United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, MONDAY, DECEMBER 3, 2007 No. 183

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, December 4, 2007, at 2 p.m.

Senate

MONDAY, DECEMBER 3, 2007

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, heavenly Father, open our hearts to Your movement in our midst. As we trust Your providence and cling to Your promises, give us wisdom and spiritual eyes to see You at work.

Keep our lawmakers from being intimidated by the challenges they face, as you protect them by ordering their steps. Clothe them with the armor of integrity, shield them with Your truth, and guide them with Your power. Help our Senators to please You by living blameless, holy, and peaceful lives. Lord, give them a hunger for Your words and a desire to apply Your knowledge in their daily walk. We pray in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 3, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURES PLACED ON THE CALENDAR—H.R. 3703 AND H.R. 3997

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3703) to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines.

A bill (H.R. 3997) to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business with Senators having 10 minutes each to speak. Shortly I will propose an agreement with respect to the Peru Trade Promotion Agreement. That agreement will provide for a period of debate today with a concluding vote tomorrow at the completion of our weekly caucuses. There will be no rollcall votes today.

SENATE RECORD

Mr. REID. President Bush spoke from the Rose Garden this morning. It is hard to comprehend his words, the President of the United States going to the Rose Garden today, saying he wanted us to use the time left in this congressional year to ''support our troops, and to protect our citizens, prevent harmful tax increases. . . .'' He also indicated, in that same brief statement, that we as a Congress had little to show for our having been in a year.

We passed a budget, the first one in 3 years. It was a balanced budget we passed. We implemented—even though they were years and years overdue—the 9/11 Commission recommendations. We passed Homeland Security funding. We passed a pay raise for our troops—we

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

have consistently equipped our troops with programs and materials that the President did not ask for but we believe the troops needed, and time has proven they were needed. We provided health care for wounded soldiers and veterans. We set benchmarks for Iraq. We focused on the neglected National Guard, and I am glad we did that. We passed ethics and lobbying reform. We passed a CR that has funded the Government and will to the end of this year. We shortly will be doing an energy bill. We passed one here, but we hope to have one that will be a bipartisan bill that we will pass here by the end of the year. We completed a minimum wage bill that was 10 years past due. We passed the American Competitiveness Act. We passed a higher education bill, the most significant piece of legislation since the GI bill of rights, dealing with higher education. We also passed the Elementary and Secondary Education Funding Act, which was long past due. We funded Head Start, stem cell research—the President vetoed that but we passed it; very important legislation. We passed SCHIP, the children's health insurance program. The President vetoed that. We passed FDA reauthorization, Coast Guard revitalization, the Corps of Engineers reform, which was long overdue, disaster assistance for small businesses. We have certainly done good work regarding disaster assistance for farmers, which was also long overdue—3 years past due. With the scandal that occurred in the Attorney General's Office, we were able to focus on the U.S. attorneys and change the law in that regard.

These are just a few of the things we have done, but we feel good that we have done them. The President should not demean what we have done here. These are pieces of legislation, some of which he signed. We want to work with the President and we have tried to work with the President, but the end of this administration, the Bush administration, is fast approaching. Frankly, if he wants to talk about accomplishments, for 1 year of the Democratic-led Congress compared to his 7 years of the Republican-led Presidency, the comparison is quite stark. He has, to show for what he has done, an endless war that we have been involved in, which soon will be in its sixth year, an ever shrinking middle class, and a budget gone from record surpluses to record deficits.

President Bush calls on Congress to ''support our troops,'' and we have done that. But it is the President who has stretched our military nearly to its breaking point. Editorials in today's newspapers certainly indicate how we are failing in supplying our military with materials they need, the equipment they need to maintain their readiness. It is this President who has kept our troops abroad for two, three, and four tours of duty. Some have served five tours of duty. A war, I repeat, soon to be in its sixth year, a war that General Petraeus has said cannot be won militarily, and we are getting no help from the Iraqis to get their house in order politically.

It is the President who has sent our troops into battle without proper protection and neglected our veterans' care when they returned home. I repeat, it was this Democratic Congress that provided funds for body armor, voted for a troop pay increase, provided funds to fix the neglect at Walter Reed and other military health facilities so our troops can get the care they need when they return from combat.

President Bush calls on Congress to ''protect our citizens,'' but it is President Bush who has failed to capture bin Laden, who taunts us with new videos and new threats often. It is this President who allowed al-Qaida to regroup and become stronger than ever. It is this President who has consistently underfunded the homeland security priorities that keep us safer in our cities and towns. And it was this Congress that finally implemented the recommendations of the 9/11 Commission, so long ignored by the President and his Republican enablers, which helped secure our most at-risk cities, gives our first responders the communications tools they need in an emergency, and improves oversight of our intelligence and homeland security systems.

President Bush calls on Congress to ''prevent harmful tax increases and responsibly to fund our Government,'' but it is President Bush's reckless fiscal irresponsibility which is growing the national debt at an astounding rate of $1 million per minute, for a total increase of more than $3 trillion on his watch.

President Clinton was actually paying down the debt by a half trillion dollars. In the last 3 years he was in office, we were spending less money than we were taking in. But it is this President who has increased our debt to foreign governments by more than all former Presidents combined. In the 230 years we have been a country, all the Presidents combined did not increase the debt like this President has done. He has increased our debt to foreign governments by more than all former Presidents combined, but it is this President who has stuck this bill for his failed policies squarely on the shoulders of our children and grandchildren. Every person in this country—a baby of 1 day, a person of 100 years old—owes $30,000 to make up this almost $10 trillion debt that is fast approaching.

It is this Democratic Congress that has put working families first, with the first increase in minimum wage in a decade to give hard-working but least paid Americans a little more to help ends meet. Remember, the minimum wage affects a lot of people. It is not kids flipping hamburgers at McDonald's. For 60 percent of the people who draw minimum wage, that is the only money they get for their families. The vast majority of people on minimum wage are women who work.

It is this Democratic Congress which provided health insurance to millions of more low-income children with the Children's Health Insurance Program. The President vetoed this. President Bush's veto will cut 5.5 million children off the ability to go to the doctor when they are sick—5.5 million. We wound up with 10. Even if we extend the present bill, we will lose 5.5 million children and wind up with 4.5 instead of 10.

It is this Democratic Congress that made investments in Head Start and student financial aid so that all children, regardless of the wealth of their parents, can get started on the right track and have an opportunity to go to college.

Unlike Bush, we paid for our priorities in a responsible way. We have a pay-go system. If we increase a program, change a program in a way that costs money, we pay for it.

This President and his allies in Congress have led the American people down a very dark path. This Democratic Congress, in its first year, has made America stronger, safer, and more prosperous. But with President Bush and the Republicans fighting us, a record number of filibusters—57—with empty rhetoric, obstruction and vetoes, we still have a lot of work to do—and that is an understatement. In this final work period of the year, our plate is full. We have to return our focus to finally ending the war in Iraq that has cost our troops and country so dearly.

Here I wish to cite a statement from a Republican running for President. Here is what he said: Everything is much worse if we stay in Iraq. Right now they are very content to bleed us in Iraq, bleed us financially and by killing Americans. We lose lives. If we spend money we don't have, it furthers our financial crisis. The longer we are there, the stronger al-Qaida gets. Our being there is the greatest incentive conceivable to help Osama bin Laden. The evidence is very clear that there is more al-Qaida than before, which means we are in greater danger of being hit by terrorists than before. Besides, who are all these people telling us there will be a problem if we leave? The same ones who said it would be a cakewalk. What kind of credibility do they have?

I repeat, this is a Republican, not a Democrat.

We want to take up the House-passed bill that provides $50 billion in emergency funds to our troops and requires the President to transition the mission from combat operations to security, training, and antiterrorism.

Over the Thanksgiving holiday, we began to hear the rumblings of what is sure to be an outrageous line of attack from the Bush White House. The week we left here, Secretary Gates told us that the Army had enough money—with the $460 billion bill we just

passed—had enough money to fund them until the 1st of March; the Marines until the middle of March. That is what Secretary Gates told us. But the spin machine of the White House is trying to overrule what the Secretary of Defense told us, saying we are going to have to lay people off, there is not enough money for mine detection equipment and things of that nature.

That is totally contrary to what the Secretary of Defense said. This Secretary of Defense has credibility compared to his predecessor

Secretary Gates has credibility. That is what he told us: The Army is OK until the first of March; the Marines are OK until the middle of March.

But over Thanksgiving, we get rumblings from the spin machine at the White House. The President is saying: We are not sending money to the troops. This is not true. It is cynical politics at its worst. The American people are too smart to fall for this. Facts are clear. We just passed nearly a half-trillion-dollar Defense appropriations bill. The Department of Defense is fully funded.

Before the holiday we offered another $50 billion funding package on top of the $460 billion to support our troops in combat, provided he heed the call of the American people and change course. The President and his supporters in Congress, which are all Republicans with rare exception, rejected that package.

The President said no to funding his own war unless he is given a blank check to continue his failed policies. Nevadans and the American people know the current course has not brought the political reconciliation the President promised.

They realize it makes no sense for President Bush to blame Democrats because he rejected the funding package that we offered. This week we will try again to give the President the opportunity to accept troop funding. We will try to return to the House-passed bill. We will give our Republican colleagues another opportunity to stand on the side of our troops in battle by passing legislation that contains additional funding and provides a strategy to bring the war to a responsible end.

Iraq is just one of the many funding priorities we must pass in the weeks ahead. We have to deal with the appropriations bills, in large part because the President has been stubborn and unreasonable. Rather than work with us to resolve the differences that amount to less than 1 percent of our budget, the President threatened to veto every appropriations bill before it was even written.

We have offered to compromise with President Bush to split the difference. No. So far it does not appear the President is ready to do the right thing for the American people by accepting compromise.

But I hope Senate Republicans will act more responsibly. We have to do something about the AMT. According to the Joint Committee on Taxation, 19 million American families and 150,000 Nevadans will be forced to pay the AMT next spring if we do not take action before the year is out.

Before Thanksgiving, the House passed AMT relief. After their vote, I offered a consent agreement to hold three votes: one on the House AMT relief bill, one on Senator LOTT's amendment to repeal the AMT, and one on an amendment by Senator BAUCUS to fund it. Unfortunately, our Republican colleagues blocked these three votes. Despite the President's warning to them that we must move quickly on AMT, they chose to follow obstructionism. I cannot emphasize enough how important it is to move forward on this legislation. I hope the Republicans will end their obstruction on this vital tax relief so we can move to a vote. If they do not, I will have no choice but to file cloture so we can move to vote on the House bill. That is exactly what I will do.

In the coming days, we will have to turn to FISA, the Foreign Intelligence Surveillance Act. Earlier this year, the President signed a flawed temporary law on this subject that will expire in early February. Both the Intelligence and Judiciary Committees have reported a bill that improves current law. The House has passed its own version. The full Senate must debate this matter in December to allow sufficient time for negotiations with the House before the February deadline.

We need to give our intelligence professionals all the necessary tools, while at the same time protecting the privacy of law-abiding Americans and following our Constitution. Vigorous intelligence gathering should be accompanied by meaningful judicial review and strong congressional oversight. FISA struck a balance well for 30 years, and now we can make it even more effective. Both of these Senate committees have worked together in a bipartisan manner. Chairman ROCKEFELLER and Ranking Member BOND, along with Chairman LEAHY and Ranking Member SPECTER, are sorting through differences in the work of their two committees. I hope under the leadership of those four Senators we will pass a bill that strikes the right balance and makes our country safer.

Later this work period, we will move to finish work on the Energy bill. In June, this Senate overwhelmingly passed a landmark Energy bill to improve fuel efficiency and invest in renewable fuel technology. This bill would save Americans lots and lots of money at the gas pump and on their heating bills.

Unfortunately, Republicans would not allow us to go to conference on this bill. We continue to work toward a bipartisan resolution so we can send a strong Energy bill to the President's desk before the year is up.

We will also attempt to turn again to the farm bill. Prior to the holiday, we were unable to complete action on the farm bill because of the overwhelming number of amendments filed, many of which had nothing to do with farming. Senator MCCONNELL and I are working through these amendments to come up with a reasonable list.

While we have been on the Thanksgiving Day break, staff has been working, and I think we are at a point where we should be able to do a farm bill by unanimous consent.

I have outlined seven major legislative initiatives that we must address before the 2007 legislative calendar draws to a close. We need to do this for the American people. It is reasonable and necessary. We began this year with great success. We have restored integrity to Congress. We put working families first. We put teeth behind homeland security and veterans care. But a funny and unfortunate thing happened next. The President and his Republican supporters in the Senate determined that while bipartisanship made good policy, obstruction made better politics.

For the past many months, we have seen an unprecedented level of obstructionism. That is not rhetoric, it is fact. We have sought more than 40 votes to change the course in Iraq. More often than not, a bipartisan majority of the House and Senate supported these votes. Nevertheless, again and again, the Republican leadership blocked these votes from taking place.

Most recently, Republicans blocked the Transportation/HUD appropriations bill, which invests in our crumbling roads, bridges, dams, tunnels, and our infrastructure. They blocked progress on the Energy bill which would reduce the ever-increasing costs the American people pay to heat their homes and fill their gas tanks.

They blocked the farm bill, which would stabilize the Nation's food supply and improve the nutrition of our children. They blocked the FHA Modernization Act, which would have helped families heat their homes in the face of the ongoing mortgage crisis.

In all, Republicans have now blocked the priorities of Americans by forcing 56 cloture votes, fast approaching the all-time record of 61, that took a full 2-year session. That was too many. But 56, not even halfway through, is significantly headed in the wrong direction. They have already neared an all-time, 2-year obstruction record in less than a year. That would be like a ball player hitting 73 home runs by the All-Star break. That is not good. This is not normal obstruction. This is obstruction on steroids.

It is not too late for the Republicans to change course and work with us. I find it hard to believe that Republicans truly oppose the AMT fix, FHA reform, infrastructure investments, and childhood nutrition. I hope my friends on the other side of the aisle believe they stand to gain politically by getting the most done for our country, not the least done for our country.

But I hope in what little time we have left this year, with so much left

to accomplish, the march toward the obstructionism record can be cast aside. And when we recess for the year in a few weeks, I hope we can add meaningfully to the bipartisan change that we have begun to deliver this year. This can only happen if the Republicans decide to work with us for the American people.

Mr. President, I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNFINISHED BUSINESS

Mr. MCCONNELL. Mr. President, we are now in the final days of this session, and congressional Democrats have left an enormous amount of work undone. As we move into the final stretch, let's take stock of the unfinished business. On spending, we are 2 full months into fiscal 2008, and our friends across the aisle are still staring at 11 unfinished spending bills out of the 12 they were supposed to do. We need to work together to get those overdue spending bills signed into law.

On troop funding, thousands of American families will have sons and daughters fighting overseas this Christmas, and under the Constitution that falls on us to provide for them. We may disagree about the mission, but no one should disagree about getting those courageous men and women everything they need while they are fighting in the field. Congressional Democrats need to get serious about the troops and get them the funds they need without any more games and without any further delay.

We have heard some remarkable reports from Iraq in recent weeks. Sunni tribes and other militants who turned against al-Qaida are now working with coalition forces to secure Iraqi neighborhoods and towns. Refugees are returning to Iraq in droves. Shops are reopening, curfews are being relaxed. Al-Qaida in Iraq, we are told, has been pushed to the brink.

Americans like what they have heard, and even some congressional Democrats have acknowledged the positive reports. Congressman MURTHA, a hero of the antiwar left, says the new strategy is a success. Congressman DICKS talked about a new feeling of normalcy in Iraq. Thanks to the increase in U.S. forces and a smart new strategy, we have seen a stunning reversal.

Unfortunately, talk of congratulations is scarce among the antiwar left. Rather than stop for a minute to acknowledge what we are hearing from the field, our friends on the other side now seem to be looking around for something that is not going well so they can blame that on Republicans.

According to press reports, they have settled on gas prices. And we do need to do something to lower energy costs. But the bill our Democratic friends are reportedly about to bring to the floor will not do that. In fact, the bill they are discussing would actually increase gas prices at the pump and electricity bills in States that do not have an abundance of windmills. An energy bill that raises the cost of energy is not what we need today.

Frankly, I am baffled by the congressional Democrats' position on the whole troop funding debate. Earlier in the year, they said sending more troops to Iraq would lead to failure. Then they approved the funds anyway. Now they say things are going well, and they want to cut off the funds that are needed to finish the job. So they funded the war when they thought it would fail, and now they want to defund it when they think it is succeeding.

Does this make any sense at all? Reasonable people could be able to agree that now is not the time to talk about walking away from our troops in Iraq. Yet this is exactly what Democrats are planning to do.

The senior Senator from Massachusetts has said he thinks the Democrats have an obligation, an obligation to cut off funds for the war. And now they are apparently following through with it. Just in time for the holidays, they are forcing the Pentagon to prepare pink slips for more than 250,000 employees as a way of getting around the threat.

I would urge the majority to rethink its position, to keep its word, and to send our troops the funds they need to finish their mission and return home in success. We have a solemn obligation to assure America's military families that their sons and daughters will get whatever they need. Let's not break that trust at this moment of optimism and hope and good news from the field at a time when even Congressman MURTHA says the surge is working.

Congressional Democrats need to get serious about security at home too. It is no accident that we have not been hit here since 9/11. We passed the PATRIOT Act, set up the Department of Homeland Security, and made sure intelligence agents would have the tools they need to do their jobs.

One of those tools is the Protect America Act that we passed in August and expires on February 1. This essential terror-fighting tool recognizes that we need to be able to monitor terrorists overseas. And however the Senate deals with its expiration, we must protect its core strengths. But Democrats on the Judiciary Committee seem to disagree. They just voted for a revised version of this law that weakens it in dangerous ways. The experts tell us that under this new version, the Judiciary Committee version, U.S. commanders could be blocked from gathering critical intelligence on foreign targets.

Imagine: An American commander prepares to attack a city such as Fallujah. He gives orders for a blanket surveillance of the city to pinpoint terrorist activity. Then the lawyers step in and say: Sir, you cannot do that. You need to go to the FISA Court first.

Well, this is one vision of how to fight the war on terror. Republicans have a different view. We think we need to stop foreign terrorists who want to kill innocent Americans, not be paralyzed into inaction over their search and seizure rights.

Republicans are ready to support the bipartisan, commonsense Senate Intelligence Committee bill. In addition to allowing our commanders greater freedoms in the field, this version recognizes that telecom companies should not be sued for doing their patriotic duty in helping intelligence officials to protect American lives.

It also recognizes if these companies are exposed to lawsuits, taxpayers should not have to foot the bill, which is exactly what Democrats on the Judiciary Committee are proposing. They want to make sure the trial lawyers are happy one way or another. We need to protect the telecom companies that did their duty and the taxpayers, not the trial lawyers, who want to bring these lawsuits.

Congressional Democrats have neglected their duty on the 12 spending bills. They are threatening to neglect their duty to the troops in the field and to our security at home. Now they are about to slap millions of Americans with a middle-class tax hike better known as the AMT.

Well, the American people have a right to know how Democrats found the time for 63 Iraq votes over the course of the past year, some of them at midnight, but somehow couldn't find an afternoon to fix a mistake in the Tax Code that is about to hit 50 million households. It is not as if they didn't see it coming. They have known about the problem all year. Treasury Secretary Paulson reminded us of its urgency in October. He sent us a letter, dated October 23, reminding us that the problem was before us. He warned that if Congress didn't act by early last month, about 25 million households would get mistakenly whacked with a major tax hike. He said if we didn't act by the middle of this month, 50 million would face delays in getting their refunds. Even if we acted today, millions of tax returns will still be delayed. We have already inconvenienced millions of American taxpayers by inaction.

The IRS oversight chairman reminded us about the problem again last month, saying the longer we wait, the longer the refund delays would be. Here is a letter from the IRS, dated November 26. This is a tax none of these people were ever intended to pay. Originally targeted at fewer than 200 families, it was never indexed for inflation. It is a mistake that has never been permanently fixed, and Republicans are not about to let Democrats impose a

new tax on a lot of other taxpayers to pay for its correction. Americans don't need to be giving Government an interest-free loan in April by letting the IRS hold on to their refunds. They need to get their refunds when they expect them. We need to fix the AMT without new taxes, and we need to do it now. The number of families affected is staggering: Democratic foot dragging on the AMT threatens 1.6 million taxpayers in New Jersey, more than 3 million in New York, and nearly 4.5 million in California. That is more people in California alone than we have in my State. We need to block this giant middle-class tax hike now before voters get stuck with it in April.

Senate Democrats need to act on executive nominations, including nominees to head the Department of Veterans Affairs and the Department of Agriculture. The Judiciary Committee needs to do a much better job processing circuit court nominations. Christmas will be here before we know it, and we have only had one hearing—one—on one circuit court nomination since the summer recess. We have only had five hearings for five circuit court nominees the entire year of 2007. During a comparable period in President Clinton's last Congress, the Republican-controlled Senate held hearings on 10 of President Clinton's circuit court nominees, including five after the August recess.

We have had qualified circuit court nominees up here for months who satisfy the supposed criteria of the Democratic majority. There is no good reason for the Judiciary Committee to bring progress on circuit court nominations to a standstill. It is time our colleagues on the other side acted on nominations and on the other legislative duties I have listed.

They have spent nearly a year now focusing on politics rather than essentials. Now they are trying to distract the public by shifting the focus at the finish line. We need to pass the bills that keep the Government functioning. We need to stop taxes from being raised on the middle class. We need to strengthen the laws that help us catch terrorists before they strike, and we need to fund the troops in the field.

It is now December, the last month of the year. Senate Democrats have more to do in these last few weeks than they have already done all year. It is time to stop the political show. It is time to focus for once on the fundamentals.

Mr. LEAHY. Mr. President, as the Senate begins its final work period of the year, I wish to thank those members of the Judiciary Committee who have been cooperative and who have worked so hard throughout this year. Much has been accomplished. But much can still be done. We reported and the Senate passed an important privacy measure, the Identity Theft Enforcement and Restitution Act, S. 2168, just before the Thanksgiving recess. I urge the House to adopt it without delay. In addition, the Senate again passed our copyright bill to protect vessel hull designs, S. 1640, which I hope will also be adopted by the House.

Months ago we reported and passed an important court security bill, S. 378, and Freedom of Information Act reform legislation, S. 849. I believe that we have resolved differences raised by the House and should be able in the short time remaining to us this year to have the Senate reconsider these measures in slightly modified form, pass them by unanimous consent, and have the House endorse them, as well.

I would like to see us consider and pass important matters the House has passed and sent to us. The Free Flow of Information Act, H.R. 2102, is on the Senate calendar. It would provide protection to first amendment values by establishing a Federal privilege and procedure for considering claims of press protection. For the first time, this year the Judiciary Committee reported a similar bill, S. 2035, and we did so on a bipartisan basis. We should proceed to enact this legislation into law.

Another important matter sent to us from the House that I would hope we could enact before adjourning this year is one on which we have worked for some time, the Employment Non-Discrimination Act, H.R. 3685. We also have before us a House-passed version of the Second Chance Act, H.R. 1593. While it does not include every provision I would have liked to incorporate, we should nonetheless proceed to enact this legislation.

I urge the Republican Senator who has a hold on the bill to extend temporary judgeships around the country, S. 1327, to remove this hold so that we can provide the relief needed in our Federal judiciary in Kansas, Ohio, Nebraska, California, and Hawaii. Enacting court security legislation will likewise require the relinquishing of a Republican hold. Another matter stalled since this summer by a Republican hold has been the Emmett Till Unsolved Civil Rights Crime Act, S. 535. I have made statements to the Senate about these consensus measures before. I hope that with the year rapidly ending, the Republican Senator holding up these worthwhile matters will reconsider the opposition and allow bills supported by an overwhelming, bipartisan majority of the Senate to pass.

A number of other measures reported by the Judiciary Committee have been delayed by Republican holds too. If it is not possible to move these measures this month, I urge the Senate to take up and pass these bills when it begins its second session in January. One such bill is the War Profiteering Prevention Act, S. 119, which was reported by the committee in April. It would provide a significant new tool for Federal law enforcement to combat the scourge of war profiteering, and it is needed now more than ever, given the ongoing reports of rampant fraud, waste, and abuse in Iraq. Another is the School Safety and Law Enforcement Improvements Act, S. 2084, which we developed in response to the tragedy at Virginia Tech.

When we return next year, we will have the opportunity to consider and enact patent reform legislation, the Leahy-Hatch Patent Reform Act of 2007, S. 1145. I hope that we will also make time to consider our comprehensive bipartisan data privacy bill, the Leahy-Specter Data Privacy and Security Act, S. 495, which we reported in May.

Next spring I hope we can turn to the Deceptive Practices and Voter Intimidation Prevention Act, S. 453, which the committee reported this fall, and our bipartisan Leahy-Cornyn Public Corruption Prosecution Improvements Act, S. 1946, that adds teeth to our ethics reforms.

These are just some of the matters on which the Judiciary Committee has been hard at work this year. We could not have accomplished what we have without the contributions of our members. I want, in particular, to commend our newest members, Senators CARDIN and WHITEHOUSE, for their exceptional work. They have initiated legislative efforts, chaired important hearings, and been full partners in the work of the committee.

