scrutiny. A deal of that scale demands congressional input. A deal of that scale demands that the American public weigh in.

We know China already expressed interest in joining the agreement at the end of last year. News reports indicate they are monitoring these talks closely. Of course they are. We also know China manipulates its currency, even though Presidents Obama and Bush would not say that. We know they manipulate their currency. We know China floods our market with subsidized and dumped steel imports. We know China pursues an industrial policy designed to undercut American manufacturing.

Sitting in front of me is the junior Senator from the State of Washington, who has worked so hard and is on this floor to make sure it happens, that we reauthorize the Export-Import Bank. We know what China has done there to sort of end run the United States and what the failure of our doing that here would mean to even give greater advantages to China.

Mr. President, 2016 will mark China's 15-year anniversary in the World Trade Organization. We saw what happened after Congress, in 1999, 2000—that period—normalized trade relations with China. China became a member of the World Trade Organization. Fifteen years ago, our trade deficit with China was not much more than $15 billion a year. Today, our trade deficit with China is $25 billion a month. So it went