I would also like to thank and commend Senator DURBIN for chairing our newest subcommittee, the Subcommittee on Human Rights and the Law, and for making it one of the most active and productive subcommittees we have. Senator DURBIN has originated genocide accountability and child soldier accountability legislation, trafficking in persons legislation, and war crimes legislation, all in rapid succession. He has made the Human Rights Subcommittee into what we hoped it would be, a vehicle to focus our attention on fundamental aspects of what makes us all Americans. We all owe him a debt of gratitude.

Of course, we would not be nearly as far along in our work without the help of our Republican members, led by Senator SPECTER. We have proceeded with significant bipartisan legislation on privacy, press shield, patents, FOIA, public corruption, and crime. Currently we are working together to improve the FISA legislation about to be considered by the Senate by exploring whether we can adopt an amendment that will increase accountability through the procedural device of substitution, rather than a blanket grant of retroactive immunity for the warrantless wiretapping of Americans that took place from 2001 through 2007. Senator SPECTER and I joined to seek to restore the great writ of habeas corpus but, despite support by a majority of the Senate, we were stymied by a Republican filibuster. Likewise, we have joined to achieve majority support for voting rights for the District of Columbia only to be blocked this year by another Republican filibuster.

I hope that as we enter these last few weeks of the year, we are allowed to

make progress on the matters I have outlined here today and that the obstruction that has stalled our further progress will not be continued. Let us move forward together in the best interest of the American people. Any Senator can prevent action on an item in these waning days of the session. There is no secret or magic about that. The question for Senators this month is whether they are willing to put aside minor differences and partisan agendas to join with us in making progress and moving forward.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from Massachusetts is recognized.

ORDER OF PROCEDURE

Mr. KENNEDY. Mr. President, I ask unanimous consent that following my statement, the Senator from Colorado be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IRAQ

Mr. KENNEDY. Mr. President, I listened with interest to my friend from Kentucky comment about my statement on Iraq and the importance of disengagement with the withdrawal of American troops. I don't intend to restate my positions on the war this afternoon. I came to the floor to address another issue. But I will point out that one of the best votes I have cast in the Senate was in opposition to the resolution, supported by the Senator from Kentucky, that took us into Iraq, where American forces have been fighting for a longer time than all of World War II and where we see the continued loss of American lives—some 37 American lives lost last month—and billions in taxpayer dollars flooding into the sands of Iraq. Still, there is not the reconciliation by the Iraqi political leadership to develop some kind of Government that could be the basis for independence in the future. As our brave men and women are fighting gallantly and with great valor there, they are entitled to a policy that is worthy of their valor. Today they are effectively being held hostage by Iraqi politicians who refuse to negotiate among themselves and form a government. That might be satisfactory to the Senator from Kentucky but not to the Senator from Massachusetts. Evidently, the Senator from Kentucky wants to give a blank check to the Iraqi politicians: Continue your squabbles over there, while we continue to see the loss of American lives and blood.

Not the Senator from Massachusetts. They have had their time. What is going to convince the Iraqi politicians we are serious? What will send the message is when we demonstrate that we are starting to withdraw American troops. Then they are going to make political judgments for their survival.

But not today. If the Senator from Kentucky wants to continue an open-ended commitment with American lives and American treasure, that is his position. It is not mine. I don't think that is where the American people are.

How long is it going to take for the Iraqi politicians to get together? They are not doing it now. They didn't do it yesterday. They don't appear to be willing to do it tomorrow, even though we have had assurances from the administration that success was around the corner.

This is a matter of enormous importance and consequence. We will continue the debate. That is why I am a strong supporter of what our leader pointed out earlier today, talking about a proposal that has been put forward in terms of what is called bridge funding.

THE ECONOMY

Mr. KENNEDY. Mr. President, I rise to take a few moments to talk about the state of our economy. I do so because during the break, I had the opportunity to talk with a lot of people in my own State of Massachusetts. Our State is not greatly different from many other States, certainly in the northeastern and central part of the Nation, older industrial States. The conclusion of working families and the middle class is pretty consistent across the country, that the state of our economy has given working families a good deal of fear.

Let me review quickly what our current situation is. The vast majority of Americans are anxious about the economy. This is from the latest poll in November of 2007: 78 percent say the economy is getting worse, the most negative outlook in the past 16 years. We have to ask ourselves: Is this a Democratic, Independent or Republican view? Let's look across the spectrum: 89 percent of Democrats feel that way, and these are representatives of working families; Independents are 78 percent. Even among Republicans, 65 percent believe the economy is getting worse.

This sense of anxiety about a growing economy has been there for some time. Look where it was in January of 2001. Fifty-six percent of Americans were concerned about the economy. Now look at November of 2007. It has gone from 56 percent to 78 percent who are concerned about the economy.

Let's look at how working families view the future for the next generation, their children. Working families feel insecure about their children's economic future. This is a current assessment of how working families view what is going to happen to their children: 23 percent believe their children will be better off than they are today; 30 percent believe their children will have the same future as they have; and 42 percent believe their children will be worse off than today. This is a defining aspect of what our country is about. It is about the American dream. It is about hope and opportunity, not only for themselves but for their children and their children's children. When you lose that hope, you begin to lose working families' views about the American dream.

This chart shows an explanation of why this has happened. We are growing further apart in terms of wages and productivity for middle-income families. From 1947 to 1962, as we came out of World War II, as productivity increased, wages increased, and the economy went along together, all of the different quintiles of the American economy went along together. We all grew together. There was a sense of optimism and hope because we had a shared economy, a shared future. But look at what has happened in terms of real wages and productivity. Productivity has escalated 205 percent. Wages have effectively gone up about 5 percent over the last 7 years in terms of real dollars and the rest of that productivity has gone to the wealthiest individuals.

One of the principle reasons is because wages have effectively remained stagnant. We have seen what has happened to the price of gasoline. It is up 66 percent. Health care is up 38 percent. Education is up 43 percent. Home ownership is up nearly 40 percent, and effectively wages are stagnant at 5 percent. These are the things that families are concerned about, how they are going to get to work. How they are going to be able to afford health care, to send their children to school? Are they going to have a home?

This is what all of us have seen in many of the colder regions of the country. As the temperature drops, home heating oil prices have gone through the roof: $1.83 a gallon in 2001; in 2007, $3.29. It has gone up 33 percent in real terms since last year. So homes have gotten more expensive. Education is more expensive. Fuel is more expensive. Health care is more expensive. Heating oil is more expensive. This has all contributed to the growth of insecurity.

The price of food has risen faster than the rate of inflation. Whether it is a pound of beef or whether it is eggs, prices are rising up to 50 percent faster than the rate of inflation. Even milk is higher than the rate of inflation.

All of this has been happening while working families have been working longer and harder than those in any other industrial nation of the world.

Here, as shown on this chart, we have nearly 40 million Americans—28 percent of the American workforce—who work more than 40 hours a week. Also, 1 in 10 workers works more than 50 hours a week. So almost 30 percent work more than 40 hours a week. Mr. President, 7.9 million Americans are working two or more jobs. American working hours are the second highest of any of the developed countries.

This chart is a good indicator. Americans' work has increased more than any other industrialized country of the world. Here it is: 20 percent from 1970 to 2002. Here, as shown on this chart, is the United States. Workers are working longer. They are working harder. Many of them are getting two jobs. And the essential elements that are necessary for their livelihood have far exceeded their wages and, therefore, they find increasing apprehension about their own future and about the future of their country.

This chart is an indicator about where we are in terms of savings. Credit card debt has exploded, bringing cash available for an average family down to $1,600. The credit card debt has gone absolutely up through the roof. This chart shows that Americans now owe $900 billion in credit card debt. This is the escalation: People are borrowing this money, relying more and more on the credit card; and the fees that are being charged are extraordinary. But Americans will have to pay them because they cannot see any other way.

This chart is an indicator of where the savings have been going over the period of the last 40 years. The red line indicates that the savings have gone right down. We are talking about working families with virtually no savings. There is an extraordinary escalation in terms of the cost, and all of this is happening at the same time.

This chart shows that millions of American families are facing losing their homes. Foreclosures are rising dramatically—177 percent from 2005. Pick up any newspaper in the country today and you will see that kind of pressure that is on working families. With all the apprehension they have, can they afford the mortgage, particularly at this time of the year, Christmastime? Can they afford the mortgage? And can they afford to try to celebrate Christmas with their children?

These are the mortgage woes that are creating a ''subprime'' Christmas for consumers in stores. This is the Harriman family who normally spends about $500 on holiday gifts. This season they have a wrenching choice: celebrate Christmas or keep their home out of foreclosure. Many families have gone into that situation.

There is an increasing number of bankruptcies. This chart shows the escalation now in terms of the number of bankruptcies that are taking place among working families in this country—escalating, escalating, escalating. As shown on this chart, this is by quarters. This is 2007: the first quarter, the second quarter, the third quarter—and it is continuing to escalate and grow and grow. Houses are being lost. Bankruptcies are taking place.

This is one of the very distressing charts. This couple and child represent a middle-class family, middle-income family from the last generation, which would be 40 years ago. This is the current situation for the last generation's children.

You will see that 19 percent rise to the top of the economic ladder; 17 percent fall to the bottom. Look what the total is: 36 percent of the children of middle-income families rose somewhat, and 41 percent of the children fell—fell slightly or fell to the bottom. These are the children of middle-income families, the backbone of this country, our society, and this is what has happened to them. These are the latest figures, and families know that.

It is bad enough for the average family, but it has been particularly damaging in terms of a number of the minority groups. In this case, African Americans born to middle-class parents have fallen out of the middle class. In the last 20 years, in middle-income families, 69 percent of the children—effectively 70 percent—have fallen into lower economic standing. This has probably been true in terms of other minority groups as well.

We are growing farther and farther apart, increasing inequality, increasing uncertainty, at a time when the safety nets are effectively disappearing—disappearing in terms of pensions, disappearing in terms of health care costs, disappearing in terms of unemployment compensation. All of those safety nets have been put in tatters at a time when working families and their children are in the greatest need.

This chart shows the number of uninsured Americans. We are familiar with the figures. They are used daily. Now the number is close to 47 million. This is even in spite of the fact that the CHIP program was implemented during this period of time and has actually provided health care for up to 7 million children.

This chart is interesting because we have too many working Americans lacking insurance. Look at this: More than 80 million adults and children—1 out of every 3 nonelderly individuals—have spent some part of the last 2 years without health insurance. Without insurance: 80 million—80 million in a country of 300 million people. So 80 million people have spent some time over the last 2 years without health insurance. And 85 percent of them were working adults. These are working men and women. These are men and women who are working, in many instances, two jobs—working longer and harder than at any other time in the history of our country, and they are still facing this situation.

This chart shows that half of American workers do not have any form of retirement savings at work. They effectively have no pension savings. That is half of all the workers in this country. It is a rather important shift and change in recent times. Now it is going in the absolutely wrong direction. Mr. President, 4 million fewer Americans have pensions than 7 years ago. In 2000, 46 million workers had one. Now it is 42 million workers, and these numbers are going right on down. They are not going in the right direction. They are going in the wrong direction.

This chart is another way of saying that only one in five workers now has a defined benefit pension which will give the workers some assurance there will be benefits there. Others have the 401(k)s that may be going up or may be going down, and we have seen a period where they were going down, and they have lost their security in terms of their future. That has been happening over the period of the last 16 years, where increasing numbers have lost their security.

American workers lack access to the needed paid sick days. What is happening in the middle class is there are increasing numbers of children who need focus and attention because two members of the family are working and their child is sick. Also, because parents are living longer, working families have more responsibilities to provide care for needy members of their family. But only 48 percent have paid sick days, and 70 percent do not have paid days to care for sick children. So it is a very small number of parents who have that. They are caught in the situation where they have a sick child, and they let the sick child go to school, where the child gets sicker and, chances are, contaminates other children as well.

Unemployment has risen under President Bush and his failed economic policies. Unemployment has increased by 1.2 million people from January 2001 to October 2007. But long-term unemployment has gone up 59 percent. This is long-term employment. These are people who have lost their jobs and are unable to get a job. They effectively were participants in the job market. This figure is unusually high and it's been high for an unusually long period of time.

There are a final few points I want to mention. The majority of the unemployed workers do not receive benefits. We used to think if you were unemployed, you were going to get unemployment insurance. Not anymore. Sixty-four percent of unemployed workers receive nothing at all from unemployment insurance. For those who do now collect benefits, they are often inadequate. Average unemployment insurance checks are down to 28 percent of income. This is an antiquated system. Now workers who actually pay into it are ineligible to get it for a variety of different kinds of technical reasons. We are trying to work with the Finance Committee, with Senator BAUCUS and others to address this issue. These are workers who have paid

in or are otherwise eligible for unemployment compensation and are unable to collect it.

Effectively, as shown, this is the inadequacy in terms of childcare. Only 14 percent of eligible children have access to Government-assisted childcare.

These charts give you some idea why the working families of America have such apprehension in terms of the future and in terms of their own lives. We need the programs to be able to deal with this situation. We have a number of recommendations, and I will mention them very quickly this afternoon and will put in additional kinds of information.

First, we need to safeguard working families from the turbulence of the modern economy by providing stronger and better support for families in crisis. Our country is going through profound economic shifts, and too many workers are losing their jobs in the wake of these changes.

I have introduced bipartisan legislation, the Unemployment Insurance Modernization Act, to make sure those who have worked hard and paid into the system get the benefits they deserve. I hope we will see progress on the bill soon so that much more that needs to be done will be done to help Americans who are struggling to find a job.

We also need an aggressive agenda to help families facing a health care crisis. We must make more progress toward a universal, comprehensive program that is going to be there and be available and accessible to all Americans.

In the meantime, we can follow the examples of my own State, Massachusetts, which has taken the lead in providing our residents access to quality health care. It is absolutely essential, as these charts pointed out, that we address this problem.

Strengthening the safety net alone is not enough. We need to redouble our efforts to restore economic opportunity for families. Americans are working harder than ever, and they need the additional kinds of training. In my State now we have 145,000 unemployed. We have 75,000 job openings. They are good jobs. Yet, we have seen a continuing reduction in terms of training programs. Those people could get the jobs and be taxpayers and be committed and productive members of society. But we have seen over the period of the recent years, including with this last budget request, a continued reduction in terms of training programs by this administration.

We know workers have to have a continuing, ongoing upgrading of their skills in order to be able to deal with these jobs. I think we need labor law reforms, such as the Employee Free Choice Act, to protect the right to organize so employees can stand up and fight for what is fair.

I think we need to address again the earned income tax credit to help those at the bottom of the economic ladder who have worked hard and played by the rules. We have to continue, I think, the progress we have made in the increase in the minimum wage so we do not fall back in terms of providing working families with a decent income.

The late Barbara Jordan once said:

> What the [American] people want is very simple. They want an America as good as its promise.

The promise of America is that it is truly a land of opportunity, where every working family can share in the Nation's prosperity, where we all rise together, and we can be confident that our children have a bright future. For decades we enjoyed that vision of shared prosperity. I am confident we can make that promise a reality for American families again. We owe it to all the workers who have seen their bills go up, while their paychecks go down. We owe it to all the parents who cannot sleep at night because they are worried about their children's future. We owe it to all the families who are struggling and need a reason to celebrate this holiday season. We owe the American people our best efforts, and I look forward to working with my colleagues on both sides of the aisle in the weeks and months ahead to put working families back on track.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT—H.R. 3688

Mr. SALAZAR. Mr. President, I ask unanimous consent that following my remarks in morning business for about 15 minutes, the Senate proceed to the consideration of Calendar No. 480, H.R. 3688, the United States-Peru Trade Promotion Agreement; that the statutory time be reduced to 10 hours, equally divided as provided for under the statute; that when the Senate resumes the measure on Tuesday, December 4, there be 90 minutes remaining for debate equally divided; that upon the use or yielding back of time, the measure be set aside until 2:15 p.m. and, without further intervening action or debate, the Senate proceed to vote on passage of H.R. 3688 at 2:15 p.m. on Tuesday.

This unanimous consent agreement has been cleared by both sides.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

THE FARM BILL

Mr. SALAZAR. Mr. President, I rise this afternoon to speak in connection with the 2007 farm bill which was being debated on the floor of the Senate over the last several weeks prior to the time of Thanksgiving. As I rise to speak about the farm bill, I wish to say thank you to my colleague and good friend from Massachusetts, Senator KENNEDY, for again bringing to the attention of the American public the importance of what is happening economically across the spectrum of America today, which is that there is a great sense of concern and instability and nervousness among the American public about what is happening in their own economic lives and whether their children will have access to higher education, whether they will be able to afford health care and health care insurance, whether gas prices are going to essentially force them to not be able to afford the essentials of life.

I think within all of that, one of the things Senator KENNEDY so eloquently speaks to is this covenant of America, that somehow we are all here as Americans in a common mission to try to create a better world for our children and for our grandchildren and for the rest of humanity. The one thing we cannot afford to do is to allow that covenant to be broken. We in this Chamber of the U.S. Senate, working in a bipartisan way, have an obligation to ensure that the covenant of America is something we honor, something we give dignity to in our efforts through our work.

As part of that work, one of the things I think is very critical is that we not forget those parts of America which, in many ways, have been the forgotten America, and those are the communities of rural America. Those are communities like the towns and the counties where I come from and the county of Conejos County, which is one of the poorest counties in the United States of America, which, no matter how well the rest of America is doing, seems to be struggling on the vine.

So it is important for us in the Senate, in the weeks and days ahead, to do everything we can to make sure we pass the farm bill because it is a farm bill that is good for America. It is a farm bill that is good for nutrition. As my good friend KENT CONRAD and my good friend Senator HARKIN have kept reminding the people of America, 67 percent of the bill we are working on is for nutrition. That aspect of our legislation is invented to provide assistance to those who are most in need. So I am hopeful that as we move forward this week and next week, we as the Senate will come together on a bipartisan basis to move forward with a farm bill that is so essential to the food security of the Nation.

I wish to thank Chairman HARKIN and Senator CHAMBLISS for their hard work on this farm bill we have put so much time on for the last 2½ years. I also thank Chairman BAUCUS and Ranking Member GRASSLEY for their work on the Finance Committee because their contribution to this farm bill has been so essential to get us to a point where we have a forward-thinking and balanced bill on the floor. I know that as I speak this afternoon, there are negotiations underway with respect to whether we can narrow the number of amendments to be considered on the floor so that we can move forward to consideration and hopefully final passage of this bill.

A lot of folks in this country are looking to us in the Senate this week

and next to see whether we have the courage to pass a farm bill. In my view, we must pass this farm bill. It is a bill that helps the 50 million Americans living in rural communities. It is a bill that helps kids who deserve fresh fruits and vegetables with their lunches. It is a bill that helps put healthy and safe food on the tables of the people of this country. It helps us reduce our dependence on foreign oil and build a clean energy economy for the 21st century, and in my view that clean energy economy will be the signature domestic and foreign policy issue of our future here in America.

A few days ago, I was in the San Luis Valley with my family at our ranch. Our land, which we have ranched on for five generations, is just a few miles north of the New Mexico-Colorado border in a county that reflects many of the challenges that are facing rural America. Almost a quarter of the residents in my home county of Conejos—that is one in four—live below the poverty line, with a median household income of around $27,000 a year. In the neighboring county, Costilla County, household income is about half the median in the United States.

It is an inescapable fact of America that rural communities across the country are struggling. Median income in rural counties nationwide is $11,000 lower than the national median. If you live in a rural community, that means you are going to be making a lot less money than if you live in a nonrural community. Jobs and population are disappearing in these counties.

I wish to point out this map. It is a map of what has happened just in the last 5 years here in the United States of America. The counties that are in red on this map are counties that have lost population. These are part of the rural America we are trying to address in this bill by opening a whole new chapter of opportunity that will give the farmers and ranchers and residents of these rural counties and States and communities for the good way of life, the way the rest of America has that good way of life. All of the counties on this map that are either red or yellow are counties that are losing population and are falling behind the national average. Many of those counties are counties such as the ones in my State. There you will find schools with declining enrollments, you will find hospitals and health clinics across those counties that are closing, and you will find stores on Main Streets that are getting boarded up.

Here is a picture of downtown Brush, CO. Mr. President, you know these towns and communities in Virginia the way I do in my State of Colorado. I can go across the eastern plains or the southern part of my State, and in town after town out in the rural areas of my State, these Main Streets of America are being boarded up and are for sale because of the declining economic vitality in those communities. These are places where the tractor dealerships, the hardware stores, and the feed stores are closing down. You know from all of the signs you see out there that farmers and ranchers are struggling.

This has certainly been the case in Colorado. We have had a severe drought in my State now for the last 8 years, and we are now just pulling out of that drought. In 2002, we lost 30 percent of our wheat on account of the drought. The acres that were harvested had an average yield of 23 bushels per acre—not enough to cover the operating and overhead costs of producing those 23 bushels per acre. In 2004, it happened again, and we lost 600,000 acres of wheat production in my State of Colorado. In 2006, again, our wheat losses amounted to around $95 million. But it is not just wheat and corn; it is also what has happened with respect to disasters in my State. This is a picture taken in Washington County, named after George Washington, right outside of Akron, CO, where you see the results of drought which essentially have annihilated this field from any kind of yield or production on the eastern plains.

Over the last few weeks, I have heard people, both in this Chamber and especially in the media, paint a rosy picture of our rural economies. They say corn and soy and wheat prices are up, and they argue, therefore, that farmers are doing well and perhaps a farm bill is not needed. They use this as a ground for attacking and blocking the bill that is before us—this bill, which is a bipartisan product. But it is no secret that the commodity prices in the business section aren't a very good indication of how farmers and ranchers are actually doing. If corn prices are up, that doesn't necessarily mean farms and ranches in Baca County or Yuma County, CO, are doing much better. I can tell you that the cattle business, for one—the cattle business, which I know well—gets a whole lot more difficult when feed prices are high.

Where has Washington been while our farmers and ranchers have been fighting to stay afloat? For years, in my view, Washington has turned a blind eye to the problems in rural America, perhaps because we in rural America don't have the clout people in urban America have because of their votes. It is a neglect that is surfacing yet again among those who hold this legislation from going forward.

This neglect is disheartening when you know just how much possibility and promise there is in the rural communities of America. With modest investments, rural America can be the engine of our clean energy economy, fueling an alternative energy revolution that capitalizes on the hard work, the productivity, and the entrepreneurship of our farmers and ranchers across our great land. It can continue to provide us safe and healthy food, and it can continue to protect millions of acres of land and waterways that we value.

Here is a picture of one of the educational programs in my State called EQIP which is addressed in this farm bill. This picture shows the farm bill at work, helping to protect our land and our water while keeping our farmers the most productive in the world. These are some of our farmers from the Saint Vrain and Boulder Creek watersheds learning some new practices that reduce tillage and increase the yields from our farms.

The field day which is shown in this picture was part of a 3-year EQIP conservation innovation grant that was done in partnership with the local conservation district, with the local farmers, seed companies, and farm equipment dealers. At the end of the day, these farmers went home with a few ways to boost their bottom line while protecting the land and water of Colorado and America.

The farm bill has an enormous impact on this Nation's land and water. We think about America the beautiful, this great land. Well, non-Federal agricultural and forest lands occupy about 70 percent of the lands in the lower 48 States. So 70 percent of the lands in the 48 States is what is at the heart of this farm bill. Seven out of ten acres in the contiguous United States are affected by the farm bill. These lands provide the habitat and corridors that support healthy wildlife populations, filter groundwater supplies, regulate surface water flows, sequester carbon, and provide the open space and vistas we all love. As I learned growing up on our ranch in southern Colorado, farmers and ranchers are some of the best stewards of these resources. They want to take care of their land because they know that taking care of their land and water is essential for their livelihood.

Our farmers also want to be very much a part of a clean energy future for America. This is a picture of an ethanol plant, which is new, in Sterling, CO. This ethanol plant produces about 42 million gallons of fuel a year. This is only one of three plants in our State that have come on line just in the last 2 years and partly as a result of the work that was done in this Chamber in the 2005 Energy Policy Act. It is part of the renewable energy revolution that is taking place across America. Title 9 of the farm bill addresses this renewable energy future for our country. A fourth ethanol plant just like this one has come on line in Colorado just in the last week.

But it goes beyond biofuels, which is a central part of this section of the farm bill. It goes to other kinds of renewable energy.

It goes to programs such as wind. Here is a wind farm in Prowers County in the eastern plains of Colorado, out in that part of the ''forgotten America.'' It is that part that is so red in my State because we know that is part of the area that was part of the great Dust Bowl, which, even at this point in time, in 2007, is a place that is so

sparsely populated but has so much potential for our future. This wind farm in Prowers County is part of an effort in our State whereby, at the end of 2008, we project we will be producing over 1,000 megawatts of power from wind in Colorado. That is the equivalent of the amount of electricity produced by three coal-fired powerplants, and we have been able to do that in a period of 2 years.

We planted the seeds for these kinds of projects in the 2005 Energy Policy Act and in the Energy bills we passed earlier this year, which I hope we get to refurbish and pass again in the next several days. But the farm bill is also part of that.

The 2007 farm bill takes the next step by helping farmers and ranchers deploy the renewable energy technologies that have been developed in lots of places around our country, including the National Renewable Energy Lab in Golden, CO.

With the $1.3 billion that this bill devotes to energy programs, farmers will be able to apply for grants to develop biorefineries and to improve the handling, harvest, transport, and storage of feedstocks for biofuels. The bill includes tax credits for small wind turbines and cellulosic biofuel production. And it stimulates research into the methods and technologies that will allow the most productive lands in the world to provide more and more of our energy. The farm bill, in title IX, shows us how rural America will help us grow our way to energy independence.

Reducing our dependence upon foreign oil will be the central national security, environmental security, and economic security challenge for all of us in the coming decades. It is also a tremendous opportunity.

The country that successfully replaces its imports of foreign oil with clean home-grown energy will reap competitive and technological advantages that will keep it out front in the world for decades to come.

Mr. President, it is time to put the interests of rural America before the politics of obstructionism. I urge my colleagues, Democrats and Republicans, to find a way forward in which we can narrow the number of amendments that have been filed on this legislation, so that under the leadership of Senator HARKIN and Senator CHAMBLISS we can have an opportunity to vote on a final farm bill as part of the Christmas present that we should be delivering to the American people. It is my hope that, as we move forward on the farm bill, we move forward with equal fervor in having the Energy bill concluded, which is now on its way to passage in the House of Representatives.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is closed.

UNITED STATES-PERU TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 3688, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3688) to implement the United States-Peru Trade Promotion Agreement.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, is the business of the Senate at this point the Peruvian Free Trade Agreement?

The ACTING PRESIDENT pro tempore. Yes.

Mr. DORGAN. Mr. President, I am going to speak about that subject, and I will confess, as I start, that the old admonition never argue with someone who buys ink by the barrel is something I should have learned long ago. I take issue with a company that buys ink by the tanker truck: the Washington Post.

Speaking of trade, the Washington Post described, I think, why there is not so much of a thoughtful debate about trade as there is a thoughtless debate about it. In this editorial, they say this about trade in an attempt to criticize some of those who are running for President and are distancing themselves from the brand of free trade. What the Washington Post says is that a candidate said the following quote:

NAFTA was a mistake to the extent that it did not deliver what we had hoped it would, and that is why I call for a trade time out.

One candidate said NAFTA was a mistake, and they quoted the candidate saying it. The Washington Post says:

Such demagoguery.

So it is now demagoguery for a candidate for President to allege that a trade agreement was a mistake. That is demagoguery? I don't quite understand the Washington Post. The Washington Post says that NAFTA didn't cause the current U.S. trade deficit with Mexico. Really? That is an interesting conclusion, with no facts to support it. There are no facts to support that conclusion.

I think I will show a chart that shows what has happened to our trade with Mexico since the North American Free Trade Agreement, NAFTA, was signed. The evidence is pretty substantial about what happened with our trade between the United States and Mexico: Just prior to negotiating a free trade agreement with Mexico, we had a very small surplus with the country of Mexico of $1.5 billion. Now, last year, it went from a very small surplus to a $65 billion deficit. The Washington Post says—about a candidate that said NAFTA was a mistake—that is demagoguery. Give us a break. It is not demagoguery to suggest that something doesn't work when we have gone from a $1.5 billion trade surplus to a $65 billion deficit.

The Washington Post also says that the agreements contributed marginally to the shifting of workers from some less competitive sectors to others. That is arcane language to describe what happened. After NAFTA, the three largest imports from Mexico to the United States are automobiles, automobile parts, and electronics. The contention was made by those who supported NAFTA that this would only mean the migration of low-skill, low-income work to Mexico. It didn't happen quite that way. Automobiles, automobile parts, and electronics represent the products of high-skill labor in this country, and those jobs have been lost.

I only wished to point out that the Washington Post described for us today why this debate about trade has largely been thoughtless. Yes, it is a global economy, I understand that. There are many faces to the global economy—some very attractive and some not so attractive. I will try to describe them both today. The global economy has galloped forward at a very aggressive pace, but the rules have not kept pace. So the result is we have some very significant problems and dislocations. We are drowning in trade debt in this country, and I will describe that.

What is before us is another free trade agreement, the free trade agreement with Peru. Let me say that I can count votes. I understand what will happen in this Chamber. The Senate will support and vote for the free trade agreement with Peru.

I maintain again today that I am not going to vote for additional free trade agreements until benchmarks are attached and there is accountability for those benchmarks. Had we had benchmarks in the NAFTA, we would not have gone from a $1.5 billion surplus to a $65 billion deficit. We would have, at some point, said, wait a second, something is happening that is not right for our country.

First of all, I don't think we should be signing new trade agreements until we fix some of the fundamental problems in the old agreements. Two, I believe that the Peru agreement represents an expansion of a failed model. It has failed before and will fail again. And, No. 3, I don't think it contains—I know it doesn't contain any benchmarks or accountability or a mechanism for withdrawal should the trade agreement fail at least relative to what we expect the trade agreement to accomplish.

So I don't intend to support this trade agreement, not because I don't support trade. I support trade, and plenty of it. I believe, however, it ought to be fair. And the failed model brought to us time and time again I will demonstrate today has failed this country. It has not failed everybody, but it has failed this country, and it is not in this country's best interest. This is language I assume the Washington Post would call demagoguery. If they suggest that it is demagoguery for a candidate for President to say NAFTA was a mistake, when all of the evidence demonstrates it was a mistake, I assume they may want to turn off their television sets when I am speaking at this point because they will certainly consider that demagoguery. It is rather, however, not a thoughtless debate. It is a thoughtful debate from the standpoint of those of us who come to the floor of the Senate who say we want trade, we support trade, we believe expanded trade is helpful to this country, but we insist for a change that the model of a trade agreement be a model that is mutually beneficial and stands up for the interests of both sides to that agreement.

The agreement with Peru by itself will not do damage to this country. That is not what I allege today. Let me describe our trade: With China, $343 billion; Mexico, $332 billion; Japan, $120 billion; Peru, $9 billion. I don't allege that trade with Peru, which is about three-tenths of 1 percent of our trade, is going to be a serious problem because of the passage of a failed model. We have very large trade deficits with China, Japan, Mexico, the European Union, and Canada, all of whom are major trading partners. Instead of doing something about those significant and growing problems—China, Japan, Canada, the European Union, and Mexico—instead of doing something about that, we bring the same failed model to the floor of the Senate.

I recognize and admit that this model with respect to Peru has labor standards in it that did not exist and environmental standards that did not exist in some other trade agreements. I will talk about that in a moment, especially with respect to Jordan. But the fact is, the foundation of this agreement is the same failed model that we have seen in the past.

I want to talk about that failed model. I want to talk about the issue of China, especially because when we talk about trade—and we must talk about trade, we have to talk about the 500-pound gorilla with respect to our trade problems. This chart represents what our trade with China looks like since 1995 through last year, 2006. Success? No. These red lines going down represent huge trade deficits. Does anybody think that is a success? I think it is a huge failure for our country to be so fundamentally out of balance in our trade relationship with China. It just continues and continues and continues.

The question is: What will we do about that? Some of the cheerleaders for the free-trade movement and the cheerleaders who would look at this would say: You need to understand something. And, obviously, they would say: Senator DORGAN does not understand it. Here is what it is. They say: We have increased our annual exports to China by $39 billion from 2000 to 2006. That is what they would say. They would say: Look at this, we have increased our exports by $39 billion in just 5½ years. They just will not tell you the rest of the story, as Paul Harvey would suggest. The rest of the story is, yes, we did increase our exports to China by $39 billion, but we increased our imports from China by $188 billion. Isn't it interesting the picture you get that is very different if you have both sides of the equation? What will happen is those who support the free-trade model who think it works, who want to bury their head in the sand with respect to anything that represents something we should fix in our trade circumstance, they would only show you this $39 billion, only tell you that. They will strut around, thumbing their suspenders, puffing on their cigars saying: Look at all this; isn't this wonderful? We had a $40 billion increase in exports to the country of China in the last 6 years. What do you think about that? Do you think that is not successful? We are dramatically increasing our exports to China. How on Earth can you suggest that is not in this country's best interest? They would stop the story right there.

But if you pick up the story where it should be picked up, you would say: Yes, that is true we had almost a $40 billion increase in exports, and good for us. The problem is, it was more than four times that amount in increased imports to this country, which means we had a net reduction in our trade relationship—that is, a net increase in our deficit—with China of over $140 billion. That is the rest of the story.

So for every $6 of merchandise we buy from China, the Chinese buy $1 of merchandise from us. That is not mutually beneficial trade. There are a lot of reasons for this surging trade deficit with China.

If I might show the bar chart that shows the surging deficits, there are many reasons for this surge, but among them is that we have a pretty bankrupt trade agreement with China. China is rampant with what is called intellectual property theft. Walk down a street in China and buy a brand-new American movie, a CD. Piracy, they manipulate their currency, they have unfair barriers against U.S. exports, they have an unfair relationship in which U.S. jobs go to China because of, in many cases—not all cases but in many cases—sweatshop conditions in China. And so we have these circumstances with China that contribute to this dramatic increase in the U.S. trade deficit with China.

China has increasingly become a platform for manufacturing that used to occur in this country. Why? Because they are better manufacturers? No. It is because you can get products manufactured for a fraction of the price of manufacturing them in this country.

I indicated earlier the situation with Mexico. I described the situation with China. The trade deficit increased dramatically with China, and the trade deficit increased dramatically with Mexico. The same is true with Canada. With Japan, it hasn't increased dramatically. It has always been large and never changed because that is the way Japan wants it.

In the Wall Street Journal on October 4 of this year, there was a very interesting story. It said in the headline: ''Republicans Grow Skeptical of Free Trade.'' And the story described a poll—understand, this is in the Wall Street Journal—that by a 2-to-1 margin, Republican voters believe free-trade deals have been bad for our country's economy. I suppose the Washington Post would also suggest that is demagoguery. Again, by a 2-to-1 margin, Republican voters believe free-trade deals have been bad for our economy.

The poll found that 59 percent of polled Republican voters agreed with the following statement:

> Foreign trade has been bad for the U.S. economy because imports from abroad have reduced demand for American-made goods, cost jobs here at home, and produced potentially unsafe products.

Only 32 percent of the polled Republican voters agreed with the following statement:

> Foreign trade has been good for the U.S. economy because demand for U.S. products abroad has resulted in economic growth and jobs for Americans here at home and provided more choices for consumers.

This poll in the Wall Street Journal suggests, I think, a dramatic change in the way Americans view this free-trade movement.

In December 1999, the Wall Street Journal did a poll that found that only 31 percent of Republican voters thought free-trade agreements hurt our country. But in this past month's poll, they found the number of Republican voters went from 31 percent to 59 percent. These are Republican voters. That is where the substantial support has come from for these free-trade agreements. Clearly, the American people have seen the results of the free-trade agreements. They understand these red lines, these giant trade deficits are not just red lines. This isn't just some red ink. It represents lost jobs, lost dreams. It represents somebody coming home at night to their family saying: Honey, I lost my job, not because I am a bad worker but because I can't compete with 20-cent-an-hour labor in Shen-chen, China.

When NAFTA was debated in Congress in the early 1990s, its proponents argued, as I indicated earlier with respect to the U.S. deficit with Mexico, the proponents argued this would result in the creation of a couple hundred thousand new jobs in the United

States. But it is widely acknowledged by any economist who knows anything that this did not lead to the increased promise of U.S. jobs. The 200,000 jobs created annually, that was from a study by Mr. Hufbauer and Mr. Schott, a couple of economists.

I have indicated that I previously taught economics in college, but I was able to overcome that experience. Hufbauer and Schott gave us this best economists' analysis we can find, I guess. They said this will be a couple hundred thousand new jobs, 170,000 new jobs by 1995, and they rounded that up to 200,000 when it was sold to the Congress. We now know at least 412,000 jobs have been certified as lost due to NAFTA under just one program at the U.S. Department of Labor.

Ten years after NAFTA had been approved, I commissioned a study from the Congressional Research Service which identified the top 100 companies that laid off U.S. workers as a result of NAFTA between 1994 and 2002. When I asked the question of the Congressional Research Service: Tell us how many Americans have lost their jobs due to NAFTA—they went to the Department of Labor, which has a program called trade adjustment assistance. It is a program that gives temporary benefits to those who are laid off as a result of NAFTA. This program requires companies to actually certify that they intended to eliminate U.S. jobs specifically because of NAFTA.

The question of whether we have lost jobs due to NAFTA is on this chart coming from the Congressional Research Service that got the data from the U.S. Department of Labor. It tells us where these jobs came from, where they were lost. Vanity Fair, 16,000 jobs; Levi Strauss, 15,676 jobs. These are certifications by the companies that they intend to lay off or did layoff these employees because of NAFTA. You can just go down the list. This isn't me saying it, these are the certifications these companies have made to the Department of Labor that these jobs are gone because of NAFTA, and they want trade adjustment assistance for the workers who lost their jobs.

Sara Lee, Lucent, Fruit of the Loom, Texas. Fruit of the Loom underwear left. It is not that people stopped needing or wearing underwear. It is just they stopped making them in America. So Fruit of the Loom is gone; 5,352 people who made underwear in this country lost their jobs. That is certified by Fruit of the Loom to the Labor Department saying: We laid them off.

This is not a question of whether there has been a loss of jobs as a result of NAFTA. Just the top 100 companies have certified to that, the top 100 companies laid off 201,000 U.S. jobs due to NAFTA. And if we look at all U.S. companies, the total number of U.S. jobs certified as lost to NAFTA are 412,000, and that is just under this one program, trade adjustment assistance.

I wanted to focus on the top 100 companies, but we could have done all of them. This is sufficient, however, to show what has happened with respect to NAFTA.

Some familiar products: Levi Strauss. I don't know that there is anything more American than wearing a pair of Levis, right? So we all buy Levis, except they don't make one pair of Levis in America, not one. Is it because we don't make good pockets, can't sew good seats? No, not all. It is just that all those jobs migrated out of this country in search of cheap labor.

There is a company called Nabisco. Do you know what it stands for? National Biscuit Company. Nabisco is short for National Biscuit Company. Presumably ''national'' is in this country, except that the National Biscuit Company now belongs outside this country when it comes to making cookies. So Fig Newton cookies moved from America to Mexico. The National Biscuit Company Fig Newton cookies migrated to Mexico. Is it because they can't shovel fig paste as effectively in New Jersey as they can in Mexico? No. Shoveling fig paste is the same all over the world. It is just you can get somebody to shovel fig paste a whole lot less expensively in Mexico than in this country, if you use low-wage labor that is not protected by the kinds of basic labor protections we have in this country. So the National Biscuit Company is no longer national, at least with respect to Fig Newton cookies.

I mentioned Fruit of the Loom, Mattel. We hear a lot about Mattel these days, of toys from China. They closed their last factory in the United States, a western Kentucky plant, that produced toys—Barbie playhouses and so on, battery-powered pickup trucks—for 30 years. They shipped production from the 980-person plant in Kentucky to factories in Mexico.

John Deere, 1,150 workers, on this chart—made lawn mowers, chainsaws—gone to Mexico.

Well, we understand the Peru trade agreement is an agreement that is not going to threaten the economic interests of this country. I don't assert that is the case. I do assert, however, that it is a failed model, and we have seen plenty of it. I have been on the floor of the Senate on many occasions saying why don't we fix that which is wrong in previous agreements before we bring new agreements to the floor of the Senate. But we never do that. We just keep bringing new agreements to the Senate.

The Peru trade deal does include some labor protections. That is true. And that is a welcomed development. But labor protections in a trade agreement don't mean very much if there is not the political will to enforce them. Under the Peru deal, the only party that can seek enforcement of labor violations is the administration. And the Bush administration has, apparently, I am told, given assurances to the U.S. Chamber of Commerce these labor provisions are not going to be vigorously enforced. When the deal was announced on May 2007, the U.S. Chamber issued a statement saying it had received assurances that the labor provisions could not be enforced. Let me quote:

> We are encouraged by assurances that the labor provisions cannot be read to require compliance with ILO Conventions.

That is from the president of the U.S. Chamber of Commerce. He was saying: I am comfortable because these aren't going to work. He was referring specifically to a promise made by the U.S. Trade Representatives that the Peru agreement wouldn't require that U.S. workers be assured the minimal labor rights guaranteed by the ILO.

Mr. President, if the Chamber had been assured the agreement will not be enforced with respect to the rights for U.S. workers, you can bet the labor provisions would not be enforced at all.

Even during the negotiations for the Peru agreement, the administration made it very plain it has no interest in having labor protections in the trade deal.

In fact, in 2005, the President of Peru offered to include in the text of the original agreement a commitment to comply with the International Labor Organization's standards for basic labor rights. That came from the President of Peru, saying: We will do this. In fact, the U.S. trade ambassador's office quickly rejected it. They quickly said no. They vowed not to include a commitment to labor standards in the free-trade agreement. It was only after the 2006 elections, in which a number of very interesting people were elected to this body on these very issues—standing up for American interests, for the American economy, and for the rights of American workers—only then did the U.S. Trade Representative, realizing these trade agreements would not move forward, only then did they decide to budge.

But I think the true colors were demonstrated the year previous when the administration turned down the request or the offer by the President of Peru. It is clear to me there is no interest in enforcing these labor provisions, and I have just suggested the evidence of that.

It is interesting, the only other previous trade agreement that included labor provisions was Jordan, and in the Jordan agreement—and I give the previous administration some credit, again, for including a labor provision in the Jordan trade agreement. Those provisions have not been adequately enforced, and the result has been the proliferation of sweatshops in the country of Jordan—the only country with whom we have a free-trade agreement that includes labor provisions.

Now, our trade balance, when we signed the trade agreement with Jordan, we had a trade surplus of about $243 million. That disappeared very quickly, which is the case with all our trade agreements. That surplus disappeared by 2002, and by 2005, that $200-plus million surplus had turned to a $600-plus million deficit, and our balance with Jordan has gotten worse

every year since the agreement was signed. Let me say that again. Our trade balance with Jordan has deteriorated every single year since the trade agreement was signed.

In May of this year, the New York Times exposed how the free-trade agreement with the country of Jordan has been used to create sweatshops all over Jordan. It turns out that when the agreement was signed in 1999—this is the story in the New York Times, titled ''An Ugly Side of Free Trade: Sweatshops in Jordan''—there began to be imported into Jordan guest workers—guest workers from Bangladesh, from Sri Lanka, and elsewhere—to work in factories and in plants in sweatshop conditions.

Have you ever heard of a 40-hour work shift? No, I am not talking about a 40-hour week. I am talking about a 40-hour shift. Well, it is happening in some of these plants. Have you heard of people working 100 to 110 hours a week every single week, 7 days a week, with 1 day off every 3 or 4 months? Have you heard of people working for a month, a second month, a third month, and never getting paid; and when asked to be paid, getting beaten? Have you heard of people who spend 3 minutes making a colorful bikini for a lingerie shop in this country that is going to be sold for $14 and they receive just a pittance, working in sweatshop conditions? A story from the National Labor Committee just described such a circumstance with a widely known American company.

Mr. President, despite the fact labor provisions existed in the Jordan Free Trade Agreement, no one has sought to enforce those requirements, those labor provisions.

Now, the other reason I do not support moving ahead with additional free-trade agreements is, there are no benchmarks. It seems to me, and it seems to a number of my colleagues who have introduced legislation with me, that we ought to have benchmarks. Whether it is with agreements with China, agreements with Canada, or Mexico, or Japan, we ought to have benchmarks to decide what is the result of what we have just done. It doesn't matter to people in this Chamber, apparently, that we are drowning in trade debt that gets worse and worse and worse, and yet the worse the trade debt becomes, the more they come to the floor of the Senate crowing about how wonderful it is. I mean, I don't understand it.

Mr. President, we have proposals to have free-trade agreements coming behind the Peru agreement. One is with Panama, one is with Colombia, and one is with South Korea. All of them, by the way, are negotiated under something called fast track, where the legislative branch generously decided it would wear a straitjacket and promise if an administration, any administration, negotiated trade agreements in secret, behind closed doors, where others weren't allowed to venture, and they were brought back after an agreement was reached to this Chamber, the folks in this Chamber who supported that would agree they would prevent the offering of any amendments.

So before the action started, they said: We will agree to wear a straitjacket once you have told us what you have done.

It is the most unbelievably antidemocratic action, and also an action, I think, that undermines the very essence of what the Senate should be about. Nonetheless, that is the method by which these have been negotiated.

Now, fortunately, we will not have additional agreements negotiated under those circumstances because the fast-track authority ran out June 30, and it will not be restored. But these agreements were negotiated under fast track.

Now, let me describe to you, if I might—and I can do this with two dozen or 100 products, but I will do it this way because it demonstrates the complete incompetence of our negotiators and the complete incompetence of our negotiated product. This chart represents automobiles from Korea. And with respect to our trade with Korea in automobiles, it is worth about $9 billion a year. So we have a lot going on with respect to Korean automobiles. If you drive down the streets of this country, you will find automobiles that come from Korea. In fact, in 2005, 740,000 Korean-made cars were put on boats and shipped across the ocean to be sold in the United States—740,000 Korean-made cars were shipped to the United States to be sold.

Well, guess how many U.S. cars we were able to ship to Korea to sell in Korea. Not 740,000 but 4,500.

So here is the way our trade with Korea looks. All of this white represents Korean cars put on boats to be sold in America. And this little car down here? That is the number of cars we were able to sell in Korea. In fact, 99 percent of the cars driven on the streets of Korea are Korean-made cars, and that is the way they want it. They do not want foreign-made cars in their country. But they want to ship their cars to America, even as they keep American cars out of their marketplace.

We just negotiated a free-trade agreement. Do you think this administration, negotiating in secret, behind closed doors, said to the Koreans: You can't do this. It is not fair trade. You are protecting your jobs in Korea and injuring our jobs in the United States, and we will not allow you to do it. Do you think this is corrected? Absolutely not. Not a word. Just fine. Keep doing it. Doesn't matter. This is about high finance. This is about the free-trade model. It works just fine.

I guess it does if you wear a blue suit and take a shower at the start of the day. But if you are working in a plant someplace making a car and taking a shower at the end of the day because you worked hard, it sure doesn't work well for you because you are the one who loses your job down here.

Let me describe one other thing. We negotiated an agreement with China that is even more incompetent than this. This is incompetent, and I don't know who negotiated it, but this is gross incompetence, in my judgment. In China, we have a bilateral agreement on automobiles. Let me tell you what it is. As I do, I was in a foreign country the other day, and I drove down the street and I saw Chinese cars advertised now to be sold in that country. Well, the Chinese cars are coming to this country. The Chinese are ramping up a very large, very significant automobile export industry, and they are coming, and coming soon—small cars, cost very little, presumably efficient, but they are coming. Here is what our country said to the country of China, with whom we have a very large trade deficit: We will make a deal. It is true we have a big deficit with you, but we will allow you to ship Chinese cars into the American marketplace, and we will charge a 2.5-percent tariff on each of your cars. And we agree with you, if we send American cars to be sold in China, you may charge a 25-percent tariff on our cars sold in your marketplace. A country with whom we have a $230 billion trade deficit, we said: It is OK if you charge a tariff that is ten times higher than our tariff on mutual automobile trade.

Incompetent? Sure. Ignorant? You bet. Certainly ignorant of our economic interests. I would like to find one person to stand on the floor of the Senate and say they support that; that is absolutely fair. I want just one. I don't need two or three to stand up and say that; I want just one who has the courage to say with respect to bilateral automobile trade with China, bilateral automobile trade with South Korea, I think this is just dandy. I think it makes a lot of sense.

I use this only to say I could do this in a dozen instances, but I do it with respect to automobiles. We don't produce automobiles in North Dakota, but I do it to say this is a big job-creating industry. Automobile production is a job-creating industry. We traded a lot of that to Mexico in NAFTA, so now the largest import from Mexico is automobiles. But just look at what we are doing with South Korea, and we have just negotiated a new agreement with them and have done nothing to solve the problem.

Look at what we are doing with China in bilateral trade, and we will see the results of that, even as we now have the largest trade deficit in human history with China. Even as that exists, it is going to get worse because we are going to have a substantial avalanche of imports of Chinese automobiles into this country in circumstances of trade that are fundamentally unfair to this country and to this country's workers.

Now, let me come back to the point at which I started, and it is a Washington Post editorial of today. I don't

know how the Washington Post editorial writers would view this. I assume they would ignore it because you certainly can't defend it. That which is not defensible, those who choose to try, do ignore it. But let me end as I started today by saying the editorial in today's newspaper which states a candidate saying ''NAFTA was a mistake'' is engaged in demagoguery really is a thoughtless way to engage in a discussion about international trade.

I come from a State that needs to trade a lot, and we need to find a foreign home for a substantial amount of our agricultural production. I support trade. But I do not support what has happened in recent years, and for that I am considered, I suppose by some, as somebody who doesn't get it.

If you are not part of a ''free trade'' crowd, you are someone who is some sort of a xenophobic isolationist stooge who can't see over the horizon.

The problem is, the American people now understand. Look at the Wall Street Journal poll I referenced. The American people, and not just the American people but the subgroup of Republicans, are opposing these free trade models that have resulted in mass trade deficits. They are opposing them by a 2-to-1 margin. I think it would do well for people to pay heed to that, including people who are serving in public office. It is not that the American people are behind the politicians. The political system is far behind the American people in being enlightened about what this trade does to our standard of living.

I know my colleagues wish to speak, but I will make a couple of other points. We fought for 100 years to raise standards in this country. We fought long and we fought hard. People lost their lives because of it. We raised standards. We lifted people up. We said there must be a minimum wage, there must be child labor laws, there must be a safe workplace, there must be the right to organize. We did all those things and we expanded and built a middle class that was nearly unbelievable. Our country became strong—a country in which you can get a job that paid well and you had job security; you likely had a retirement program and health care; you were proud of what you did and often you went to work for a company and you expected to spend a career working for that company.

Things have changed. All too often these days workers are like wrenches, considered to be a tool: use them up, throw them away. Don't worry too much about them. That is not an ethic that works well in the traditions of this country.

For 100 years, we fought to raise standards in this country and now people say to us our standards somehow do not match standards around the world and so, inevitably, we have to find a way to fit in. Fitting in means diminished standards, pushing them down, competing with someone in a toy factory in Chenghai, China, making 30 cents an hour, 20 cents an hour. That is not ''fitting in'' in a way that works to this country's best interests.

The Presiding Officer is from Chicago. In Chicago, there was a wonderful immigrant man who decided to build red wagons and he named them ''Radio Flyer.'' Everyone has ridden in them. The reason he named them Radio Flyers is he loved Marconi. This immigrant who came to this country and wanted to build something, he loved Marconi and he loved airplanes so decided to build his little red wagon in Chicago and he named it Radio Flyer, little red wagon. For 110 years, it was made in Illinois. But it is not anymore. All those little red wagons that are pulling those little tykes around this country are made in China. It is not just the little red wagon, I could go on forever. Etch-a-sketch, from Bryan, OH, Huffy bicycle, they are all gone. Everyone who worked for all those companies, their jobs are gone.

Why? Because some have decided to say we should be able to compete with 20-cents-an-hour, 7 days a week, 12 to 14 hours a day. That is not what represents the best of the standards we created over the last century and should not be what we accept.

I am in favor of bringing to the floor of the Senate a debate about trade and the conditions under which trade represents mutually beneficial conditions for those with whom we trade and for us as well. But I will not continue to vote on trade agreements and cast my vote in an affirmative way on trade agreements that do not have benchmarks and accountability, that represent what we believe to be the best interests of our country and our workers.

We shall and we will and we are participating in the global economy. But we have a right as a nation to decide the conditions under which we will participate in that. Those conditions ought to be to pull others up, not push us down. That is why I believe the American workers—judging by that Wall Street Journal poll and I think judging by the last election—American workers and the American voters understand what is at stake. It is not about standing up and saying I support this mantra, this slogan of free trade. It is about saying America wants to be a leader in trade and that leadership should lead in the direction of supporting workers, of supporting the standards we have built.

It is interesting now in recent months, and somewhat disconcerting, that we are now seeing the product of globalization. It has many faces, some wonderful and some not too good. One of those faces comes from a toy shelf in which a wonderful looking toy that is to be sold for a young child's Christmas present this Christmas season turns out to be poison. It comes from a plant, I assume, produced by a contracting company in China. They all say—whoops, sorry, excuse me.

Would that have happened in Ohio or Michigan? Would they have been able to use those standards that produce unsafe toys? I don't think so. Why? Because we have regulations and standards and we have enforcement. That is the difference.

I believe when we talk about trade agreements—whether it is Peru, China, NAFTA, CAFTA—I think we ought to be talking about benchmarks and standards and we ought to be talking about things that represent the best interests of this country.

Let me finish, again, by saying I support trade and plenty of it, but I demand and insist it be fair trade and I demand and insist that this administration and others begin fixing some of the problems they have created in past agreements that I think undermine this country's economic interests.

I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, when the Senator from the Dakotas was telling us about the little red wagon, the American Flyer from Chicago, of course what immediately hit my mind was that little Red Flyer produced there today may well be painted with lead paint.

As the Senator from Illinois, who is presiding, and I and the Senator from North Dakota have gotten into this issue of the tainted toys, here we are, approaching the holiday season and people are out buying these Christmas presents; they want to make their children happy, but they are, indeed, now having to go an extra measure to beware of all the toys because of what we have seen, that the Chinese industry simply will not police itself. The Chinese Government will not insist on the industry policing itself.

If we are going to protect the American consumer, we ought to be able to rely on our Consumer Product Safety Commission when, in fact, the Consumer Product Safety Commission is nonfunctional. It has a workbench about the size of two of these desks with all of the products stacked on it, and that is their research facility to determine if those products, in fact, are lethal to the children of this country.

The acting chairman of that commission will come in front of the Senate and say she does not want any more money for the Consumer Product Safety Commission to hire additional staff to change what is a discombobulated card table, with all the products on top of it, into an efficient laboratory that can actually check as to whether these products are safe.

The Senator from North Dakota has made a lot of points with regard to automobiles. He has made a lot points with regard to products and how America, in these trade negotiations, gets fleeced, taken advantage of. This Senator does not believe that is the case with this particular agreement that we are going to vote on tomorrow. That is so for this reason: The United States

has already opened its markets to most imports from Peru through trade preference legislation, meaning that 98 percent of all the imports from Peru already enter our country duty free. But do the flip side of this. What Senator DORGAN was talking about is equal trade, but the fact is now, without this agreement, U.S. exporters do not have the same access to Peruvian markets that the Peruvian exporters have to the U.S. markets market. U.S. products entering Peru face tariffs that average 10 percent. In order for there to be free trade, it has to be a two-way street. We both have to benefit from a duty-free environment. In fact, after the implementation of this agreement, most of the tariffs on U.S. exports to Peru will be eliminated. That is my bottom line. That is why I am going to support this trade agreement. That is my American hat.

Let me put on my Florida hat. This is certainly going to be of benefit to Florida. We have already seen the benefits of free trade—for example, in a trade agreement that we have with Chile. Florida's exports after the trade agreement, exports to Chile, have grown by 70 percent. Take, for example, Jordan. After we enacted the Jordan Free Trade Agreement—that was about 5 or 6 years ago—Florida's exports to Jordan have increased 1,100 percent.

Like those, I believe this Peru trade agreement will open new markets for Florida businesses. It is going to lead to increased exports to Peru from Florida through Florida's ports.

Let me give some examples. Florida's exports of transportation and manufacturing equipment will benefit from this trade agreement. In 2006, Florida companies exported $42 million in transportation equipment and $180 million in machinery manufacturers to Peru. The elimination in this agreement of those Peruvian tariffs on those kind of high-value pieces of equipment is going to provide a competitive boost to Florida exporters who will no longer be facing tariffs that are as high as 12 percent. With the passage of this agreement, Florida companies will have a chance to take full advantage of Peru's growing demand for their equipment.

Support for free trade doesn't mean we need to go out and compromise on other things, some of which the Senator from North Dakota has mentioned, or that we would compromise on our support for human rights or the environment. That is why this particular Peruvian agreement includes numerous environmental and labor protections.

For these reasons, I am going to support this free trade agreement.

Mr. President, while I am here, I wish to say a couple other things about a couple other matters that have to do with Latin America. There was a very significant vote in Venezuela yesterday. Basically, President Hugo Chavez wanted to amend their country's Constitution to allow him to become President for life. In a very narrow vote, the people rose up and they said no. He is in office until 2012, under the current Constitution, so Hugo Chavez will continue his brand of leadership. There are people in this Chamber who have reached out to President Chavez to take a more moderate, conciliatory roll, a roll where the two countries, the United States and Venezuela, could work together. In almost all cases, he has rejected those overtures.

This Senator is one of those who has reached out to him. He has charted his course and he wanted to be President for life and the Venezuelan people, albeit by a very narrow margin, said no. If that is a signal to the President of Venezuela that there ought to be a different way that he ought to approach other countries, particularly the United States, then hopefully that is a message President Chavez might consider.

I want to say another thing about Latin America. Last Friday we saw the first evidence in 4 years that three American hostages held by the FARC in Colombia are alive. These images give us hope. They also remind us that securing their safe release and the return to their families must be a top priority. And it is. Without making speeches, this Senator from Florida is constantly speaking in private conversations to the Government of the United States, and to Latin American leaders, about helping in securing the release of these Americans and of a French citizen, a former Senator in the Colombian Government.

There are other hostages as well. It is my understanding they are Colombian. But, of course, our responsibility is to our own Americans. So there is hope. Because this was the first time, to the outside world, that we have seen the visual images that they are alive. Let us have that as a constant reminder to keep pressing the FARC that it is in their interest and in humanity's interest to release these Americans.

I will conclude on a completely different topic. I must say with absolute frankness that I was saddened when I heard that the Senator from Mississippi, Mr. LOTT, was going to resign. I think he is one of the most delightful of all the Members of this body, in a legislative body of some exceptionally talented and engaging people. We have seen Senator Lot use his legislative prowess, often in a bipartisan way, to bring about the consensus in order to get things done and to move the legislative process along, which is so necessary and, as the good book says: For us to come and reason together.

He has been a legislative master who got along so well as the majority leader with Senator Daschle, the minority leader, and then, because of the turn of events in 2001, for Senator LOTT, the minority leader, to get along with Senator Daschle, the majority leader, so they could move the business of the Senate along.

He is a personal friend. I have had the privilege of going to the University of Mississippi to speak on a forum at the Trent Lott Institute at that great university. And for this Senator, he will be very much missed in the Senate. We wish him and Tricia and all his family God speed.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, this day is long overdue. But the fact that this day has arrived for the consideration of the Peru Trade Promotion Agreement Implementation Act is still a good day to have happen, even though it should have happened several months ago. In fact, I would say it should have happened last year.

But the same problems that kept it from coming up this year were in place last year. I strongly support this bill. I urge my colleagues to do the same. Over the past 7 years, Congress has passed implementing bills for trade agreements with 12 countries. Of these 12, 7 are located in Latin America.

The implementation of those agreements demonstrated our commitment to strengthening our relations with our neighbors in Latin America. We now have an opportunity to build on that commitment by implementing our trade agreement with the country of Peru.

At the same time, these agreements serve to advance our national interest. Too often we talk in terms of the economic interests of the United States when it comes to trade. We ought to be looking at things beyond the economics of trade. I say these agreements advance more than our economic interests; they advance a broader national interest because they foster transparency and increased respect for the rule of law in international business transactions.

I think it goes beyond the business transactions, because with every business transaction, there are millions of people involved. And even though we in the political world or our diplomats feel we are more important than anybody else in bringing about peaceful relations, our work is kind of a spit in the ocean compared to what millions of business people every day do for America and for other countries interacting among each other, breaking down barriers that often lead to misunderstandings and an enhanced understanding between people. They have an awful lot to do with the promotion of international peace.

I think it goes even further, and I don't remember who I quote when I say this because I have been quoting it for so many years, but it is something such as: Nations that trade together do not war, or something of that nature.

That is a paraphrasing of that concept. But I believe that. That is why I believe in breaking down trade barriers, as this Peru bill does. It enhances international understanding and peace as well as enhancing our economic interests.

This bill then creates more opportunities for increased economic growth and prosperity in neighboring economies which help to foster political stability which is important within those borders. But political stability within a country's borders also enhances international stability.

That is particularly important in the Western Hemisphere and the South American Continent, as well as the part of the Western Hemisphere we call Central America. Because we need meaningful alternatives to combat the production and trade of elicit narcotics, another factor that maybe applies to these countries more than a lot of countries we trade with.

Perhaps most importantly, these trade agreements level the playing field for U.S. producers and exporters. I had a chance, before speaking, to hear Senator NELSON of Florida speak. To hear this from the Democratic side of the aisle is very important because it is a fact: This bill levels the playing field to give our exporters and producers access to Peru the same way Peru has had access to our markets and our people for decades under trade preference.

During my time in the Senate, I have heard some of my colleagues complain that the global trade situation reflects an uneven playing field. Now, to some extent, I agree. That is why I am a promoter of more free trade agreements. The Doha round of the World Trade Organization negotiations is leveling this playing field.

So right now it is uneven. It is not as level for American exporters as it ought to be. But if you looked at the last 50 years when this process started, soon after World War II, under the General Agreement on Tariffs and Trade, you would find it was much more—or a lot less level than it is right now.

So we have made considerable progress and we need to build on what is a success, very much a success. Because in too many cases, the duties that our trading partners impose on U.S. exports are much higher than the duties we impose on theirs. As I have said, that is certainly the situation with Peru. Right now, some 97 percent of imports from Peru enter the United States duty free.

I do not know whether Senator NELSON used that specific percentage that I gave, but he was speaking of the fact that Peru had preference to coming into the United States. This bill gives our producers and exporters the same preference there. Our exports to Peru face duties that range from 12 to 25 percent. Specific examples: Peru's tariff on U.S. pork exports to that country, and this is a major product of my State of Iowa, is as high as 25 percent, while Peru's exports to the United States are duty free.

Now, that is what I call a one-way street. This unbalanced situation is largely the result of unilateral trade benefits that we extended to Peru under what I called the preference situation. But this is specifically under what we call the Andean Trade Preferences Act.

This trade agreement before the Senate today will restore balance to our trade relationships with Peru. I do not want you to take my word for it. The impartial U.S. International Trade Commission analyzed our trade agreement with Peru. The Agency found, and I quote:

> Given the substantially larger tariffs faced by U.S. exporters to Peru, than Peruvian exporters to the United States, the trade agreement is likely to result in a much larger increase in U.S. Exports than U.S. imports.

The International Trade Commission of our U.S. Government goes on to state that:

> The agreement will likely increase U.S. exports to Peru by 25 percent, while Peruvian exports to the United States will grow by 8 percent.

Now, that is a win-win situation for U.S. producers and exporters. And why anybody would vote against an agreement like that I could not understand, and I am not anticipating that people will vote against it, but I do know, in the months of this year that we have discussed trade, I have heard a lot of negative attitude toward trade, how harmful it is to the U.S. economy. But if any Member who has said those things during the course of this year would look at the bill that is before the Senate right now, that is going to increase U.S. exports to Peru by 25 percent while Peruvian exports to the United States will grow by 8 percent, then if they vote against this, they are not addressing the concerns they are giving speeches about all this year. The benefits of this trade agreement are going to spread across all major sectors of the economy. I say that because I quoted agricultural benefits. But besides U.S. agricultural producers, manufacturers and service providers all stand to gain from this agreement. The ITC—the International Trade Commission—predicts the agreement will have a ''substantial, positive'' effect on U.S. exports to Peru of the major U.S. commodities of pork, beef, corn, wheat, and rice. The American Farm Bureau Federation predicts that U.S. farm sales to Peru could increase by more than $700 million with full implementation of the trade agreement. U.S. rice exports to Peru will grow tenfold to fifteenfold as a result of this agreement, while U.S. exports of corn will double.

The National Pork Producers Council says that the Peru trade agreement is a ''state-of-the-art agreement for pork producers to which all future trade agreements will be compared.'' Our manufacturers will enjoy significant benefits as well. For example, Whirlpool Corporation—this is a Michigan corporation which recently bought Maytag in Newton, IA, and closed that plant down, but they still have a massive manufacturing plant in Amana, IA—appeared before the Finance Committee to testify on behalf of this trade agreement. Whirlpool exports refrigerators, ranges, and clothes washers to Peru. It manufactures those products in several States besides Iowa, including Arkansas, Indiana, Ohio, and Tennessee. Whirlpool told the Finance Committee that the Peru agreement will eliminate the 15- to 20-percent tariffs Peru imposes on Whirlpool products. In part because of this agreement, Whirlpool expects its U.S. exports to Peru to increase 400 percent within the next 2 years. In Whirlpool's view, the elimination of Peru's tariffs on its products will allow Whirlpool to maintain jobs in the United States rather than relocating or expanding operations abroad.

Here again, how many times have we heard on this floor the legitimate concern—I am not finding fault—about outsourcing of manufacturing jobs to other countries? You can imagine why that might happen if we have a 10- to 12-percent tariff going into Peru. But people who say those things in this body ought to vote for this bill if it is going to level the playing field for Whirlpool workers so we can maintain those jobs in the States I cited.

U.S. service providers will also gain from this agreement because Peru has agreed to exceed the commitments it made on services, even in the World Trade Organization. So we get something better than we have under WTO rules right now when we have a free-trade agreement with Peru. Peru, thus, has agreed to accord substantial market access across the entire service regime, with very few exceptions, using the so-called negative list approach.

So to those of my colleagues who complain that the current world trade situation is unfair, here is a chance to improve that situation. By implementing this agreement, Congress will level the playing field for U.S. farmers, U.S. manufacturers, and U.S. service providers in this important market. The agreement will boost U.S. exports, creating jobs, keeping existing jobs in the United States. There have been studies, various studies, but the one I always quote says that jobs in the United States—that those products or services that are exported, those jobs are jobs that pay 15 percent above the national average. So they are not only jobs, they are good-paying jobs.

I understand there is a rising sense of protectionism in the Congress. I alluded to that in my remarks today. But I would like to have Members look at the facts. Take, for example, the Central American Free Trade Agreement, otherwise known as CAFTA. CAFTA entered into force for four of our trading partners last year. It is already possible to see the results of bringing their tariffs in line with ours.

Guess what. As you might expect, leveling the playing field has brought positive results.

I wish to use the U.S. Department of Commerce as a source. They say our exports to the four countries increased 18 percent in 2006, while our imports were up 3 percent. I don't know how many Members voted against that last year, but I would imagine it was close to 40, give or take a few. I would like to have those 40 Members who probably voted against this, saying that free-trade agreements are not good, look at the facts. So far, our exports have increased 18 percent, while our imports from those countries of Central America were up 3 percent. Leveling the playing field helps American farmers, manufacturers, and service providers. Then maybe you would think it was wrong to vote against CAFTA last year. As a result of this increase of our exports by 18 percent, our trade balance swung from a $1.2 billion deficit in 2005 to a $1 billion surplus in 2006.

How many times on the Senate floor have we heard one of the examples of something that is bad about free-trade agreements is because of our terrible trade deficit? Our trade deficit is too high. If American consumers would quit spending on imports and if they would save some of their money, we wouldn't have as much of a trade deficit as we have. But the American consumer, including probably this consumer, lives too much for today and forgets about tomorrow. CHUCK GRASSLEY may be too materialistic for the good of our trade deficit. If we spend a little less money and save a little bit more, invest in Treasury bonds instead of letting foreign countries buy them up, we would be better off. But for those Senators who have made speeches against how terrible our trade deficit is and then use that as an excuse to vote against CAFTA, don't they feel they were wrong by voting against a bill that finally passed that brought us from a $1.2 billion trade deficit with these countries to a $1 billion surplus in just 1 year? That is what happens when you level the playing field.

We are not the only ones who stand to benefit from our agreement with Peru. Peruvians will benefit significantly as well. They have already benefited from the goodness of the U.S. people by letting them have trade preferences for all these decades. But even beyond what they have already had, a bill that is significantly much more benefit to the United States than it is to Peru, Peru is still going to benefit. The agreement will increase opportunities for continued economic growth in Peru and help Peru further develop and modernize its economy. By entering into the agreement, Peru has demonstrated its intention to strengthen its ties with the United States and lock in economic reform—economic reforms that they are going to benefit from, not us—and it is going to enhance their transparency and respect for the rule of law.

Agreements such as this are what the rule of law is all about. The rule of law in international trade is just as important as the rule of law for domestic America because within our own rule of law, everything is predictable. It has credibility and predictability. When you put the same regime in international trade, you have predictability and credibility. You enhance opportunities for people to work closer because they know what the other side is going to do, if you have equal respect for the law. All of this will serve to increase investor confidence in Peru and its economy.

These are critically important objectives. We live in a challenging time. There is a growing division in Latin America today. Venezuela's President is using oil wealth to lure allies to his socialist vision. He has announced plans to turn Venezuela into a socialist republic. He has nationalized Venezuela's telecom and electricity companies and wrested the oil industry from private companies. He has demonstrated once again that those who withdraw economic rights often seek to withdraw political rights. Those who centralize economic power tend to also centralize political power. For example, he pulled the broadcasting license of one of Venezuela's oldest television broadcasters, which also happens to be one of his major critics. He assumed new powers that allow him to rule by decree, and he pushed for a new constitution that would abolish Presidential term limits, allowing him to stay in power indefinitely. His former Defense Minister has called the plan ''fraudulent'' and akin to a coup. I don't know whether the final results are in, but he may have lost that referendum yesterday. At lease for my part, I hope that is what the final results show. But he is still going to be the dictator and the authoritarian that he has been for the last 9 years.

Chavez has said that this rejection, if it happens by the voters, is not a defeat, and he plans to proceed on whatever his goals are. His former Defense Minister has cautioned that he may seek to impose these changes through a different route than constitutional reform. So you lose an election, and you find some other way to accomplish the same thing.

I have talked about Venezuela and the environment of the Peru trade agreement because our relationships with Latin America will be enhanced through free-trade agreements. We ought to help countries like Peru that are not going in the direction of Venezuela as much as we should, particularly in light of the fact that two other countries in the region—Bolivia and Ecuador—are also trending in a similar direction.

Bolivia's President Morales nationalized the hydrocarbon sector by executive decree. As a result, investors were forced to sign new contracts that guarantee a greater percentage of revenue for the Government. He also seized a foreign-owned tin smelter without compensation. Instead of a free-trade agreement with the United States, President Morales joined President Chavez's so-called Bolivarian alternative for the Americas. He strengthened ties, at the same time, with Cuba and Iran.

President Correa of Ecuador has also reached out to Iran. He has called the United States ''the most protectionist country in history.'' He also said that free trade is ''dangerous'' for countries like Ecuador.

I hope Correa, the President of Ecuador, will remember these statements he has made about the United States, saying the United States is ''the most protectionist country in history.'' He also said that free trade is ''dangerous'' for countries like his.

I hope he remembers those things when he comes around to the Congress in about 2 or 3 months wanting an extension of the Andean trade pact, where he wants preferences from our taxpayers so he can say these dastardly things about our country, which obviously are not true, but they are good for the propaganda purposes that he makes them, because he said these things even though we give imports from Ecuador duty-free access to our markets under our unilateral preference programs.

Now, the difference between Peru and Ecuador is this: Ecuador and Peru have had the same trade preferences with our country to get their products in here duty free for the last several decades, but Ecuador stops negotiating with the United States on a free-trade agreement and Peru goes ahead and negotiates with us. Yet Ecuador is going to be coming to us in a couple months saying to us we ought to continue the trade preferences with them, when they say these things about us: They feel more comfortable with Chavez and the Cuban and Iranian dictators than they do with us Americans. I have questioned why we should continue providing such duty-free access to our markets, but that is an issue we will deal with in 2 or 3 months.

The point is, there is a growing divide in Latin America. On the other side of the divide you find countries such as Peru and Colombia, allies of the United States whose Governments have gone out on a limb to strengthen bilateral relations with us. It is imperative we respond in kind and not turn our backs on these important allies. I expect we will soon approve our trade agreement with Peru. After that, we should move as quickly as possible to implement our trade agreements with Colombia and Panama, for the same reasons we ought to be approving this Peruvian agreement. That is what I envisioned when the bipartisan compromise on trade was reached May 10. I will return to that point in just a moment.

I am not alone in calling for approval and implementation of the Peruvian agreement. Just last month, the New

York Times called for passage of our trade agreement with Peru. They editorialized that ''it would be a folly for the United States to turn its back on trade.'' The paper also noted that all eight living former Secretaries of State have urged Congress to approve the Peru agreement.

In October, the Agriculture Coalition for Latin American Trade, which is comprised of 50 different agricultural organizations, called for congressional approval of the Peru trade agreement. This agreement is also supported by the National Association of Manufacturers and the Coalition of Service Industries, among other business groups.

In sum, there is widespread recognition of the benefits of this trade agreement for the United States.

Before concluding, I would like to address three other issues that have arisen with respect to free-trade agreements even beyond the Peruvian agreement. The first is the claim by some that these agreements undermine our food safety laws. The second is the charge that we are not enforcing our existing trade agreements. And the third is the May 10 bipartisan compromise on trade between the administration and the new congressional leadership that took over on the Hill in January.

In recent days, some of my Senate colleagues have criticized the passage of the Peru agreement in the House. One Senator went so far as to say the agreement ''will result in more unsafe food in our kitchens and consumer products in our children's bedrooms.'' Now, let's just think about that for a minute. That is quite an accusation. How could Congress possibly support such an agreement? The answer is simple: We are not supporting that position by voting for this agreement because the accusation is false. If you do not believe me, then just look at the text of the agreement. Chapter 6 of the agreement addresses the types of ''sanitary'' laws related to food safety. There is absolutely nothing in the chapter that would lead to a lowering of our food safety standards. In fact, one of the explicit objectives of the chapter is to ''protect human, animal, or plant life or health in the Parties' territories.'' ''[T]he Parties' territories'' means the United States and Peru. In addition, this chapter is not even subject to dispute settlement. So there is no way Peru could use the chapter to challenge our food safety laws, even if the chapter provided a basis to do so; and the agreement does not.

For over 20 years, opponents of our trade agreements have argued they would undermine our food and product safety laws. Yet, in those 20 years, there has not been a single challenge to any one of these laws—not a single challenge. That is because these complaints have no foundation. If people want to criticize our trade agreements, they are certainly free to do that. That is their right. But they should base their criticisms on facts, not on scare tactics.

I have also heard colleagues say that we should not enter into any trade agreements until the administration does a better job of enforcing existing agreements. In my view, the administration is doing a pretty good job of enforcing our trade agreements. But I suppose that even CHUCK GRASSLEY will look at specific problems we have. Maybe we ought to be doing more. But there are some examples that I think you ought to give the administration credit for.

The administration is challenging Europe's subsidies to Airbus, and up until last week it was pursuing at least four different cases against China in the World Trade Organization. So you might say: What has changed? Well, our U.S. Trade Representative, Ambassador Schwab, announced we had concluded an agreement by which China agreed to terminate eight subsidies we were challenging under World Trade Organization rules. This was just last Friday. The termination of those subsidies will bring significant relief to our manufacturers and exporters who have been confronting unfairly subsidized competition from the Chinese. In this case, we achieved our objectives without having to resort to that lengthy WTO process of litigation. That is a complete success story, in my book. As for the other three pending cases, we will continue to pursue our rights in the World Trade Organization.

If you ask me, the problem is not a shortage of enforcement. The bigger problem is that people are complaining about foreign government actions that are not yet subject to agreed-upon rules. In other words, the problem is not the failure to enforce the rules; it is that there are no rules to enforce in certain areas. If you want to solve problems that are not currently subject to rules, we should be negotiating more trade agreements, not fewer. Get the rules in place, and then get those rules violated—if that is what is going to happen, and you hope that does not happen—and then enforce them. But you cannot enforce a rule that is not there. For example, the administration recently announced it is negotiating a new anticounterfeiting trade agreement. That is a step in the right direction. Such an agreement would help get at problems such as the counterfeiting of the Underwriters Laboratories logo. That is an important safety issue.

If we are serious about wanting to get at these types of problems, we should give the President a new grant of trade promotion authority and send our negotiators out to solve those problems. If we turn our back on new agreements, our trading partners will continue negotiating among themselves, leaving us behind. That is what happened the last time Congress denied President Clinton trade promotion authority, I think in 1995. It was not reinstated until 2002. During that period of time, our trading partners concluded over 130 preferential trade agreements. We had only two.

So do you folks in this body who say we should not give the President trade promotion authority want to go back to the regime of other countries doing what they want to do? They will do it anyway, but we do not have an opportunity to keep up if we do not give our President that authority. Do you want to have the United States have an unlevel playing field in the case of the history of those 130 preferential trade agreements that were negotiated while our President did not have authority to do it, while we did, too, or do you think maybe our President ought to be negotiating the same number, to level the same playing field for the workers in America that other governments are giving their workers for an opportunity to have a level playing field? That cannot happen if the President does not have trade promotion authority.

We have only managed to regain some lost ground in the last 5 years. These agreements before the Senate—Peru and the 14 over the last few years—are examples. So the President needs to have trade promotion authority so he can continue to keep negotiating so we can create more jobs in America and export more and have a level playing field where we do not have that level playing field.

Finally, I want to mention the bipartisan May 10 agreement on trade that made it possible for us to move forward with this Peru agreement and, hopefully, makes it possible to move forward in the case of Panama and Colombia.

This year, the Democratic majorities in the House and Senate demanded additional provisions in our trade agreements before they would agree to implement them. That is the result of the last election. When people give their will to a different majority in this Congress, we have to respect that. I think the Democrats were fair and responsible in the agreements that were reached. I am willing to go along with them. Those are not necessarily things I would have agreed to if we had still been in a majority and probably would not have had to negotiate. But the Democrats won the last election.

So after lengthy negotiations, the administration agreed to a compromise that the House Democratic leadership announced with great fanfare on May 10, 2007. The Democratic leadership described the deal as a ''historic breakthrough'' and a ''fundamental shift in U.S. trade policy'' that achieved results they have been seeking for years. As a result of this compromise, the administration negotiated conforming changes in the labor and environment chapters and the provisions on Government procurement, investment, and intellectual property. For example, in the wake of the agreement, disputes arising under the labor and environment chapters are subject to the same

dispute settlement procedures as every other obligation of the agreement. Now, we can debate whether that change was actually a good idea, but it satisfied a longstanding demand of the Democrats who have opposed our trade agreements in the past. The same goes for the other changes encompassed in the May 10 compromise.

The administration followed through by negotiating the necessary changes to incorporate the May 10 compromise into each of our pending trade agreements with Peru, Colombia, Panama, and South Korea. Now we are moving on Peru. But since the administration has carried out its responsibilities under the May 10 compromise with the Democrats and it is good enough to get Peru passed, it ought to be good enough to get Colombia and Panama passed real quickly and South Korea after some kinks are worked out in the South Korean negotiations.

Unfortunately, we have very little to show for those efforts other than Peru right now. It has been almost 7 months. We still have not implemented a single pending trade agreement. We will soon change that with our vote on the Peru trade agreement. But there is no sign of movement on the horizon for the next pending trade agreements, and our druthers there are to go with the agreement with Colombia first. The fact there is not movement in these other areas troubles me greatly.

I hope to see most of my Democratic colleagues join me in voting to implement this trade agreement with Peru. After we have done so, I very much hope they will join me again in supporting implementation of our trade agreement with Colombia as soon as possible in this Congress. Our agriculture producers, manufacturers, and our service providers are counting on us. Our allies are counting on us. It is in our economic interest, and it is in our national interest. It is in the interest of greater opportunities for international peace. We cannot let those opportunities embodied in these trade agreements slip by us.

One final, concluding remark, and it is repeating the same thing several times, and that is that Peru has had opportunities to come and bring their products to the United States without tariffs for decades. We have had to pay duties to get our products into Peru. This gives our manufacturers, our farmers, and our service providers the opportunity to finally get our products into Peru duty free.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANDERS. 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. SANDERS. Madam President, I rise this evening in strong opposition to the Peru Free Trade Agreement. It seems to me that most Americans understand that our current trade policies are failing. They see this every day when they go shopping and they buy products that are made in China—made all over the world—but that it is increasingly difficult to find a product manufactured in the United States of America. They understand our trade policies are failing when they note our trade deficit is huge and growing larger every single year. It seems to me that before we go forward again in pursuit of a failing trade agenda, we might want to sit back, take a moratorium, understand why our trade policies are failing, and then put together trade agreements that work for the working people and the middle class of this country, rather than just the CEOs of large multinational corporations. That is what I think we should be doing; not rushing helter skelter along the direction of failed trade policies.

One of the major reasons that the middle class in the United States is shrinking, poverty is increasing, and the gap between the rich and the poor is growing wider is, in fact, due to our disastrous, unfettered free trade policies. In my opinion, the last thing we should be doing now is passing another job-destroying, NAFTA-style free trade agreement.

Before we vote on this piece of legislation, I think it is terribly important that we as a Senate take a hard look at the current state of our economy. Now, if our economy is doing well for the middle class, if our trade policies are creating good-paying jobs, if our trade policies are moving toward eliminating poverty, if our trade policies are making us a more egalitarian society, let's go forward; but, in fact, if our trade policies are moving in exactly the wrong direction for the middle class, I think we should take a deep breath and not go forward in that direction.

Let's take a look at in fact what is happening in our economy today since President Bush has been in office.

Nearly 5 million Americans have slipped out of the middle class and into poverty. In fact, today, the United States has the highest rate of poverty of any major country on Earth. Madam President, 8.6 million Americans have lost their health insurance, and some 47 million Americans now have health insurance. Median household income for working-age families has gone down by nearly $2,500 since President Bush has been in office. Over 3 million good-paying manufacturing jobs have been lost. Three million American workers have lost their pensions. Wages and salaries are now at their lowest share of GDP since 1929. The United States has the largest gap between the rich and the poor of any major developed country on Earth. Incredibly, in 2005, the top 1 percent earned more income than the bottom 50 percent. According to Forbes Magazine, the collective net worth of the wealthiest 400 Americans increased by $120 billion last year to $1.25 trillion.

Now, is our current trade policy responsible for all of these economic trends? The answer, obviously, is no. Our current trade policies are not the sole cause for the decline of the middle class and the increase in poverty. But has unfettered free trade significantly contributed to the shrinking of the middle class and the increase in income inequality? The answer is absolutely, it has.

So the point I am making this evening is if you like the way the economy is going, with a shrinking middle class and an increase in poverty and a growing gap between the very rich and everybody else, I guess we should go forward on these trade policies. But if you don't like the direction of the economy of the United States—and the overwhelming majority of people in this country do not like where the economy is going—I think we need a new direction in our trade policies.

According to the Institute for International Economics, 39 percent of the increase in income inequality in our country is due to our unfettered free trade policy. According to the Center for Economic and Policy Research, unfettered free trade has caused the wages of American workers without a college degree to be slashed by over 12 percent. When we talk about economics, we often look at the problem from a general sense, but if we focus on what is happening, especially to those people who are high school graduates, what we are seeing is a severe decline in wages for that subset of the American population. Those people are struggling very hard to keep their heads above water economically.

We now have a record-breaking $765 billion trade deficit, including a $232 billion trade deficit with China, and a $64 billion trade deficit with Mexico. Today, we now have the fewest manufacturing jobs than at any time since Dwight David Eisenhower was President of our country.

If the United States is to remain a major industrial power, producing real products and creating good-paying jobs, we must develop a new set of trade policies which work for the middle class of this country and not just for the CEOs of large corporations. As the Presiding Officer well knows, coming from the great State of Michigan, it was not so many years ago that General Motors was the largest employer in the United States. By and large, those people who worked for General Motors had good wages, good benefits, and a strong union to represent them. Today, the largest employer in the United States is Wal-Mart—low wages, vehemently antiunion, and minimum benefits. That is the transformation of the American economy, and that is a metaphor for why the middle class in America today is shrinking.

Unfortunately, the Peru Free Trade Agreement is another failed trade policy among many other failed trade policies. In fact, in large part, this Free Trade Agreement, the Peru agreement,

was modeled after the North American Free Trade Agreement—NAFTA. So I guess the bottom line here is, if you like NAFTA, you will like the Peru Free Trade Agreement. Most people in this country do not like NAFTA.

Has NAFTA been a success? Well, we have some information. We have some figures. Let's take a look. Supporters of unfettered free trade told us over and over again that NAFTA would increase jobs in the United States. I was a Member of the House of Representatives during that debate. I remember it like it was yesterday: NAFTA is going to create all kinds of new jobs. Unfortunately, according to the Economic Policy Institute, NAFTA has led to the elimination of over 1 million American jobs. Well, NAFTA cost us 1 million American jobs. Do we want to go down that road with other trade agreements that will also lead to the loss of jobs and the lowering of wages? I think not.

Supporters of unfettered free trade told us during that debate that NAFTA would significantly reduce the flow of illegal immigration into this country because the standard of living in Mexico would increase.

Well, that issue need not be discussed for too long because nobody believes that has happened. Sadly, as we all know, as a result of NAFTA, severe poverty in Mexico has increased; 1.3 million small farmers in Mexico have lost their farms. They have been displaced and real wages for the majority of Mexicans have gone down. All of this—the loss of farms, the decline in wages, and the increase in extreme poverty in Mexico—is directly opposite of what they told us NAFTA would do, and it has led to a 60-percent annual increase in illegal immigration from Mexico during the first 6 years of NAFTA alone.

So they told us NAFTA would create more jobs in America. Wrong. We lost jobs. They told us NAFTA would increase the standard of living of people in Mexico and stop illegal immigration. Wrong. Extreme poverty in Mexico has gone up; over a million people lost their farms, and illegal immigration to the U.S. has increased. Wrong, wrong, wrong. Yet people say we were wrong, wrong, wrong, and I guess we should continue to go down that same path. That doesn't make a lot of sense to me.

One of the interesting aspects of unfettered free trade in the United States, and all over the world, is that it results in very large increases in income inequality. That is true in the United States, and it is also true in Mexico, where the gap between the rich and poor in that country has skyrocketed.

You would be interested to know that one man in Mexico—we all have to admit that at least one guy in Mexico has significantly benefited from NAFTA, and that is the telecommunications mogul, Carlos Slim. He has done very well by NAFTA. He recently surpassed Bill Gates as the wealthiest person in the world, and he—from Mexico—is worth over $60 billion. He is the richest guy in the world and is from a poor country. Amazingly, Mr. Slim is worth more than the bottom 45 percent of the people of Mexico. One man has more wealth than the bottom 45 percent of the people in Mexico. Frankly, that is obscene.

That is obscene, but that is one of the manifestations of unfettered free trade. In that case, it is in a very extreme way. In fact, while NAFTA helped make Mr. Slim the wealthiest person in the world, about half of the Mexican population lives on less than $5 a day. How about that. One guy is worth $60 billion, and half of the population there lives on $5 a day. That is a manifestation of unfettered free trade. The Slim family fortune is equivalent to 8 percent of Mexico's gross domestic product. So, in Mexico, you have one man who is worth $60 billion, while extreme poverty in that country has increased and small farmers have been driven off the land.

That has been the result of NAFTA in Mexico. I am afraid that, if we continue to move down that road, this will be the same in terms of the Peru Free Trade Agreement.

In addition, before we vote on this unfettered free trade agreement, I think we need to closely examine our unfettered free trade policy with China because China is the 600-pound gorilla in the whole issue. Supporters of unfettered free trade told us that PNTR with China would lead to the creation of hundreds of thousands of American jobs. That is what they said. Well, unfortunately, they were wrong again. Instead, as a result of PNTR with China, nearly 2 million decent-paying American jobs have been displaced.

As we speak, there are millions of men, women, and kids in this country who are going out Christmas shopping. This is the time of year people do that. When people go to stores—whether they are large department stores or small stores—and they buy stuff, they find that almost everything that they are buying—whether it is footwear, telephones, clothing, computers, you name the product—is manufactured in China. They are not manufactured in the United States of America.

I recently held a series of town meetings, and I asked people in my State—and we are a small State. Unlike Michigan, we are not a major manufacturing center. Yet in the last 6 years, in Vermont, we have lost 25 percent of our manufacturing jobs. What kind of a country are we going to be if we are not producing the products people consume? Do you think we can be a great economy simply by flipping hamburgers? I don't think so.

I will tell you, there are people who worry about the military future of our country, our national security, when we are not even producing the products that our military needs. Since PNTR with China, our trade deficit with that country has nearly tripled to $232 billion, and that is a huge and growing trade deficit.

Today, over 80 percent of the toys sold in the United States are made in China. About 90 percent, for example, of the vitamin C—I take vitamin C—is made in China; 80 percent of all shoes we purchase in the United States are made in China; 90 percent of U.S. furniture production has moved to China; 85 percent of bicycles sold in the United States are made in China; half of all the apple juice imported to the United States comes from China; the United States imports more advanced technologies from China than any other country. We are not just talking about stuffed teddy bears or sneakers, we are now talking about highly advanced technology that is developing in China.

I have a simple question: Why is it that, in Vermont, Michigan, and all over this country corporations are shutting down and moving abroad? Wouldn't it be a nice idea that if these guys wanted Americans to buy their products—which they do—how about manufacturing some of them in the United States of America?

As I mentioned, I did a series of town meetings and I talked to the people in my State. I said: When was the last major manufacturing plant built in the State of Vermont? People can't quite remember, but it was a very fine plant built by a company called Husky. They are good jobs and it is a good plant. That was a long time ago. Nobody can remember any new plants being built in Vermont. By the way, I think that is true for most locations in America. Yet I was in China 5 years ago and I saw a lot of American companies building new plants in China—not in the United States of America. I think this is an issue we have to get a handle on.

The irony is that a few years ago when I was in the House, in honor of 9/11, we had a ceremony to commemorate and memorialize the people murdered that day, and they distributed American flags to us. Those flags were made in China. Since September 11, 2001, over 100 million American flags sold in this country were made in China. We are not even making American flags in the United States of America.

Before we pass yet another unfettered free trade agreement—this time with Peru—we have to fundamentally fix the broken trade policies we have with China and Mexico. That is not just Senator BERNIE SANDERS talking; this is the view of the overwhelming majority of Republicans, Democrats, and Independents.

Let me refer you to a recent Wall Street Journal-NBC News poll. In that poll—maybe 2 months ago—it indicated that 59 percent of Republicans and 54 percent of Democrats believed that unfettered free trade has been bad for the U.S. economy. Probably the only room full of people we could find in America who think that unfettered free trade is a good idea is this room right here. I

think Republicans understand it is not working, Democrats and Independents understand it is not working, and maybe the Senate should start listening to the American people who are experiencing the tragedy of unfettered free trade.

We have been told this particular trade agreement with Peru is different than the other trade agreements. We have been told this agreement has strong labor and environmental standards. If that is true, then why is it that not one major group representing the interests of labor, the environment, consumers, family farmers, religious organizations or Latino civil rights organizations supports this agreement? To the best of my knowledge, not one does.

In fact, the Peru Free Trade Agreement is being opposed by the Teamsters, the International Association of Machinists, the International Brotherhood of Electrical Workers, UNITE-HERE, the League of United Latin American Citizens, Oxfam, Public Citizen, and numerous religious organizations in our country.

In Peru, this unfettered free trade agreement is opposed by both of Peru's labor federations, and a prominent archbishop, among others. Even more troubling is the fact that the U.S. Chamber of Commerce, which strongly supports this trade agreement and all trade agreements, has said they have been ''encouraged by assurances that the labor provisions cannot be read to require compliance with ILO conventions.''

In other words, the labor standards in this agreement may not be worth the paper they are written on—or at least that is the view of the U.S. Chamber of Commerce.

According to a recent report by Columbia law professor Mark Barenberg, the so-called labor standards included in this legislation are ''even worse than existing law'' and ''in no respect do the agreement's labor provisions mark a significant improvement.''

Perhaps most important is this fact: The minimum wage in Peru is about 91 cents an hour. So what we are saying to workers in this country is that there is your competition. You are going to be competing against people who make 91 cents an hour. I think that is wrong. I do not think that America should be forced to compete against people in Peru, or any other country on Earth, where people earn such little money.

In industry after industry, corporate America is shipping our manufacturing plants, our good-paying jobs, overseas, where desperate people are forced to work for pennies an hour.

That bottom line is what unfettered free trade is about. The largest corporations in this country have pushed unfettered free trade for years. They have succeeded and they have gotten what they want. They want to pay people in China 50 cents an hour; in Peru, a dollar an hour, rather than paying American workers a living wage here, respecting the environment here and free independent trade unions here.

Our corporate friends have won this debate, and the result of that is that the middle class is shrinking, poverty is increasing, and the wealthiest people in this country have never had it so good.

At a time when the poorest people in this country are seeing unprecedented desperation, when the gap between the people on top and everybody else is growing wider and wider and most of the new jobs projected for the future are low-wage jobs with minimal benefits, that is the future.

The great economic struggle of our time is whether the middle class of our Nation can be saved. That is what it is about. What the American dream was about—and this was true in my household—is my parents started with very little and they worked hard, with the hope that their kids would do better than they did. That is the American dream, and it has taken place here for such a long time.

Right now, if we don't begin to deal with our current economic policies, including disastrous trade policies, there is a strong likelihood that our children—the young generation of today—will, for the first time in the modern history of this country, have the dubious distinction of having a lower standard of living than their parents. That is a reality that we have to prevent. I don't want to see us participating in the race to the bottom. I don't want to see our kids being poorer than their parents. There are a number of factors for that happening. Anyone who does not think that unfettered free trade is one of the reasons for the decline of the middle class I think is dead wrong.

The word has got to go out loudly and clearly to companies such as Wal-Mart, General Electric, General Motors, IBM, Microsoft, Boeing, and hundreds of other corporations that they cannot keep sending America's future to low-wage countries.

Trade is a good thing, and let me reiterate that point. I believe trade is a good thing, but it must be based on principles that are fair to American workers. The U.S. Congress can no longer allow corporate America to sell out the middle class of our country and move our economy abroad.

A number of years ago, I think speaking for virtually all of corporate America, Jeff Immelt, who is the CEO of General Electric, one of the largest corporations in America, said:

> When I am talking to GE managers, I talk China, China, China, China, China. You need to be there. I'm a nut on China. Outsourcing to China is going to grow to 5 billion.

That is what corporate America is saying. That is what unfettered free trade is all about, and it is time we told Mr. Immelt and the other CEOs of large corporations that if they want to sell their products in this country, they are going to have to start producing their products in this country.

It is not acceptable that Thomas Donohue, the CEO of the U.S. Chamber of Commerce, ''urges'' American companies to send jobs abroad. They actually think this is good.

It is not acceptable that Bill Gates, who has many wonderful qualities, tells us that Communist, authoritarian China has created a ''brand new form of capitalism, and as a consumer it is the best thing that ever happened.'' With all due respect to Mr. Gates, I disagree.

We must tell these corporate leaders to stop outsourcing our jobs overseas and stop outsourcing the future of our country. We must demand they start investing in the United States of America and create good-paying jobs here. We must rebuild our manufacturing base. Then we can talk about passing trade agreements that work for the middle class of this country while at the same time lifting standards throughout the world.

I want a race that takes all people up, not a race to the bottom. And that, among many other reasons, is why we should reject the Peru free-trade agreement.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. STABENOW. Mr. President, I ask unanimous consent that following my remarks, if Senator DOMENICI is on the Senate floor, he be the next to speak, and if he is not, Senator SALAZAR be the next to speak.

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

Ms. STABENOW. Mr. President, first I thank you for your words regarding what we need to be doing on trade and what has happened regarding unfettered trade. Coming from the great State of Michigan, the manufacturing hub of this country and of the world over decades and decades, I could not agree more with what is happening in terms of jobs going overseas. I see it in the eyes of thousands, in fact, hundreds of thousands of people; 250,000 people in my State who have lost their jobs just since this President has taken office, people working hard every day who just want to make a living for their kids and know the pension they paid into is going to be there and health care and that they can send their kids to college and have all the things they wanted for their children, have the great American dream. They have watched that dream slip away for themselves and their families.

I thank you for your words.

I go another step in terms of what I think we need to be doing to support manufacturing here and a level playing field because, in addition to what has been said about Peru as one more trade agreement—and I agree with that

statement, ''one more trade agreement''—that is on the books without other provisions in place, there are certainly things that we can and need to be doing to support and encourage those manufacturing jobs in America.

As I noted in the Finance Committee, as a member of the Finance Committee, the Peru free-trade agreement is a tough one for me in a sense that I know colleagues have worked very hard to bring in new language. My friend and colleague in the House, Congressman RANGEL, and Senator LEVIN, certainly our chairman of the Finance Committee and the ranking member, have been working to have this agreement reflect our country's values when it comes to labor and environmental standards.

The truth is, I wish we had had these kinds of standards in previous agreements. Getting the right words on paper is important, but unfortunately it is not enough to get them on paper. They are on paper in these agreements, but that is not enough when it comes to the families of my State and the people of America who want to make sure the American dream is available to them and their families.

I would like to believe these words will translate into action. It is hard to be convinced we are going to enforce our trade laws when we just start from the basis that we have the smallest trade enforcement office of any industrialized country in the world. That gives an indication of the priority of enforcing trade laws compared to what is happening in other countries.

We have more than 230 trade agreements on the books to enforce, and we have the smallest trade enforcement agency of any country in the industrialized world. It should be no surprise that there has been a huge increase in dangerous products coming across our borders and that more and more countries are testing the resolve of our trade laws and are, in fact, cheating on those trade laws.

The administration has simply lost credibility with the American people. No one believes this administration will enforce current trade agreements. No one believes currency manipulation will stop and certainly that the administration will take any action. This is something I have been focused on now since coming to the Senate, and every year—every 6 months, in fact—we get a report from the Treasury Secretary: No action. Currency manipulation is not really happening or they don't mean it or they will do better in China if we trust them, and more and more jobs are going overseas because of that trade policy.

No one believes unsafe imported products will be kept away from our children. No one believes at this time that this agreement will end up leveling the playing field on trade. No one believes that point because, unfortunately, based on past actions, it is not true. We have too many businesses that have faced patent violations and unfair pricing. We have seen small businesses in my State, as well as large, that make a product and have had a Chinese company come in and steal everything about that product, not only the patents, but the packaging, the directions on the package, and make the product for a small fraction of what it cost to actually make it.

I have small businesses in my State that have stopped making products because they cannot afford the cost to fight the Chinese Government to stop the trade infringement.

Those unfortunate incidents have meant people in my State have lost their jobs. I have one small business owner who makes hand trucks used to carry boxes and products, to move them around, who created one type of hand truck. It was stolen and produced by a Chinese company. This person could not afford to take action.

He said to me: Where is my Government stepping in to help me? But he could not afford the $10,000 a month retainer of an attorney to try to figure out how to stop them, so he stopped making the product and 50 people in the northern Michigan town of Cadillac lost their jobs—50 people. For that town, that is a lot of people. In fact, anywhere, if you are 1 of those 50, that is a lot of people.

We have too many dangerous products that have put our families and children in harm's way because foreign countries are not following the rules and our own country does not hold them accountable.

We have too many American families sitting on waiting lists for training that they were promised by this Government, the Federal Government of America, that they would receive if they lost their job because of trade.

We have a whole range of things that are not happening that have been promised.

This is what the people of my State see, and I believe the American people see. They see unsafe products. They see illegal trade practices. They see lost jobs devastating communities, lowering the standard of living, loss of the middle class that has resulted from previous trade agreements that were not enforced and that were not fair. That is what they see.

I simply cannot support another trade agreement until we get this right. I cannot support a trade agreement ahead of enforcing our trade laws, improving product safety, keeping our promises to working Americans, and ensuring a level playing field for businesses and workers, all of which are achievable if we make American businesses and American workers our priority. If we make that our priority, we can make the changes necessary so that trade works for us, rather than having it be a situation where instead of exporting our products, we are exporting our jobs. That is why the right words on paper just are not enough. We have to have the right trade agenda—a trade agenda that helps working families adjust and be able to thrive in a global economy because we are making more products and selling more products and creating more jobs here, one that is based on a sense of credible trade enforcement so other countries know we are serious about jobs and businesses in our country, and one, frankly, that lets other countries know we are serious about protecting our people as it relates to safety, which is also very important.

In 2006, 1 year ago, 37,000 people in Michigan lost their jobs specifically and directly because of trade—37,000—but only 4,100 received any kind of trade adjustment help—training, the ability to go back to school to be able to get some assistance to be able to start a new career. That means 90 percent of the people who were affected, who lost their jobs, are not receiving funds that were promised under trade adjustment assistance because of various caps or the fact that we have not authorized that critical program.

And just extending it is not enough. How do I tell 33,000 people who were told that the Federal Government would help them through this adjustment period, through training and increased investments and new jobs, how do I tell them that, in fact, 90 percent of the people in their same situation got no help whatsoever?

Communities also need assistance. In Michigan, many communities have been devastated by the loss of a large plant or industrial facility. I will give one example, and this is very much about the race to the bottom, Mr. President. You spoke about it, and I speak about it all the time. When Electrolux, which makes refrigerators in Greenville, MI—a city of 8,000 people, with almost 3,000 of those people employed at this one plant—when they decided to pick up and go to Mexico where they could pay $1.57 an hour, with no health benefits, there was a huge effort that came about to be able to work with them to stay. The Governor came in, the mayor came in, and others, saying: We will help you refinance a plant. We will give you tax incentives. Tell us how we can help you to be able to be competitive, to be able to stay in Greenville, MI. I met with them on many occasions, asking: What can we do to partner with you to support you. The end analysis was that the State essentially said no taxes at all. We offered to help them build new plants, and none of it was enough because they said: You can't compete with $1.57 an hour and no health benefits.

So this really is about whether we are going to compete down to a lower standard of living and lose the middle class and lose the American dream, or whether we are going to compete up. I believe if we compete up with a different trade agenda, a different broadly held agenda that will strengthen America, that we, in fact, can keep our jobs. But one piece of that is to make sure

that when 2,700-plus people in Greenville, MI, or when a whole community is devastated by their largest employer leaving, that there is some assistance not only for the workers but the small businesses and for others there to help during the transition.

In fact, we need to make sure we have a broader agenda that not only levels the playing field on trade, enforcing trade laws, having the right kind of trade policy, but that we are also addressing health care costs in this country, the largest cost for our businesses, and changing the way we fund health care, getting it off the back of business, and addressing other costs that are noncompetitive that we can address. Then we need to race like crazy on education and innovation. That is the race up, which we, the new majority, understand, as evidenced by our passing the largest financial aid package for college since the GI bill, by focusing and refocusing our efforts on math and science and technology investments.

So there is a way to make this a race up. But it is not just passing one more trade bill, one more trade law, one more agreement, without addressing all of these other issues. One of the other big issues for us is currency manipulation. This is something I am pleased to say the Finance Committee has begun to address with a bill that has come out of committee. We have not had the opportunity to have that on the floor yet, to bring that up, but right now we are in a situation where, again, because of governmental policies, because of China specifically, where they can peg the value of their money, their currency, in a way so that when their products come into us, on top of paying 60 cents or a dollar an hour and not having health care costs and all the other things, they can undercut us and get up to a 40-percent discount on that product coming in.

So when the President talked about Wal-Mart, when you look at the number of Chinese products and why they are lower, they also get a 40-percent discount on their price just from currency manipulation, which is illegal. So before we pass another trade agreement, why don't we fix that? Why don't we make sure we have the toughest possible policies that will stop the loss of jobs because of currency manipulation?

We have also, among trade enforcement, the need to beef up our trade office. And I am very pleased Senator LINDSEY GRAHAM and I have been working on this now for some time to create a trade enforcement division, headed by a trade enforcement officer, an independent trade enforcement officer—we have called it a U.S. trade prosecutor—to be able to truly beef up our enforcement.

I am pleased Senator BAUCUS and Senator GRASSLEY, our leaders on finance, have put together a broader enforcement bill, which I support, and include many of our provisions and aspects of our bill in their bill. That needs to get done. And I know the chairman is committed to having that happen, and I am anxious to join him in moving that through so that we can truly have credibility in the world, with other countries; that we mean it when we say there is a trade agreement and we expect other people to follow the rules.

But what do we see from the administration? There have been a couple of efforts, and I appreciate the few times they have moved forward to try to do something. There is an effort going on in auto parts now, but it is very little and it is very late, as we watch more and more jobs leaving this country. And I am very concerned, very disappointed when I see that this administration has not moved forward at all on any real action on currency manipulation or any number of trade enforcement issues. In fact, last week, the administration claimed victory for developing a voluntary agreement with China on illegal subsidies, an agreement that requires a great deal of trust with China. It is hard to understand they would continue to trust on a voluntary basis a country that has broken agreements and international policies over and over and over.

Furthermore, haven't we learned our lesson with voluntary agreements? Like the one completed with South Korea that was intended to, in fact, allow us to open up more opportunities to make automobiles here and be able to sell them to South Korea. Two agreements, not one, two voluntary agreements, and the exact opposite happened with 700,000 vehicles now coming in from South Korea, and we are barely able to get 5,000 back in to them. So voluntary agreements in the past have not worked. And given how many jobs we are losing, today is not the time for another voluntary agreement. We need, in fact, to put our muscle behind tough enforcement processes. We are quickly losing our standard of living and our middle class in this country. There is a need for urgency that has not been there and is not there today with the administration.

As a result of the trade policies we have in place now, we have an exploding trade deficit, which has increased from $380 billion in 2000 to $758 billion just last year. Since this administration has been in office, the trade deficit has more than doubled, and with it the number of dangerous products coming in, the number of layoffs, the number of waiting lists for people who need retraining, the number of businesses losing their patents, losing their products, and their ability to sell their products because of currency manipulation. That is the legacy of this administration.

I don't believe it is a time to reward them with another trade agreement. Before we go any further in passing trade agreements, Mr. President, we have to get our trade policy right. Regardless of the specifics of the trade agreement, regardless of the words on paper, we better be able to back them up, and today we cannot. We haven't backed up words on paper. We can no longer say pass a trade agreement, we will fix it later, we will enforce it later, we will change it later, or we will help people later. We have to do these things now so we have credibility with the American people who are counting on us to fight for them and to understand that in the greatest country in the world, it is time to stand up for the middle class in this country, get our trade policy right, and stand up for the people who have worked hard to make this country great.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Colorado.

Mr. SALAZAR. Madam President, I rise today to speak in favor of the United States-Peru Trade Promotion Agreement, which I intend to support tomorrow morning with my vote.

First, I thank Senator BAUCUS and Senator GRASSLEY for their efforts in shepherding the Peru Free Trade Agreement through the Finance Committee, where it passed with very strong bipartisan support. I congratulate them for bringing the agreement to the Senate floor today, and I thank our majority leader, Senator REID, for giving us the opportunity to have the free-trade agreement debated on the Senate floor today.

At the outset, Madam President, I put this in historical context for me. It was almost 409 years ago that my family founded the city of Santa Fe, NM. And in the four centuries since, you see a very unique and positive relationship between the United States and the nations to the south of the United States. It is a relationship which is bound together in history and in culture and in the landscape of the Western Hemisphere. It is a future which I hope we can work on together in the United States with our colleague nations to the south in order to develop an even stronger hemisphere.

It was in that vein of thinking that Senator John Kennedy, at the outset of his administration, spoke fervently about the future of the Alliance For Progress with the Western Hemisphere. It is in that same vein that I was honored to be a part of a codel that was led by our own majority leader, Senator REID, before he was sworn in to be majority leader, when he took six Senators to Bolivia and to Peru and to Ecuador, trying to make a statement to South America that they were not to be a forgotten continent.

It was in that same vein that in my very first meeting with President George W. Bush, I spoke to him about the importance of not having every ounce of his foreign policy agenda consumed by what was happening in Iraq, but to make sure that he was looking at events and relationships throughout the world, and that one of those most

important of relationships is the relationship we have with the nations in Latin America, with both Central and South America.

It is in that vein that this legislation, the Peru Free Trade Agreement, is important for us as we move forward in trying to establish the right kind of relationships between the United States and the rest of the Western Hemisphere. I believe in the benefits of free and fair trade. I believe that by working to lower trade barriers and to expand access to foreign markets we can strengthen the U.S. economy in a way that benefits both businesses and workers and enhances our relationship with friends and allies in important parts of the world.

The Peru Free Trade Agreement is the first of four FTAs that are currently pending in Congress, three of which are with countries in South America and Central America. As such, the Peru FTA represents an important step forward in an effort to strengthen our ties, both economic and diplomatic, with our neighbors in this hemisphere.

Earlier this year, as I said, I traveled with Senators HARRY REID, DICK DURBIN, BOB BENNETT, JUDD GREGG, and KENT CONRAD to South America. The last stop on our trip was the nation of Peru. I came away from that visit with a strong sense of how important it is for us to bolster our economic and diplomatic ties with Peru and countries such as Peru. Doing so will be critical to our economic and our national security and to the effort to restore America's standing in the world community.

The trade agreement we are discussing today is largely possible because of changes that have taken place in Peru in the last decade. Annual exports over the last 15 years have increased from $3.4 billion to $23 billion; annual per capita income for the people of Peru has doubled, from $1,500 to $3,200. That is a significant economic set of changes within Peru and within our trade relationship with the country of Peru.

In the meantime, coca production, a major concern of ours with respect to Peru, has decreased dramatically, thanks in large part to the eradication, interdiction, and other efforts to develop economic opportunities for the Peruvian people.

Perhaps most important, incidents of terrorism have decreased from nearly 3,000 in 1991 to less than 100 in 2006. Let me say that again. Incidents of terrorism, violent militancy in Peru, have decreased from nearly 3,000 in 1991—that wasn't so long ago—to now less than 100 in the year 2006.

The United States has been a strong partner in helping to keep Peru on this promising path. As a result, along with countries such as Colombia and Brazil, Peru helps to form an oasis of favorable sentiments toward the United States in a region where our standing has taken major negative hits in recent years.

When our delegation, led by Senator REID, met with President Alan Garcia in Peru, we had an opportunity to discuss how the relationship between our two nations has developed over the course of the past several decades, beginning with the key role Peru played in World War II when it provided the United States with the military bases we so much needed from which we monitored the activities of our military and our Navy in the Pacific.

At that meeting with President Garcia, we also discussed President Kennedy's Alliance for Progress, President Kennedy's initiative to strengthen ties between North and South America at the beginning of the Cold War. When President Kennedy outlined the goals of the alliance in 1961, he proposed—and I quote from his historic statement:

> . . . to build a hemisphere where all men can hope for a suitable standard of living and all can live out their lives in dignity and in freedom. . . . Let us once again transform the American Continent into a vast crucible of revolutionary ideas and efforts, a tribute to the power of the creative energies of free men and women, an example to all the world that liberty and progress walk hand in hand.

That was President Kennedy's effort to try to shine the spotlight of a new relationship between the United States and the countries to the south in Latin America.

The Alliance for Progress is not a perfect alliance, but it certainly gave a message which has been missing throughout much of the history of the United States and certainly missing the last 6 years, that the relationship between the United States and South America is important from a strategic point of view for national security because these are the countries located in this hemisphere, that border us to the south, and also because of the economic relationship between the United States and Latin America.

Passing this free-trade agreement will help us build on the trade relationship that already exists between the United States and Peru and, in my view, will help us move in the right direction.

I wish to speak briefly about why the Peru Free Trade Agreement is important.

First, from my point of view, the Peru Free Trade Agreement is important for America's economic security. It will benefit both businesses and workers in the long run. In an increasingly global economy, America is facing growing competition on a number of different fronts. In order to preserve our standing as the world economic leader and to ensure that American businesses continue to set the standard for the world community, we must expand economic opportunities in foreign markets. If foreign countries face obstacles to trade with the United States, they will take their business elsewhere.

It is worth pointing out that many Peruvian businesses already have unfettered access to the U.S. market as a result of Andean Trade Preference Agreement, which we have supported here on the floor of this Chamber. U.S. businesses, including the farmers and ranchers of my State, deserve to have that same access to the Peruvian market.

Second, the Peru FTA and others like it are important for America's national security interests around the world. In a part of the world where negative feelings toward the United States have grown and grown in recent years and as we strive to restore America's standing around the world, it is vitally important to recognize those friendships we do have and to do whatever we can to strengthen those friendships. Peru is a prominent example of an ally that has stood by us year after year. It would be a mistake not to return the favor here today and tomorrow by helping Peru continue its impressive progress of the past 15 years.

Additionally, a growing Peruvian economy with increased ties to the United States will help Peru continue to make progress on human rights and serve as an effective buffer against terrorist groups that have claimed more than 35,000 lives in Peru over the last 30 years.

Finally, I am proud of the historic relationship between the United States and Latin America, but it is a relationship that we, candidly, must work on to strengthen into the 21st century and beyond. Of course, free-trade policies, as the Presiding Officer has pointed out often on the floor of the Senate, have consequences that we cannot overlook and that must be addressed.

As the U.S. economy evolves to meet the demands of the 21st century and adjusts to handle increased competition from foreign businesses here in America, we all know there are winners and there are losers. That is why we need to ensure that the playing field is a fair playing field by doing our best to hold our trading partners to the same environmental and labor standards American businesses must meet. The bipartisan May 10 agreement of this year, which has been incorporated into the Peru FTA, is an important part of that effort. All of us—Democrats and Republicans, businesses, workers, and the environmental community—need to work to build on that progress to ensure our trade policies can strengthen our economic security and our national security in a way that is fair and that does not hurt workers and does not hurt the environment.

We also need to act as soon as possible to reauthorize and strengthen the Trade Adjustment Assistance Program so that American workers, businesses, and farmers who are adversely affected by our trade policies can receive the assistance they need as they strive to be part of the 21st century global economy.

I believe we can move forward on trade in a way that addresses these legitimate concerns without preventing us from expanding opportunities for American businesses in foreign markets. I believe the Peru Free Trade

Agreement does an excellent job of meeting both objectives. For all the reasons I have outlined today, I supported the free-trade agreement when it was in the Finance Committee, and I will support it on the floor of the Senate. I urge my colleagues to do the same.

MORNING BUSINESS

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

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

NOMINATIONS

Mr. LEAHY. Mr. President, as the Senate begins its final work period of the year, I want to thank those members of the Judiciary Committee who have been working so hard throughout this year in helping us fulfill our duties with respect to nominations.

Given the work of the Senators serving on the Judiciary Committee, the Senate is in position to confirm 40 judicial nominees for lifetime appointments to the Federal bench this year, including 6 more of this President's circuit court nominees.

The Senate has already acted to confirm 36 lifetime judicial appointments. Remaining on the Senate Executive calendar are the nominations of John Daniel Tinder to the Court of Appeals for the Seventh Circuit, Amul R. Thapar to the Eastern District of Kentucky, Joseph Normand Laplante to the District of New Hampshire, and Thomas D. Schroeder to the Middle District of North Carolina. When they are confirmed, and with the cooperation of Senators they can be confirmed this month, we will have exceeded the yearly total in each of the last 3 years when a Republican majority managed the Senate and the consideration of this Republican President's nominations. Indeed, we are proceeding on vacancies before they arise in some cases.

When we conclude our work on judicial nominations this year, we will have exceeded the totals in 2004, 2005, or 2006 when a Republican-led Senate was considering this President's nominees. We are exceeding the totals confirmed in 1996, 1997, 1999 and 2000, when a Republican-led Senate was considering President Clinton's nominees. We are even exceeding the totals in 1989 and 1993 when a Democratic-led Senate was considering President Clinton's nominees. This year's total will be almost two dozen more confirmations than were achieved during the 1996 session when Republicans refused to proceed to confirm any of President Clinton's circuit court nominations.

We continue to make progress on circuit court nominations. The six circuit court nominees confirmed this year matches the total circuit court confirmations for 2001. We will have exceeded the circuit court totals achieved in 2004 when a Republican-led Senate was considering this President's circuit nominees; in 1983, when a Republican-led Senate was considering President Reagan's nominees; in 1993, when a Democratic-led Senate was considering President Clinton's nominees; and, of course, the 1996 session during which a Republican-led Senate did not confirm a single one of President Clinton's circuit nominees the entire session.

It is a little known fact that during the Bush Presidency, more circuit judges, more district judges—more total judges—were confirmed in the first 24 months that I served as Judiciary chairman than during the 2-year tenures of either of the two Republican chairmen working with Republican Senate majorities.

I continue to try to find ways to make progress. Last month, I sent the President a letter urging him to work with me, Senator SPECTER, and home State Senators to send us more well-qualified, consensus nominations. To reward me for reaching out again and extending the olive branch to him, this President responded not by replying to my letter but by a much ballyhooed partisan speech before the Federal Society annual dinner.

I have been concerned that several recent nominations seem to be part of an effort to pick political fights rather than judges to fill vacancies. For example, President Bush nominated Duncan Getchell to one of Virginia's Fourth Circuit vacancies over the objections of both respected Virginia Senators, one a Republican and one a Democrat. They had submitted a list of five recommended nominations, and specifically warned the White House not to nominate Mr. Getchell.

In addition, we have succeeded in dramatically lowering vacancies and, in particular, circuit vacancies. We have helped cut the circuit vacancies from a high water mark of 32 in the early days of this administration to as low as 13 this year. Contrast that with the Republican-led Senate's lack of action on President Clinton's moderate and qualified nominees that resulted in increasing circuit vacancies during the Clinton years from 17 when he was inaugurated to 26 at the end of his term. During those years, the Republican-led Senate engaged in strenuous and successful efforts under the radar to keep circuit judgeships vacant in anticipation of a Republican President. More than 60 percent of current circuit court judges were appointed by Republican Presidents, with the current President having appointed more than 30 percent of the active circuit judges already.

Of the remaining vacancies, 20—more than one-third—have no nominee. Of the 17 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 8, nearly half of them. Of the 14 circuit court vacancies, 4—about one-third—are without a nominee. If the President would work with the Senators from Michigan, Rhode Island, Maryland, California, New Jersey, and Virginia, we could be in position to make even more progress.

Of the vacancies without any nominee, the President has violated the timeline he set for himself at least 12 times—12 have been vacant without so much as a nominee for more than 180 days. The number of violations may in fact be much higher since the President said he would nominate within 180 days of receiving notice that there would be a vacancy or intended retirement rather than from the vacancy itself. We conservatively estimate that he also violated his own rule 13 times in connection with the nominations he has made. That would mean that with respect to approximately 46 vacancies, the President is out of compliance with his own rule more than half of the time.

So I thank the members of the Judiciary Committee for their hard work considering these important nominations. I thank especially those Senators who have given generously of their time to chair confirmation hearings throughout the year.

ROADRUNNER COMPUTER

Mr. DOMENICI. Mr. President, today's Washington Post Science section contains an excellent summary on the work America is doing to develop the fastest computers in the world and the benefits to all of us from such computers.

The headline on the story, ''Faster Computers Accelerate Pace of Discovery,'' captures today and hints at tomorrow for science, using computers that have processing speeds of more than a thousand trillion calculations per second. That speed is known as a petaflop, in computer science speak.

I am proud that the first petaflop computer in the world is likely to be at Los Alamos National Laboratory in my home State of New Mexico. Working in conjunction with IBM, LANL's ''Roadrunner'' computer holds out the promise of immense advances in almost every aspect of scientific inquiry.

In the area of nuclear weapons, for example, computing power increases are critical. Two decades ago, this Nation decided to stop underground testing of nuclear weapons. Yet the necessity of certifying the reliability and performance of our nuclear stockpile remains. How could we do away with underground testing and still have the three weapons lab directors certify to the President that our weapons were safe and reliable. We decided to adopt a program called Science-Based Stockpile Stewardship. Essentially, we decided to simulate a nuclear weapons explosion using computer power. Clearly, America needed more computing power when we made this decision. ''Roadrunner'' is an important step toward making sure that our nuclear stockpile will work if ever needed.

One of the most interesting uses of this enormous computer power is modeling climate change. It is ironic that many of those who oppose additional funding for the national laboratories want a more aggressive stance on the question of climate change and ways to ameliorate it, are the same people who support a House-passed Energy and Water Appropriations bill that would reject more funding for ''Roadrunner.''

Mr. President, we are in the middle of negotiations on the Energy and Water appropriations bill right now. Adoption of the House-passed bill will not only set back our work on computing power and climate change but will be a disaster for certification of the reliability of our nuclear weapons. I hope that all Members of Congress will read today's article in the Washington Post to get an idea of what is at stake as we set policy in the future.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD.

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

[From the Washington Post, Dec. 3, 2007]

FASTER COMPUTERS ACCELERATE PACE OF DISCOVERY

(by Christopher Lee)

Sometime next year, developers will boot up the next generation of supercomputers, machines whose vast increases in processing power will accelerate the transformation of the scientific method, experts say.

The first ''petascale'' supercomputer will be capable of 1,000 trillion calculations per second. That's about twice as powerful as today's dominant model, a basketball-court-size beast known as BlueGene/L, at the Energy Department's Lawrence Livermore National Laboratory in California that performs a peak of 596 trillion calculations per second.

The computing muscle of the new petascale machines will be akin to that of more than 100,000 desktop computers combined, experts say. A computation that would take a lifetime for a home PC and that can be completed in about five hours on today's supercomputers will be doable in as little as two hours.

''The difficulty in building the machines is tremendous, and the amount of power these machines require is pretty mind-boggling,'' said Mark Seager, assistant department head for advanced computing technology at Lawrence Livermore. ''But the scientific results that we can get out of them are also mind-boggling and worth every penny and every megawatt it takes to build them.''

A leading candidate to become the first petascale machine, the ''Roadrunner'' supercomputer being developed by IBM in partnership with the Energy Department's Los Alamos National Laboratory, will require about 4 megawatts of power—enough to illuminate 10,000 light bulbs, said John Hopson, program director for advanced simulation and computing at Los Alamos in New Mexico.

But scientists say Roadrunner and its cousins will make possible dramatically improved computer simulations. That will help shed new light on subjects such as climate change, geology, new drug development, dark matter and other secrets of the universe, as well as other fields in which direct experimental observation is time-consuming, costly, dangerous or impossible.

In fact, supercomputers and their simulations are becoming so powerful that they essentially have introduced a new step in the time-honored scientific method that moves from theory to hypothesis to experimental confirmation, some experts contend.

''They are a tool that really helps stimulate the imagination of scientists and engineers in ways that previously weren't possible,'' said David Turek, vice president of supercomputing at IBM. ''You had theory and hypothesis and experimentation. Well, now scientists are admitting that computation is an important part of this, as well.''

''Nature is the final arbiter of truth,'' said Seager, the Lawrence Livermore computer scientist, but ''rather than doing experiments, a lot of times now we're actually simulating those experiments and getting the data that way.

''We can now do as much scientific discovery with computational science as we could do before with observational science or theoretical science.''

A particularly fruitful area of computer modeling has been the study of global climate change. Ten years ago, experts agreed that humans probably were contributing to global warming. Now, in part because of a 10,000-fold increase computing power and better accuracy in climate simulations, scientists are sure of it.

One result is that computer climate models can now simulate atmospheric and oceanic conditions and, crucially, how changes in each affect the other, experts said. Now the worry is not that computing power is inadequate but that the aging of NASA's weather satellites will lead to a shortage of input data before long, Seager and others said.

Petascale computers also will make it possible to predict, say, the effect of an earthquake on every building in downtown Los Angeles, experts said. Current models cannot yield predictions for areas smaller than a square mile or two. The increased detail could help shape building codes and be a valuable tool in evacuation planning and disaster preparedness.

Computer simulations also help assess the reliability, safety, security and performance of weapons in the U.S. nuclear stockpile, years removed from any real-life nuclear tests. ''Nuclear weapons are the quintessential example of something you can't really test anymore, so a lot of it has to be done computationally,'' said Hopson, the Los Alamos scientist.

Other potential uses of petascale computers include better simulations of what happens when stars explode into supernovas and die, and new and more refined analyses of experimental drugs and their effects on disease and interactions with other medications, experts said.

Still another is the modeling of the bird flu virus and how it might evolve to become more communicable and lethal—knowledge that could help scientists develop a vaccine in time to use it and to inform public health planning. Petascale computers are also expected to lead to more potent models for Wall Street to calculate risk and predict the fate of financial instruments, as well as more advanced digital prototypes of automobiles and jet aircraft, further reducing the need for physical mock-ups.

The remarkable advances in computing power of recent decades are frequently attributed to the tenet known as Moore's Law, named for Intel co-founder Gordon E. Moore, which says that progress in building chips doubles the power of microprocessors about every 18 months. But that alone does not explain the leaps in supercomputing, scientists said.

Today's supercomputers rely not only on better ''compute nodes'' (made up of faster chips and more memory), but also on scientists' ability to ''gang'' hundreds of thousands of those nodes together in a single machine and to devise better ways of having them communicate with one another and divide up the work of complex problem solving.

''If you ran today's code on yesterday's computers, they would be much faster,'' said Raymond Bair, director of the Argonne Leadership Computing Facility at the Energy Department's Argonne National Laboratory near Chicago. ''People have figured out how to solve the problems faster.''

Even before a petascale computer is a reality, scientists are anticipating the next big milestone, the exascale machine—a thousand times more powerful still, and capable of 1 million trillion calculations per second. But they'll have to wait. That one isn't expected until about 2018.

HONORING OUR ARMED FORCES

NATHAN GOOD IRON

Mr. DORGAN. Mr. President, I wish to offer a brief statement in tribute to Nathan Good Iron.

Nathan J. Good Iron was a high school basketball star, a college student, a new father. This young man of promise died in an enemy attack in Afghanistan a year ago while serving with a unit of the North Dakota National Guard, the 188th Air Defense Artillery. His family learned the terrible news on Thanksgiving Day of 2006.

Nathan was a Hidatsa Indian, a member of the Three Affiliated Tribes of Mandan, Hidatsa and Arikara of the Fort Berthold Reservation. For more than a thousand years, the Hidatsa people have lived in just a single place, along the banks of the Missouri River in North Dakota. Always a pastoral people, they resided in sizeable cities, cultivating extensive, lush gardens along the river, hunting buffalo and other game in the prairies around them. When white adventurers and traders began showing up, the Hidatsa were welcoming and friendly. Their villages, and those of their nearby allies—the Mandan and Arikara—were centers of trade and exploration.

But when it was necessary, when enemies invaded their homeland, the Hidatsa proved themselves strong and valiant warriors, establishing a long, epic history of courage and valor on the battlefield.

Such traits are not easily lost by a civilization. They persist through the generations. And the Hidatsa now have a new symbol of bravery, Nathan Good Iron.

Nathan was recently honored by a 3-day powwow in his memory. Powwows, which have long and rich traditions, are always events of high pageantry and symbolism. Soldiers and veterans receive special recognition at these powerful exhibitions and so it is appropriate that Nathan was honored with this noteworthy memorial powwow.

That powwow was an occasion for remembrance and joy for Nathan's 25 years of life, a proud memorial for his youthful sacrifice, and recognition of his patriotism, his championship of democracy, and his courageous willingness to put himself in harm's way when America called.

Please allow me, on behalf of the American people, to send my most respectful and admiring salute.

RETIREMENT OF SANDRA COOK

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to Sandra Cook who retired last week from the Department of Education. For almost 20 years, Sandra has worked in the Office of Legislative and Congressional Affairs at the Department, providing invaluable and dedicated service. She will be missed by all who worked with her, both at the Department and in Congress.

Improving education for each and every child in this country is one of the most important priorities for our Nation, and Sandra has been committed to that priority throughout her dedicated service. Her commitment to education began in the classroom in Indiana as a teacher of history and language arts. She came to Washington to work in Congress and then moved to the Department of Education. From there she has provided constant guidance and support to us as we work to improve Federal education policy. She has been an indispensable part of the past two reauthorizations of the Elementary and Secondary Education Act—the Improving America's Schools Act and the No Child Left Behind Act, as well as many other Federal education bills.

We all owe Sandra an immense debt of gratitude for her outstanding work. She knows the education laws inside and out, and she always goes the extra mile. She has always been able to work in a truly bipartisan way with Members of both parties. She doesn't just get the job done—she gets it done well, and with grace. We have been fortunate to have her.

As Sandra retires to Illinois, I know her colleagues at the Department of Education will miss her. Her knowledge and skills will be difficult to replace. Certainly, all of us in Congress and our staffs who have had the privilege of working with her will miss her assistance and support. I wish her a long and happy and healthy retirement. She has certainly earned it.

IN MEMORIAM: AUGUSTUS HAWKINS

Mrs. BOXER. Mr. President, I am honored to remember former Member of the House of Representatives Augustus Hawkins, who passed away on November 10, 2007, at the age of 100.

Augustus Freeman Hawkins was the first African American from California to be elected to Congress. He was a champion of workers, fair housing, and civil rights, and Hawkins represented south Los Angeles, first in the State legislature and then in Congress, for more than half a century.

Augustus was born in Shreveport, LA, on Aug. 31, 1907, the youngest of five children of Nyanza and Hattie Helena Hawkins. His family arrived in Los Angeles soon after World War I when Hawkins was 11. He attended Jefferson High School and earned a degree from UCLA in 1931.

He began his public service career in an era that was far less congenial to minority politicians, serving as a State assemblyman from 1935 until 1962, when he won election to the U.S. House of Representatives, as the civil rights movement was taking center stage. He served in the House from 1963 to 1991, and I was proud to serve with him.

While soft-spoken, Hawkins was fiery in defense of his constituents. At the time of the 1965 Watts riots in his district, he declared that police had been ''abusive and arrogant and have attempted to control things by force, not by more modern methods of control.''

When Hawkins retired at 83, he was widely praised for his unflagging legislative efforts to help bring those who had been left out of the system into the mainstream.

His legislative legacy includes a key role in shaping Federal statutes, most importantly as sponsor of the section of the landmark 1964 Civil Rights Act that created the Equal Employment Opportunity Commission. Hawkins fought with President after President for minimum-wage increases and, with Senator Hubert Humphrey, wrote the Humphrey-Hawkins Act of 1978 that was designed to reduce unemployment and inflation.

He is survived by two stepdaughters, Barbara A. Hammond and Brenda L. Stevenson; a stepson, Michael A. Taylor; two grandchildren; and one great-grandchild.

Our Nation lost an amazing public servant and mentor with the passing of Augustus Freeman Hawkins, but his legacy to the people of south Los Angeles, the State of California, and all of America should be remembered.

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

RUSSIAN PARLIAMENTARY ELECTIONS

• Mr. OBAMA. Mr. President, I commend Russian citizens for turning out in large numbers to vote in yesterday's parliamentary elections. For 16 years, Russia's citizens have exercised their right to vote, which is so essential to democracy.

Unfortunately, Russia's leaders have been working to make that vote more and more meaningless by creating an imitation democracy instead of a real one.

Well before the campaign even began, several Russian political parties and politicians were banned from participating in the election. During the campaign, President Putin and his party, United Russia, enjoyed virtually unlimited positive television air-time on Kremlin-controlled networks, while opposition parties had their ads removed and their campaign materials confiscated. The Russian authorities have prevented opposition parties from campaigning fairly, imprisoning opposition leaders, intimidating activists, and preventing them from making their case to Russia's voters. Russian voters have reported that they have been pressured to vote for the Kremlin's party, United Russia, by employers and local officials. In Chechnya, 99.2 percent of voters allegedly turned out to vote and 99.3 percent of these voters allegedly cast their ballot for United Russia. Several other regions have reported similar results for Putin's party, making a mockery of this vote as a free and fair election. Yesterday's elections were the least free and fair in the 16 years of Russia's modern history as an independent country.

We have to work with the Russian leadership in the coming years to deal with vital foreign policy issues, including securing nuclear materials and preventing Iran from acquiring nuclear weapons. Nuclear weapons security is a high priority, and the United States and Russia need to work together to prevent proliferation of nuclear weapons or materials.

But in doing so, we do not have to turn a blind eye to the erosion of Russian democracy. We must be clear-eyed on Russia's political direction, which in the long run is not favorable for Russia's own political stability or economic prosperity. By engaging Russia honestly, we will remain friends of the Russian people as they continue to try to build for themselves a better country and future.•

ADDITIONAL STATEMENTS

HONORING PATROL OFFICER JOHN PAUL MILLER

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of a dedicated public servant, Officer John Paul Miller of the California Highway Patrol. On the evening of November 16, 2007, while searching for a reported reckless drunk driver, Officer Miller's life was tragically cut short in the line of duty when his patrol vehicle struck a tree on a rural road near Livermore.

Officer Miller graduated from the California Highway Patrol Academy in March 2007 and joined the Dublin CHP office soon afterward. Officer Miller dutifully served the citizens and communities of Contra Costa County. Although his time in the uniform was all too short, Officer Miller demonstrated a passion for law enforcement and commitment to helping others, qualities that enabled him to become a respected member of the California Highway Patrol. Officer Miller's colleagues shall always remember him for his gregarious nature and devotion to serving the public.

Officer Miller is survived by his wife Stephanie and children, Chandler and Reese. When he was not on duty or

spending time with his beloved family, Officer Miller was an avid sportsman who enjoyed playing basketball, football, and golf. Officer John Paul Miller served the State of California with honor and distinction and fulfilled his oath as an officer of the law. His contributions to law enforcement and the many lives that he touched will serve as a shining example of his legacy.

We shall always be grateful for Officer Miller's service and the sacrifices he made while serving and protecting the people of California.●

100TH ANNIVERSARY OF THE ROSEVILLE FIRE DEPARTMENT

● Mrs. BOXER. Mr. President, I am pleased to recognize the 100th anniversary of the Roseville Fire Department in Roseville, CA.

In November 1907, a group of downtown merchants in the railroad community of Roseville came together and formed the Citizens Volunteer Fire Department after devastating fires destroyed and threatened many of their businesses. The department opened under the leadership of fire chief W.B. Musson, who was joined by assistant fire chief W.T. Butler and 16 volunteer firefighters to protect the town of approximately 6,000 residents.

When the city of Roseville was incorporated in 1909, the department was officially named the ''Roseville Fire Department'' and for over 50 years worked out of two fire stations and added a third in 1961. In 1947, after 40 years as a volunteer fire department, the Roseville Fire Department hired a full-time firefighting team to protect the rapidly growing city.

Today, the Roseville Fire Department has 130 employees serving over 100,000 residents with 8 fire stations, a 3-acre training facility, a technical rescue team, a hazardous materials team and emergency medical technicians at every fire station.

As the firefighters and community celebrate the Roseville Fire Department's centennial anniversary, I would like to congratulate and thank all of the brave men and women of the Roseville Fire Department who have proudly served their community over the past 100 years.●

REMEMBERING KENNETH THOMAS NOVEL

● Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Kenneth Thomas Novel. Kenneth passed away after a battle with liver cancer on November 14 at his home in Gaithersburg, MD. He was 60 years of age.

Kenneth was born in New York City, NY, on January 30, 1947. He was a Vietnam veteran who served with the ''Screaming Eagles'' of the U.S. Army's 101st Airborne Division in Vietnam in 1968. On November 20, Kenneth Novel was buried with full military honors at the Columbarium in Arlington National Cemetery.

Kenneth was an owner of O Salon in Georgetown along with his brother, Robert. His career spanned more than 38 years between Washington, DC and Aspen, CO.

Kenneth Novel was a devoted family man. He is survived by his loving wife Theresa; three children, Lisa Hackett, Simone and Anthony; two grandchildren, Jake and Luke; and two brothers, Gene and Robert Novel.

Lilibet and I, and all of Kenneth's friends, offer our prayers to Theresa and the Novel family. Kenneth was an American patriot who believed in his country and fought for his country. America owes him our thanks for his contributions and sacrifice. He will be missed by many of us.●

TRIBUTE TO DR. HIRAM WARD

● Mrs. LINCOLN. Mr. President, this Friday, on December 7 in Murfreesboro, AR, the citizens of Pike County will gather together to honor Dr. Hiram Ward as the ''2007 Country Doctor of the Year.'' He is receiving the award for coming out of retirement and saving the Pike County Memorial Hospital from closure. The award is sponsored by Staff Care, a medical staffing firm in Irving, TX, and is presented annually ''to physicians who best exemplify the spirit, skill, and dedication of America's medical practitioners.''

Since 1953, Dr. Ward has served the citizens of Murfreesboro and Pike County as a devoted physician and caregiver. Nearly 9 years ago, Dr. Ward, who just recently turned 82, went into ''semi-retirement,'' only seeing patients occasionally.

However, when Pike County Memorial Hospital faced closure due to the loss of its staff physicians, Dr. Ward came out of retirement and resumed work full time to keep the hospital open. For the last 11 months, Dr. Ward has served as the chief of staff for Pike County Memorial and has been on call 24 hours a day, 7 days a week. His work has kept the hospital, which is the second largest employer in town employing 55 people, from permanent closure.

For the people of southwest Arkansas, Dr. Ward has been a constant both at birth and death. He has delivered babies for most of the families in the area and also sat at the bedsides of many people's parents and grandparents at the hour of their passing. His handiwork as a physician is visible on the countless individuals that he ''stitched up'' over the course of his career. He has set limbs, removed gall stones, and simply improved the condition of his patients by just talking to them. He has also saved many lives in Pike County.

He has been the family doctor for my State director, Donna Kay Yeargan, nearly all of her life. She told me that Dr. Ward saved the life of her father, Jetty Steel, many times over beginning in 1963 when Mr. Steel suffered injuries from a serious car accident. Dr. Ward treated him in the emergency room before he was transported to another area hospital in Texarkana, AR. Years later, he discovered a heart problem in Mr. Steel and insisted that he receive a new heart valve.

In the years after Donna Kay's mother died, Dr. Ward would travel 20 miles down an old country road to Nashville, AR, every Saturday night to visit with Jetty and give him a quick medical check. But it was at the end of Mr. Steel's life that Dr. Ward showed how much he cared about his patients. During the 3 weeks Mr. Steel was in the hospital before his death in March 2006, Dr. Ward came to the hospital at least twice a day to just sit and visit with him.

He is a quiet and thoughtful man of few words, but he maintains a commonsense approach to health and medicine that has made him among the most trusted men in the region. His patients are not just patients, they are his neighbors, his friends, his extended family. It is obvious that he does more than attend to their medical needs; he cares for them and loves them like family.

Dr. Ward's life is medicine and keeping people healthy and active. He has always understood the value of treating the whole person. He gives each patient his undivided attention no matter how busy he is. There is a big difference between ''medical attention'' and ''medical care.'' Perhaps the key to Dr. Ward's long and valuable service is that he understands that difference and that he really does care.

Most people would say that Dr. Ward has gone above and beyond the call of duty, but his friends doubt that he believes that.

Already this year, he has been featured in the July 2007 edition of ''Reader's Digest'' in the Grassroots column for his dedication to the people of Pike County and for coming out of retirement to keep the hospital open.

So, Mr. President, I congratulate Dr. Ward. The State of Arkansas is very proud of his achievements and happy that Dr. Ward is receiving this well-deserved recognition. Although Dr. Ward will take this in stride and quietly accept the accolades, his true reward comes from the work he has done and continues to do for his community.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, a withdrawal, and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE DURING RECESS

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on November 20, 2007, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 50. An act to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994.

H.R. 465. An act to reauthorize the Asian Elephant Conservation Act of 1997.

H.R. 2089. An act to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the ''Louisiana Armed Services Veterans Post Office''.

H.R. 2276. An act to designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the ''Corporal Christopher E. Esckelson Post Office Building'' .

H.R. 3297. An act to designate the facility of the United States Postal Service located at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the ''Nate DeTample Post Office Building'' .

H.R. 3307. An act to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the ''Dennis P. Collins Post Office Building''.

H.R. 3308. An act to designate the facility of the United States Postal Service located at 216 East Main Street in Atwood, Indiana, as the ''Lance Corporal David K. Fribley Post Office''.

H.R. 3325. An act to designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the ''Corporal Stephen R. Bixler Post Office''.

H.R. 3382. An act to designate the facility of the United States Postal Service located at 200 North William Street in Goldsboro, North Carolina, as the ''Philip A. Baddour, Sr. Post Office''.

H.R. 3446. An act to designate the facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the ''Michael W. Schragg Post Office Building''.

H.R. 3518. An act to designate the facility of the United States Postal Service located at 1430 South Highway 29 in Cantonment, Florida, as the ''Charles H. Hendrix Post Office Building''.

H.R. 3530. An act to designate the facility of the United States Postal Service located at 1400 Highway 41 North in Inverness, Florida, as the ''Chief Warrant Officer Aaron Weaver Post Office Building''.

H.R. 3572. An act to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the ''Wallace S. Hartsfield Post Office Building''.

Under authority of the order of the Senate of January 4, 2007, the enrolled bills were signed on November 20, 2007, during the recess of the Senate, by the President pro tempore (Mr. BYRD).

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3773. An act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

H.R. 3915. An act to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes.

H.R. 4136. An act to amend title 18 of the United States Code to clarity the scope of the child pornography laws and for other purposes.

The message also announced that the House of Representatives having proceeded to reconsider the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3915. An act to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to establish licensing and registration requirements for residential mortgage originators, to provide certain minimum standards for consumer mortgage loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4136. An act to amend title 18 of the United States Code to clarify the scope of the child pornography laws, and for other purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 3703. An act to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines.

H.R. 3997. An act to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3773. An act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

REPORTS OF COMMITTEES DURING RECESS

Under the authority of the order of the Senate of November 16, 2007, the following reports of committees were submitted on November 27, 2007:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1661. A bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad (Rept. No. 110–233).

EXECUTIVE REPORTS OF COMMITTEES RECEIVED DURING RECESS

Under the authority of the order of the Senate of November 16, 2007, the following executive reports of committees were submitted on November 27, 2007:

By Mr. LEAHY for the Committee on the Judiciary:

Joseph N. Laplante, of New Hampshire, to be United States District Judge for the District of New Hampshire.

Thomas D. Schroeder, of North Carolina, to be United States District Judge for the Middle District of North Carolina.

By Mr. BIDEN, from the Committee on Foreign Relations:

Treaty Doc. 109–12: Patent Law Treaty and Regulations Under Patent Law Treaty with one reservation (Ex. Rept. 110–6);

Treaty Doc. 109–21: Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs with nine declarations (Ex. Rept. 110–7); and

Treaty Doc. 110–2: Singapore Treaty on the Law of Trademarks with one condition (Ex. Rept. 110–8)

The text of the committee-recommended resolutions of advice and consent to ratification are as follows:

109–12: Patent Law Treaty and Regulations Under Patent Law Treaty.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Reservation

The Senate advises and consents to the ratification of the Patent Law Treaty and Regulations under the Patent Law Treaty, done at Geneva on June 1, 2000 (Treaty Doc. 109–12), subject to the reservation of section 2.

Section 2. Reservation

The advice and consent of the Senate under section 1 is subject to the following reservation, which shall be included in the United States instrument of ratification:

Pursuant to Article 23, the United States of America declares that Article 6(1) shall not apply to any requirement relating to unity of invention applicable under the Patent Cooperation Treaty to an international application.

109–21: Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Declarations

The Senate advises and consents to the ratification of the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (the ''Agreement''), adopted in Geneva on July 2, 1999, and signed by the United States of America on July 6, 1999 (Treaty Doc. 109–21), subject to the declarations of section 2.

Section 2. Declarations

The advice and consent of the Senate under section 1 is subject to the following declarations, which shall be included in the United States instrument of ratification:

(1) Pursuant to Article 5(2)(a) and Rule 11(3) of the Agreement, the United States of America declares that its Office is an Examining Office under the Agreement whose law requires that an application for the grant of protection to an industrial design contain: (i) indications concerning the identity of the creator of the industrial design that is the subject of the application; (ii) a brief description of the reproduction or of the characteristic features of the industrial design that is the subject of the application; and (iii) a claim. The specific wording of the claim shall be in formal terms to the ornamental design for the article (specifying name of article) as shown, or as shown and described.

(2) Pursuant to Article 7(2) and Rule 12(3) of the Agreement, the United States of America declares that, as an Examining Office under the Agreement, the prescribed designation fee referred to in Article 7(1) of the Agreement shall be replaced by an individual designation fee, that is payable in a first part at filing and a second part payable upon allowance of the application. The current amount of the designation fee is US$1,230, payable in a first part of US$430 at filing and a second part of US$800 upon allowance of the application. However, for those entities that qualify for ''small entity'' status within the meaning of section 41(h) of title 35 of the United States Code and section 3 of the Small Business Act, the amount of the individual designation fee is US$615, payable in a first part of US$215 and a second part of US$400. In addition, these amounts are subject to future changes upon which notification to the Director General will be made in future declarations as authorized in Article 7(2) of the Agreement.

(3) Pursuant to Article 11(1)(b) of the Agreement, the United States of America declares that the law of the United States of America does not provide for the deferment of the publication of an industrial design.

(4) Pursuant to Article 13(1) of the Agreement, the United States of America declares that its laws require that only one independent and distinct design may be claimed in a single application.

(5) Pursuant to Article 16(2) of the Agreement, the United States of America declares that a recording by the International Bureau under Article 16(1)(i) of the Agreement shall not have effect in the United States of America until the United States Patent and Trademark Office has received the statements or documents recorded thereby.

(6) Pursuant to Article 17(3)(c) of the Agreement, the United States of America declares that the maximum duration of protection for designs provided for by its law is 15 years from grant.

(7) Pursuant to Rule 8(1) of the Agreement, the United States of America declares that the law of the United States of America requires that an application for protection of an industrial design be filed in the name of the creator of the industrial design. The specific form and mandatory contents of a statement required for the purposes of Rule 8(2) of the Agreement are contained in section 1.63 of title 37 of the Code of Federal Regulations of the United States.

(8) Pursuant to Rule 13(4) of the Agreement, the United States of America declares that the period of one month referred to in Rule 13(3) of the Agreement shall be replaced by a period of six months as to the United States of America in light of the security clearance required by United States law.

(9) Pursuant to Rule 18(1)(b), the United States of America declares that the period of six months referred to in Rule 18(1)(a) of the Agreement shall be replaced by a period of twelve months with respect to the United States of America, as the Office of the United States of America is an Examining Office under the Agreement.

110–2: Singapore Treaty on the Law of Trademarks.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Condition

The Senate advises and consents to the ratification of the Singapore Treaty on the Law of Trademarks adopted in Singapore on March 27, 2006 and signed by the United States at Singapore on March 28, 2006 (Treaty Doc. 110–2), subject to the condition of section 2.

Section 2. Condition

The advice and consent of the Senate under section 1 is subject to the following condition:

Report on Amendments to the Regulations. Not later than 60 days after the Assembly has agreed to an amendment to the Regulations pursuant to Article 22 and Article 23 of the Treaty, the Secretary of State shall transmit the text of the amendment to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SESSIONS (for himself, Mrs. CLINTON, Mr. MCCAIN, Mr. CASEY, Mr. MARTINEZ, Mr. SANDERS, Mr. LAUTENBERG, Mr. DORGAN, and Mr. WEBB):

S. 2400. A bill to amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, and for other purposes; to the Committee on Armed Services.

By Ms. CANTWELL (for herself, Mr. ALLARD, Mr. ISAKSON, Mr. SALAZAR, and Mr. BROWNBACK):

S. 2401. A bill to amend the Internal Revenue Code of 1986 to allow a refund of motor fuel excise taxes for the actual off-highway use of certain mobile machinery vehicles; to the Committee on Finance.

By Mr. SPECTER:

S. 2402. A bill to provide for the substitution of the United States in certain civil actions; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mr. WEBB):

S. 2403. A bill to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the ''Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse''; to the Committee on Environment and Public Works.

By Mr. SCHUMER:

S. 2404. A bill to amend title XVIII of the Social Security Act to improve payments under the Medicare clinical laboratory fee schedule; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS:

S. Con. Res. 57. A concurrent resolution honoring professional surveyors and recognizing their contributions to society; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 310

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 310, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

S. 329

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

At the request of Mr. CRAPO, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 329, supra.

S. 399

At the request of Mr. BUNNING, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 442

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 548

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 588

At the request of Mr. NELSON of Florida, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 588, a bill to amend title XVIII of the Social Security Act to increase the Medicare caps on graduate medical education positions for States with a shortage of residents.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 721

At the request of Mr. ENZI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 721, a bill to allow travel between the United States and Cuba.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 1015

At the request of Mr. COCHRAN, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1015, a bill to reauthorize the National Writing Project.

S. 1070

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1107

At the request of Mr. SMITH, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1107, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 1159

At the request of Mr. HAGEL, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1159, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1170

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1170, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Basin and Range Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1390

At the request of Mrs. CLINTON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1390, a bill to provide for the issuance of a ''forever stamp'' to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 1395

At the request of Mr. LEVIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1395, a bill to prevent unfair practices in credit card accounts, and for other purposes.

S. 1556

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1581

At the request of Mr. LAUTENBERG, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Alaska (Mr. STEVENS), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1581, a bill to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration.

S. 1616

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1616, a bill to amend the Clean Air Act to promote and assure the quality of biodiesel fuel, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1708

At the request of Mr. DODD, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Illinois (Mr. OBAMA) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 1708, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1750

At the request of Mr. SPECTER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1750, a bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries.

S. 1812

At the request of Mrs. CLINTON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1812, a bill to amend the Elementary and Secondary Education Act of 1965 to strengthen mentoring programs, and for other purposes.

S. 1823

At the request of Mr. BOND, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1823, a bill to set the United States on track to ensure children are ready to learn when they begin kindergarten.

S. 1858

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1858, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 1914

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1914, a bill to require a comprehensive nuclear posture review, and for other purposes.

S. 1920

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1920, a bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce.

S. 1951

At the request of Mr. BAUCUS, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Illinois (Mr. OBAMA) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1965

At the request of Mr. STEVENS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2051

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 2056

At the request of Mr. ROCKEFELLER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2056, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 2058

At the request of Mr. LEVIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2058, a bill to amend the Commodity Exchange Act to close the Enron loophole, prevent price manipulation and excessive speculation in the trading of energy commodities, and for other purposes.

S. 2067

At the request of Mr. MARTINEZ, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2067, a bill to amend the Federal Water Pollution Control Act relating to recreational vessels.

S. 2071

At the request of Mrs. FEINSTEIN, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Ms. CANTWELL), the Senator from Oklahoma (Mr. COBURN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arkansas (Mr. PRYOR) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2088

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2088, a bill to place reasonable limitations on the use of National Security Letters, and for other purposes.

S. 2119

At the request of Mr. JOHNSON, the names of the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Delaware (Mr. CARPER) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2141

At the request of Mr. JOHNSON, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2141, a bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes.

S. 2147

At the request of Mr. SANDERS, his name was added as a cosponsor of S. 2147, a bill to require accountability for contractors and contract personnel under Federal contracts, and for other purposes.

S. 2160

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2160, a bill to amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, and for other purposes.

S. 2162

At the request of Mr. AKAKA, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2162, a bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2166

At the request of Mr. CASEY, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2181

At the request of Ms. COLLINS, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 2209

At the request of Mr. HATCH, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2238

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2238, a bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

S. 2270

At the request of Ms. STABENOW, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2270, a bill to include health centers in the list of entities eligible for mortgage insurance under the National Housing Act.

S. 2307

At the request of Mr. KERRY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2307, a bill to amend the Global Change Research Act of 1990, and for other purposes.

S. 2320

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2320, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 2332

At the request of Mr. DORGAN, the names of the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. SANDERS), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from California (Mrs. BOXER), the Senator from Idaho (Mr. CRAIG) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2332, a bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership.

S. 2341

At the request of Mrs. CLINTON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2341, a bill to provide Individual Development Accounts to support foster youths who are transitioning from the foster care system.

S. 2347

At the request of Mr. OBAMA, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Delaware (Mr. CARPER), the Senator from Vermont (Mr. SANDERS) and the Senator from Connecticut (Mr. LIEBERMAN)

were added as cosponsors of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

S. 2348

At the request of Mr. CORNYN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2348, a bill to ensure control over the United States border and to strengthen enforcement of the immigration laws.

S. 2351

At the request of Mr. SCHUMER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2351, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for medical research related to developing qualified infectious disease products.

S. 2355

At the request of Ms. CANTWELL, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2355, a bill to amend the National Climate Program Act to enhance the ability of the United States to develop and implement climate change adaptation programs and policies, and for other purposes.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2378

At the request of Mr. ROBERTS, the name of the Senator from Ohio (Mr. BROWNBACK) was added as a cosponsor of S. 2378, a bill to authorize the voluntary purchase of certain properties in Treece, Kansas, endangered by the Cherokee County National Priorities List Site, and for other purposes.

S.J. RES. 22

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

S. RES. 178

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. Res. 178, a resolution expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

S. RES. 273

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Res. 273, a resolution expressing the sense of the Senate that the United States Postal Service should issue a semipostal stamp to support medical research relating to Alzheimer's disease.

AMENDMENT NO. 3769

At the request of Mr. CRAPO, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 3769 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3770

At the request of Mr. CRAPO, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 3770 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SESSIONS (for himself, Mrs. CLINTON, Mr. MCCAIN, Mr. CASEY, Mr. MARTINEZ, Mr. SANDERS, Mr. LAUTENBERG, Mr. DORGAN, and Mr. WEBB):

S. 2400. A bill to amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, and for other purposes; to the Committee on Armed Services.

Mr. SESSIONS. Mr. President, I am pleased today to offer a bipartisan bill to fix a serious loophole in the law that has prevented some of our wounded warriors from Iraq and Afghanistan from receiving their full enlistment bonuses when they are discharged as the result of wounds they receive in combat. The Wounded Warrior Bonus Equity Act reflects the hard work of several Members of Congress, who put partisanship aside to address this serious matter. The men and women of our magnificent armed forces serve with incredible courage and bravery. In return, the U.S. makes a commitment to them, and the Government must fulfill its end of the bargain.

By Mr. SPECTER:

S. 2402. A bill to provide for the substitution of the United States in certain civil actions; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition to introduce The Foreign Intelligence Surveillance Substitution Act of 2007, to substitute the Federal Government for the telephone companies in litigation challenging the so-called Terrorist Surveillance Program. This is a very complex issue, and I have been discussing it at length with my colleagues on the Judiciary Committee. It does raise some very important questions, and I begin my analysis by acknowledging the good citizenship of the telephone companies for whatever it is that they have done. We still don't know all of what that is. But I do not believe that it is appropriate to grant what is called ''retroactive immunity'' because of what has occurred here.

The legislation substitutes the U.S. in place of any electronic communication service company which provided communications in connection with an intelligence activity that was authorized by the President between September 11, 2001, and January 17, 2007, and designed to detect or prevent a terrorist attack against the U.S.

In order for substitution to apply, the electronic communications service provider must have received a written request from the Attorney General or the head of an element of the intelligence community indicating that the activity was authorized by the President and determined to be lawful. If the provider assisted the Government beyond what was requested in writing, this legislation will leave the provider on the hook for any surplus assistance. On the other hand, the Government will be substituted if the Attorney General certifies that the electronic communications service provider did only what the Government asked. Once substitution occurs, Federal and State courts are directed to dismiss the providers from the action.

This legislation provides that plaintiffs in these cases may continue to send third-party discovery requests such as Rule 45 subpoenas to the electronic communications service providers after they have been dismissed. Moreover, the bill provides that plaintiffs may also deem provider admissions as Government admissions in their case against the Government. My legislation provides that the Government will not have sovereign immunity in the 40 or so cases currently pending in the California Multi-District Litigation.

This bill provides authority for the U.S. to remove actions from State court to Federal court. Notably, the legislation is intended to ensure that the Government can only assert those defenses the electronic communications companies may assert under current law. On the other hand, nothing in the bill is designed to increase or diminish the ability of the Government to assert the States Secret privilege. The legislation is carefully crafted so as not to disturb plaintiffs' standing to bring their claims against the Government.

Now, recognizing the telephone companies are good citizens, I am prepared to see their involvement held to the minimum. We hear concerns about them being involved in litigation. Well, I don't know if there's much litigation

for them to be involved in once the Federal Government is substituted. Some express dismay over the continued burden of discovery. I am not convinced there will be much further discovery here. Some have expressed a reticence to having their service technicians, in-house counsel, and other employees called as witnesses. Yet, I don't know that they are necessarily going to be witnesses. We can't judge that now.

I believe there are very important—perhaps even constitutional—privacy issues here that ought to be subjected to judicial review. We know that important litigation in the Federal court in San Francisco, Judge Walker has declined to dismiss a challenge to the Terrorist Surveillance Program on State secrets grounds.

I don't think Congress can stand by, and in the face of what has happened, give carte blanche, a free ticket, grant retroactive immunity to suggest to future administrations that they can ignore separation of powers and they can ignore Congressional oversight and just run roughshod over the entire process without being held accountable. The better practice is to allow judicial proceedings to take their course and let the courts make their own determinations.

I strongly encourage all of my colleagues, Republicans and Democrats alike, to carefully consider this bill as we begin to debate the related FISA Amendments Act of 2007.

By Mr. WARNER (for himself and Mr. WEBB):

S. 2403. A bill to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the ''Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse''; to the Committee on Environment and Public Works.

Mr. WARNER. Mr. President, I rise today to offer a bill to name the new Richmond courthouse for two distinguished Virginia jurists, Judge Spottswood W. Robinson III and Judge Robert Merhige, Jr.

Since the selection of the College of William and Mary as the site for the Nation's first law school, Virginia's contribution to the field of law is arguably without equal. Virginia practitioners such as George Wythe, Thomas Jefferson, John Marshall, James Monroe and Henry Clay have all profoundly shaped and molded our country's legal traditions.

Continuing in that rich tradition, Judge Spottswood W. Robinson, III, and Judge Robert Merhige, Jr. were lawyers who throughout their careers adhered to the principles of ''equal justice under law.''

Spottswood William Robinson, III was born in Richmond, Virginia on July 26, 1916. He attended Virginia Union University and then Howard University School of Law, graduating first in his class in 1939 and serving as member of the faculty until 1947.

Judge Robinson was one of the core attorneys of the NAACP Legal Defense and Educational Fund from 1948 to 1960, achieving national prominence in the legal community with his representation of the Virginia plaintiffs in the 1954 landmark U.S. Supreme Court case Brown v. Board of Education that declared ''separate but equal'' schools unconstitutional.

In 1964, Judge Robinson became the first African-American to be appointed to the United States District Court for the District of Columbia. In 1966, President Johnson appointed Judge Robinson the first African-American to the United States Court of Appeals for the District of Columbia Circuit. On May 7, 1981, Judge Robinson became the first African-American to serve as Chief Judge of the District of Columbia Circuit.

Judge Merhige was born in New York in 1919 and attended High Point College in North Carolina. Later, he earned his law degree from T.C. Williams School of Law at the University of Richmond, from which he graduated at the top of his class in 1942.

From 1942 to 1945, Judge Merhige served in the United States Air Force and then practiced law in Richmond from 1945 until 1967. While practicing in Richmond, Judge Merhige established himself as a formidable trial lawyer representing a wide variety of clients. In August of 1967, Judge Merhige was appointed U.S. District Court Judge for the Eastern District of Virginia, Richmond Division by President Lyndon B. Johnson, where he served for over 30 years.

While on the Federal bench, Judge Merhige presided over some of the most important and complicated litigation in U.S. history. In 1970, he ordered the University of Virginia to admit women, and 2 years later he ordered the desegregation of dozens of Virginia school districts. As evidence of Judge Merhige's groundbreaking decisions, he was given 24-hour protection by Federal marshals, due to repeated threats of violence against him and his family. His courage in the face of the significant opposition of the times is a testimony to his dedication to the rule of law.

I have been down to Richmond to see the new courthouse, and I can tell you it is a magnificent structure, and as such, I carefully took this responsibility in naming the U.S. Federal courthouse in Richmond. No name is more fitting for this important structure than naming it after two legal giants—both jurists—the Robinson-Merhige Federal Courthouse.

I thank the Senate for the consideration of this bill and look forward to working with my colleagues seeking its passage.

Mr. WEBB. Mr. President, I am honored to speak on behalf of a bill I have cosponsored with my distinguished colleague, the senior senator from Virginia.

It is altogether appropriate that the new Federal courthouse in Richmond, our Commonwealth's capital and a city that played a pivotal role in our Nation's civil rights debate, be named in honor of two of Virginia's most distinguished citizens, Judge Spottswood Robinson, III, and Judge Robert Merhige, Jr. Both of these men are considered consummate Federal jurists, and both will be remembered as fierce defenders of the Constitution and the rule of law.

Judge Robinson was born in Richmond on July 26, 1916 and passed away at his home in Virginia on October 11, 1998. Judge Robinson attended Virginia Union University and achieved a number of ''firsts.'' He graduated first in his class from Howard University's School of Law. He was the first African-American to be appointed to the U.S. District Court for the District of Columbia. Also, he was the first African-American to be appointed to the Circuit Court of Appeals for the District of Columbia and the first African-American to serve as chief justice of that court. Judge Robinson served on the U.S. Commission on Civil Rights and as dean of Howard University Law School. Of his long and distinguished career, one of his most notable accomplishments was serving as counsel for the NAACP Legal Defense and Educational Fund, and acting as one of the principal attorneys in Brown v. The Board of Education, arguably the most important civil rights case of the twentieth century.

Professor Jack Greenberg of Columbia University Law School, an authority on civil rights law stated, ''[Judge Robinson] was an exceptionally capable lawyer. He was good with judges and juries. He knew the law. He knew some of the esoteric, technical, sort of obscure parts of legal history.'' Considering Judge Robinson's arguments before the Supreme Court, Professor Greenberg said, ''He was very calm and just absolutely brimming with facts and information and legal doctrine.''

Judge Merhige was born February 5, 1919, in New York, and after 31 years on the bench, passed away in Richmond on February 18, 2005. Judge Merhige presided over the U.S. District Court for the Eastern District of Virginia from 1967 until 1998. Judge Merhige received his law degree from the University of Richmond's T.C. Williams School of Law. In 1972, Judge Merhige courageously ordered the desegregation of dozens of Virginia school districts. Despite numerous threats and receiving 24-hour protection by Federal authorities, Judge Merhige remained faithful to the Constitution and the rule of law. Judge Merhige ordered the University of Virginia to admit women in 1970 and rejected appeals by defendants in the Watergate case.

A friend of many years, Governor Gerald Baliles, once stated Judge Merhige was, ''a man of civility and courage, a gentle but vibrant force of the legal realm. . . . [Judge Merhige] was a master of wit and could puncture the pomposity of lawyers as well as engage in acts of self-deprecation.''

These two men were bold enough to recognize and fight to ensure that the rights guaranteed under the U.S. Constitution are enjoyed by everyone, and not just the privileged or members of a certain race, religion, or socio-economic group.

The names of Judge Robinson and Judge Merhige will be etched on the walls of this courthouse. I am committed to ensuring that their legacy of equality and fundamental fairness persists in the hearts of all Virginians.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 57—HONORING PROFESSIONAL SURVEYORS AND RECOGNIZING THEIR CONTRIBUTIONS TO SOCIETY

Mr. STEVENS submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 57

Whereas there are over 45,000 professional surveyors in the United States;

Whereas the nature of surveying has changed dramatically since 1785, as it is no longer limited to the description and location of land boundaries;

Whereas hydrographic surveys are important to the use of all bodies of water;

Whereas engineering surveys are utilized in the study and selection of sites and methods for engineering and construction projects;

Whereas geodetic surveys determine precise global positioning for such activities as aircraft and missile navigation;

Whereas cartographic surveys are used for mapping and charting, as well as photogrammetry, the science of using aerial photographs for measurement and map production;

Whereas many services are provided through the use of sophisticated surveying equipment and techniques, including satellite-borne remote sensing devices and automated positioning, measuring, recording, and plotting equipment;

Whereas the role of the surveyor has been, and remains, of vital importance in the development of the United States;

Whereas, since the colonial days of this Nation, surveyors have been leaders in the community, statesmen, influential citizens, and shapers of cultural standards;

Whereas former surveyors include George Washington, Thomas Jefferson, and Abraham Lincoln;

Whereas it was the work of the surveyor that determined the boundaries of land, the greatest economic asset in the colonies that became the United States;

Whereas Thomas Jefferson chaired a committee in 1784 to devise a plan for disposing of lands west of the 13 original colonies;

Whereas Thomas Jefferson argued that surveying before sale was necessary to prevent overlapping claims and to simplify deeds and registers;

Whereas Thomas Jefferson reportedly wrote a plan, which was debated in Congress and in modified form was adopted as the Land Ordinance of May 20, 1785, establishing the Public Land Survey System (''PLSS''), the rectangular system that continues today in 30 midwestern and western States; and

Whereas the establishment of the 3rd week of March as ''National Surveyors Week'' would be a fitting tribute to all surveyors: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recommends the establishment of National Surveyors Week;

(2) requests that the President issue a proclamation calling on the people of the United States to observe National Surveyors Week each year with appropriate ceremonies and activities paying tribute to professional surveyors and their contribution to society; and

(3) invites the people of the United States to look back at the historic contributions of surveying and look ahead to the new technologies which are constantly modernizing this honored and learned profession.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3802. Mr. SALAZAR (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill H.R. 238, to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California.

TEXT OF AMENDMENTS

SA 3802. Mr. SALAZAR (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill H.R. 238, to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California; as follows:

At the end of the bill, add the following:

SEC. 2. URBANIZED AREA FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading, by striking ''2007'' and inserting ''2009'';

(2) in subparagraph (A), by striking ''2007'' and inserting ''2009''; and

(3) by adding at the end the following:

''(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

''(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

''(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

''(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002.''.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on December 11, 2007, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 2156 (SECURE Water Act), a bill to authorize and facilitate the improvement of water management by the Bureau of Reclamation, to require the Secretary of the Interior and the Secretary of Energy to increase the acquisition and analysis of water-related data to assess the long-term availability of water resources for irrigation, hydroelectric power, municipal, and environmental uses, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, December 13, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on Reform of the Mining Law of 1872.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Senate Committee on Energy and Natural Resources.

The hearing will be held on Thursday, December 13, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony regarding forest restoration and hazardous fuels reduction efforts in the forests of Oregon and Washington.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of

the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled, ''Credit Card Practices: Unfair Interest Rate Increases.'' The Subcommittee hearing will examine the circumstances under which credit card issuers may increase the interest rates of cardholders who are in compliance with the terms of their credit cards. This hearing will be a followup to the Subcommittee's March 2007 hearing, which examined practices related to credit card grace periods, interest charges assessed against debt that was paid on time, and excessive fees. Witnesses for the upcoming hearing will include a panel of cardholders who experienced interest rate increases, as well as representatives from credit card companies.

The Subcommittee hearing is scheduled for Tuesday, December 4, 2007, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building.

SUBCOMMITTEE ON ENERGY

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a joint hearing has been scheduled before the Subcommittee on Energy of the Committee on Energy and Natural Resources and the Permanent Subcommittee on Investigations of the Committee on Homeland Security. The hearing will be held on Tuesday, December 11, 2007, at 10:00 a.m., in Room 216 of the Hart Senate Office Building.

This joint hearing will examine the role of speculation in recent record crude oil prices.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

PRIVILEGES OF THE FLOOR

Mr. SALAZAR. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be allowed on the Senate floor for the duration of the debate and vote on the Peru Trade Promotion Agreement, and they are Ayesha Khanna, Matt Slonaker, Travis Cossitt, and Sam Anderson.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that John Kalitka, who is a detailee on my staff from the Department of Commerce, be granted floor privileges for the duration of the Senate's consideration of H.R. 3688.

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–10

Mr. SALAZAR. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on December 3, 2007, by the President of the United States:

Treaty with Australia Concerning Defense Trade Cooperation (Treaty Document 110–10).

I further ask that the treaty be considered as having been read the first time; that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007. I transmit also, for the information of the Senate, the report of the Department of State that includes an overview of this Treaty.

My Administration is prepared to provide to the Senate for its information other relevant documents, including proposed implementing arrangements to be concluded pursuant to the Treaty, relevant correspondence with the Government of Australia, and proposed amendments to the International Traffic in Arms Regulations.

This Treaty will allow for greater cooperation between the United States and Australia, enhancing the operational capabilities and interoperability of the armed forces of both countries. I recommend that the Senate give early and favorable consideration to this Treaty.

GEORGE W. BUSH.

THE WHITE HOUSE, *December 3, 2007*.

TO REPEAL A PROHIBITION ON THE USE OF CERTAIN FUNDS IN CALIFORNIA

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 238 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 238) to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California.

There being no objection, the Senate proceeded to consider the bill.

Mr. SALAZAR. Mr. President, I ask unanimous consent that a Dodd-Shelby amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The amendment (No. 3802) was agreed to, as follows:

(Purpose: To amend section 5307 of title 49, United States Code, to extend the special rule for the allocation of urbanized area formula grants through fiscal year 2009)

At the end of the bill, add the following:

SEC. 2. URBANIZED AREA FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading, by striking ''2007'' and inserting ''2009'';

(2) in subparagraph (A), by striking ''2007'' and inserting ''2009''; and

(3) by adding at the end the following:

''(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

''(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

''(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

''(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002.''.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 238), as amended, was read the third time and passed.

ORDERS FOR TUESDAY, DECEMBER 4, 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, December 4; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour deemed to be expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes with the time equally divided and controlled between the leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each, and the first half controlled by the Republicans and the final half controlled by the majority; that at the close of morning business, the Senate resume consideration of H.R. 3688 as provided under a previous order; that following the specified debate time provided on Tuesday, the Senate then stand in recess until 2:15 p.m. in order to accommodate the respective party conference meetings.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. on Tuesday, December 4, 2007.

Thereupon, the Senate, at 6:13 p.m., adjourned until Tuesday, December 4, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL CREDIT UNION ADMINISTRATION

MICHAEL E. FRYZEL, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING AUGUST 2, 2013, VICE JOANN JOHNSON, TERM EXPIRED.

DEPARTMENT OF TRANSPORTATION

FRANCIS MULVEY, OF MARYLAND, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2012. (REAPPOINTMENT)

FEDERAL COMMUNICATIONS COMMISSION

JONATHAN STEVEN ADELSTEIN, OF SOUTH DAKOTA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM EXPIRING JUNE 30, 2013. (REAPPOINTMENT)

ENVIRONMENTAL PROTECTION AGENCY

DAVID R. HILL, OF MISSOURI, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JEFFREY R. HOLMSTEAD, RESIGNED.

DEPARTMENT OF STATE

CHARLES W. LARSON, JR., OF IOWA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

DEPARTMENT OF LABOR

NEIL ROMANO, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE W. ROY GRIZZARD, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ALLYSON R. SOLOMON, 1378

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN A. MACDONALD, 0573

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COL. DANA K. CHIPMAN, 5098

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DENNIS L. CELLETTI, 9486

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

SARAH B GOLDMAN, 8793
MICHEAL B. MOORE, 8880

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

RICKY A. THOMAS, 7755

To be major

DAVID E. MEACHER, 6774
JOSEPH PUSKAR, 0815

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

TARNJIT S. SAINI, 7873

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

BOCKARIE SESAY, 1511

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DEBORAH MINNICKSHEARIN, 3875

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

STEPHEN L. FRANCO, 5820

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

GEORGE QUIROA, 9747

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DAVID N. GERESKI, 0249
ROBERT E. MCMILLIN II, 3237
JOHN M. RHODES, 7959
CLINT E. WALKER, 5061

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

KIMBERLY K. JOHNSON, 4357

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

ALAN JONES, 1015
JOHN MAURER, 0924

To be major

TROY N. MORTON, 9523
CHANTAY P. WHITE, 5288

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

MARIAN AMREIN, 9634
MICHAEL J. BENJAMIN, 7990
COREY L. BRADLEY, 6708
DAVID C. CALDWELL, 2398
HOLLY O. COOK, 0332
KAREN V. FAIR, 4312
TIMOTHY GRAMMEL, 2055
JONATHAN C. GUDEN, 2922
DAVID P. HARNEY, 5290
JOHN M. HEAD, 7177
JODY M. HEHR, 3258
WALTER M. HUDSON, 1321
MICHAEL D. ISACCO, JR., 6367
HARROLD J. MCCRACKEN, 0946
SHEILA E. MCDONALD, 9374
MICHAEL E. MULLIGAN, 4688
RICHARD W. ROUSSEAU, 5067
D060583

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

THOMAS J. HARVAN, 5049

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JOHN G. BRUENING, 7092

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

RICHARD W. SISK, 7421
CHARLES W. STILES, 8677
ERIC L. STILWELL, 5022

To be commander

TYONIA S. BURNS, 9603
STEPHEN C. COKER, 1560
JOHN G. CRABILL, 8620
JEFFREY A. GILES, 7868
JONATHAN C. HOLSINGER, 1981
CHARLES D. JARRETT, 7008
ALEXANDER C. LEVY, 0862
ROBERT L. MICHELS, 2234
BIENVENIDO A. PANCHO, 9362

To be lieutenant commander

DAVID M. BOWIDOWICZ, 1128
CHRISTOPHER M. LUH, 5724
JOHN T. SCHOFIELD, 1808

WITHDRAWAL

Executive Message transmitted by the President to the Senate on December 3, 2007 withdrawing from further Senate consideration the following nomination:

JOHN A. GASTRIGHT, OF SOUTH CAROLINA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES COORDINATOR FOR AFGHANISTAN, DEPARTMENT OF STATE, WHICH WAS SENT TO THE SENATE, ON AUGUST 2, 2007.